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WHEN NEEDS ARE RIGHTS: AN OVERVIEW
OF UN EFFORTS TO INTEGRATE
HUMAN RIGHTS IN HUMANITARIAN ACTION

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FOREWORD

This study concerns how key United Nations organizations have understood and implemented their mandate to integrate human rights into their humanitarian work. The 1993 World Conference on Human Rights and its Vienna Declaration and Programme of Action recommended that integration. Then in July 1997, as part of his reform program, the UN Secretary-General gave human rights new centerpiece status within the UN system.

This is one of several reviews of the interface between humanitarian action and human rights carried out by the Humanitarianism and War Project in the last several years. Its predecessors include *A Humanitarian Practitioner's Guide to International Human Rights Law*, by William G. O'Neill (1999) and *Protecting Human Rights: The Challenge to International Organizations*, by Mark Frohardt, Diane Paul, and Larry Minear (1999). A third volume, *War's Offensive on Women: The Humanitarian Challenge in Bosnia, Kosovo, and Afghanistan*, by Julie A. Mertus, will be published shortly by Kumarian Press. This research is part of Phase 3 of the Project, the theme of which concerns institutional learning and change among humanitarian institutions in the post-Cold War era.

Although part of our ongoing exploration of the connections between humanitarian action and human rights, the present study frames the issues in somewhat different fashion than did our earlier works. From the outset of our Project in 1991, we have described the delivery of relief assistance and the protection of human rights as twin pillars of humanitarian action. By contrast, Karen Kenny views humanitarian action as one of a number of ways in which fundamental human rights can be affirmed and actualized. As she sees it, humanitarian action should be pursued as an intrinsic dimension of

human rights work. Human rights, which are interdependent and indivisible, form the framework for assistance activities.

Whether the overarching rubric is that of humanitarian action, human rights, or a new paradigm altogether, the essential challenge in putting flesh on the Secretary-General's mandate includes identifying and managing the tensions between providing assistance to civilian populations and protecting their human rights. The study cites numerous instances in which specific activities—the delivery of aid, the conduct of peacekeeping operation, the negotiation of peace agreements—have been pursued in isolation from a human rights framework and goals, and at their own peril.

The study proceeds inductively based on interviews with the principal actors. In this instance, due to limitations of time and resources, discussions with practitioners took place only at the headquarters level, with some 150 interviews conducted in New York, Geneva, and Rome during 1999. In one sense, the absence of field perspectives presents a problem. The true test of whether the UN system has integrated human rights into its humanitarian work will be found not in what is said at agency headquarters but in what happens on the front lines. In another sense, however, the volume provides a useful snapshot of the UN's understanding of the integration mandate at one point in time. Headquarters interviews illuminate some of the disconnects that have undermined effective functioning in the field on human rights matters.

The agencies of the system differ widely in how they identify their human rights roles. Some take what Ms. Kenny calls an “add-on” approach. They proceed as if repackaging existing activities and stepping up collaboration among newly appointed human rights specialists meets their full responsibility. Others show signs of taking Ms. Kenny's preferred “transformative” route,

approaching the integration of human rights as an opportunity to reconceptualize their activities to reflect the human rights goals of the United Nations as a system.

Ms. Kenny gives UN performance mixed reviews. Of the eight UN “actors” examined, four represent the major UN humanitarian organizations with operational portfolios: the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children’s Fund (UNICEF), the World Food Programme (WFP), and the United Nations Development Programme (UNDP). These differ widely in how much they have incorporated human rights into their policies and programs, training and evaluation. She finds that the Department of Political Affairs (DPA) and the Department of Peace-Keeping Operations (DPKO), two secretariat entities that are, if anything, even more crucial to the human rights endeavor and the framework within which it takes place, have very limited views of their own human rights roles. Indeed, there is some question, she believes, whether they see themselves as having any such inherent roles at all.

The final two units, the Office of the High Commissioner for Human Rights (OHCHR) and the Office for the Coordination of Humanitarian Affairs (OCHA), have clearly designated leadership roles on these issues within the UN system. The study outlines the activities of each, citing a number of positive developments in recent years. At the same time, it articulates the need for enhanced leadership, conceptual and programmatic alike, on the part of each office within its respective areas of responsibility.

We wish to express appreciation to the many UN officials and others who shared their views on these subjects during the course of the research. We are pleased with the interest expressed by the Office of the High Commissioner for Human Rights and by the High Commissioner herself. The engagement of so many UN offi-

cials in the process bodes well for follow-up action. We hope that this research and its recommendations will serve as a stimulus for moving the process of internal discussion forward. While individuals may disagree with Ms. Kenny's judgment on this particular point or that, most will welcome this stocktaking that she provides of the UN system's uptake of the Secretary-General's integration mandate.

We expect the study to be of considerable interest to other intergovernmental actors (including the World Bank) and to nongovernmental organization (NGO) actors as well. Although it focuses on UN implementation of the integration mandate, NGO pressure is reflected in the Vienna conference and declaration, in the issuance of the Secretary-General's mandate, and in the follow-up steps taken by individual UN agencies. Many NGOs are themselves taking a fresh look at the interrelationships between the delivery of relief assistance and the protection of fundamental human rights and are reviewing their links to the principal UN actors on these issues. Donor governments, too, are attempting to formulate more coherent policies for their own involvement with the UN and NGOs in this area.

The study represents a joint undertaking between the Humanitarianism and War Project and the International Human Rights Trust of Dublin, Ireland. The effort is an independent one, although made possible by contributions from a wide range of stakeholders with interests in these issues. (See Appendix II.) We determined early on that the interviewing and report writing should be done by a single person. We express our appreciation to Karen Kenny for having shouldered that task.

Also closely involved in framing the issues and in reflecting on the data have been Brian McKeown, co-director of the Trust; Thomas G. Weiss, principal consultant of the Project; and myself. We are grateful to two other colleagues, Patrick Twomey and Julie Mertus, who

read the draft manuscript and offered helpful suggestions.

We are also indebted to colleagues at the Watson Institute for their assistance: Margareta Levitsky, Laura Sadovnikoff, Ryoko Saito, and Fred Fullerton. We are especially grateful to Mary Lhowe, who edited the manuscript.

A biographical note on Karen Kenny and a description of the two collaborating institutions and the organizations that support our work are found in Appendix II. The electronic text of this study and other Project publications are available from the website of each organization: www.brown.edu/Departments/Watson_Institute/H_W and www.ihrt.org.

We welcome comments from readers.

Larry Minear, Director
Humanitarianism and War Project
Providence, R.I.
February 2000

ACRONYMS

ACC	Administrative Committee on Coordination (UN)
AIDS	Acquired immunodeficiency syndrome
ARC	Action for the Rights of Children Programme (UNHCR)
CAC	Children and Armed Conflict (UN)
CAP	Consolidated Appeals Process (IASC)
CHR	Commission on Human Rights
CIS	Commonwealth of Independent States
CRC	Convention on the Rights of the Child (UN)
DESA	Department of Social and Economic Affairs (UN)
DHA	Department of Humanitarian Affairs (UN)
DIP	Division of International Protection (UNHCR)
DPA	Department of Political Affairs (UN)
DPR	Democratic Party of Russia
DPKO	Department of Peace-Keeping Operations (UN)
ECHA	Executive Committee on Humanitarian Affairs (UN)
ECOSOC	Economic and Social Council (UN)
ECPS	Executive Committee on Peace and Security (UN)
EPAU	Evaluation and Policy Analysis Unit (UNHCR)
ERC	Emergency Relief Coordinator (UN)
ERD	Emergency Response Division (UNDP)
FAO	Food and Agriculture Organization (UN)

FIAN	Food First Information and Action Network
GA	General Assembly (UN)
HIV	Human immunodeficiency virus
HRFOR	Human Rights Field Operation in Rwanda (OHCHR)
HURIST	Human Rights Strengthening Programme (UNDP-OHCHR)
IASC	Inter-Agency Standing Committee
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
ICVA	International Council of Voluntary Agencies
IDPs	Internally displaced persons
IFAD	International Fund for Agriculture and Development
IFRC	International Federation of Red Cross and Red Crescent Societies
IHRT	The International Human Rights Trust
INSTRAW	International Research and Training Institute for the Advancement of Women (UN)
IOM	International Organization for Migration
MDGD	Management Development and Governance Division (UNDP)
MONUA	United Nations Observer Mission in Angola
MOU	Memorandum of Understanding
MSF	Médecins sans Frontières [Doctors without Borders]
NGO	Nongovernmental organization
OAU	Organization of African Unity
OCHA	Office for the Coordination of Humanitarian Affairs (UN)

ODCCP	Office for Drug Control and Crime Prevention (UN)
OHCHR	Office of the High Commissioner for Human Rights (UN)
OLA	Office of Legal Affairs (UN)
ONUSAL	United Nations Observer Mission in El Salvador
OSCE	Organization for Security and Cooperation in Europe
SCHR	Steering Committee for Humanitarian Response
SRSG	Special Representative of the Secretary-General (UN)
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV / AIDS
UNAMET	United Nations Assistance Mission in East Timor
UNAMIR	United Nations Assistance Mission for Rwanda
UNCHS	United Nations Center for Human Settlements [Habitat]
UNCTAD	United Nations Conference on Trade and Development
UNDAF	United Nations Development Assistance Framework
UNDCP	United Nations International Drug Control Programme
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNFPA	United Nations Fund for Population Activities
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

UNIFEM	United Nations Development Fund for Women
UNITAR	United Nations Institute for Training and Research
UNMIK	United Nations Interim Administration Mission in Kosovo
UNOG	United Nations Office at Geneva
UNOMSIL	United Nation Observer Mission in Sierra Leone
UNOPS	United Nations Office for Project Services
UNPROFOR	United Nations Protection Force (Yugoslavia)
UNRISD	United Nations Research Institute for Social Development
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNSECOORD	United Nations Security Coordinator
UNTAET	United Nations Transitional Administration in East Timor
UNU	United Nations University
USG	Under-Secretary-General
WB	World Bank
WFP	World Food Programme (UN)
WHO	World Health Organization

EXECUTIVE SUMMARY

Integration of human rights throughout the United Nations system is, and always has been, a legal imperative flowing from the UN Charter. More recently, however, it has also become stated policy of the organization and its component parts. The commitment to integration expressed by the Secretary-General in his reform program of July 1997 builds on the directions in the Vienna Declaration and Programme of Action, to which 171 states agreed in 1993.

This study examines progress in the 1990s in fully integrating human rights in one of the UN's several functional areas: humanitarian action. It also sheds light on the same challenge in the areas of peace and security, development, and economic and social affairs. It focuses on eight UN actors within the UN system with a role in humanitarian emergencies: the four principal operational agencies (UNHCR, UNDP, UNICEF, and WFP) and four secretariat units (DPA, DPKO, OCHA, and OHCHR).

Based on interviews in 1999 with some 150 officials at the headquarters level, the study notes, on the positive side, a new visibility of human rights within the UN. Most of the actors have reviewed applicable policy, identified a focal point for human rights concerns, and made commitments to train staff.

Beyond steps taken by individual agencies, however, the picture is more negative. Each actor views its particular human rights mandate in partial terms. UNHCR thinks of its protection functions but not of its assistance activities in human rights terms. UNDP adds a human rights view to its development work but not to its emergency involvement. DPKO does not see itself as having an inherent human rights role at all. Thus, there is no common premise that international law, or even the UN Charter, is a direct source of human rights responsibility

for all the actors. They rely instead on their own mission statements, Security Council resolutions, and other sources.

Most of the actors see the “adding on” of an activity—sharing human rights information is one—as the extent of the necessary integration of human rights in their operational work. Operational guidance is uneven and by no means mutually consistent among actors. OHCHR, the focal point for human rights in the UN system as a whole, reinforces the fragmentation by adopting an add-on rather than a transformative approach.

The study findings do not indicate that each of the actors is moving in a consistent and positive direction in incremental steps, albeit at various speeds. Rather, the picture is one of continued fragmentation, with few indications that system-wide approaches are emerging. Integration would require UN agencies, separately and together, to identify common human rights goals and maximize the positive impact of their work on the entire spectrum of human rights. It will be far more difficult for one actor to integrate if others who shape its operating environment do not do so as well.

The Secretary-General’s directive has the potential to unify the organization and bring to its disparate efforts a certain coherence around a mutually understood human rights goal. Such an outcome would rank among the most important breakthroughs in the development of international human rights law and practice of the last 50 years. To nurture and accelerate efforts that are taking place, leadership is indispensable both within individual actors and across the UN system. The voices of NGOs are essential in such a process, continuing their documented influence on the development of policy regarding internally displaced persons (IDPs), on the movement of UNICEF towards human rights-based programming, and on the convening and the results of the Vienna Conference itself.

The Office of the High Commissioner for Human Rights is uniquely mandated, and committed, to act as an agent of change. Its role as system-wide leader in conceptualizing, promoting, and ensuring the integration of human rights is a comparative advantage that other actors encourage it to embrace. Resisting both the temptation and the pressures to “go it alone,” the OHCHR should act as the fulcrum for integration.

There is now a fair wind for human rights in the UN. Strong support from the Secretary-General, combined with stirrings of change within and among its agencies, require nurturing, reinforcement, and consolidation. OHCHR, OCHA, and the other actors each have distinctive and indispensable contributions to make. They should seize the moment.

CHAPTER 1

THE SETTING

This report reviews the status of efforts by the United Nations to integrate human rights in the conduct of its humanitarian work. Chapter 1 examines the setting in which those efforts take place. It presents the framework and basic concepts employed by the study, which draws on interviews with some 150 UN officials conducted in 1999. The chapter concludes with an overview of the remaining chapters in the report.¹

The New Prominence of Human Rights

Member states of the United Nations are charged with the collective and individual responsibility to promote universal respect for and observance of human rights. This is a founding principle and purpose of the United Nations organization. Article 1 of the UN Charter defines its three purposes: to maintain international peace and security; to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples; and to achieve international cooperation, including promoting and encouraging respect for human rights and fundamental freedoms for all. Article 55 commits the UN to promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”²

In the half century since its foundation, the United Nations has carried out essential work in drafting and promoting ratification of human rights treaties that set human rights standards and in creating fact-finding and other procedures for monitoring and adjudicating human rights issues. Since the 1980s, however, attention increasingly has turned to the effective implementation

of those standards, many of which had been marginalized in the UN's work, a casualty of the ideological standoff of the Cold War.³

Until recently, the budget of the UN secretariat for human rights has been less than 1 percent of the UN's total budget. Moved in the mid-1980s from New York to Geneva, the human rights secretariat was remote from the seat of high policy and political decisionmaking at UN headquarters in New York.⁴ But with the end of the Cold War has come increased understanding of human rights and of the roles of international organizations in safeguarding them. While the primary responsibility for ensuring respect for human rights still resides with states, the UN itself has come to be seen as having a key role in securing the implementation of human rights, which touch almost all aspects of its own direct work.

Two landmark developments in this process provide the immediate backdrop for this study. The first was the 1993 World Conference on Human Rights in Vienna, in which 171 states agreed by consensus on a Declaration and Programme of Action. The declaration called upon all agencies of the UN to engage in the formulation, promotion, and implementation of human rights.⁵ In the manner familiar to state parties to human rights treaties, UN actors were asked to report back five years later on their progress in implementing the action program.⁶

The second milestone was the Program for Reform announced by UN Secretary-General Kofi Annan on July 14, 1997. Designed to streamline the UN's work while improving its coordination and management structures, it acknowledged human rights as both a principal goal of the organization and a means by which its other goals could be advanced. Four executive committees were created to bring greater coherence to activities across the UN system. The reform program states that:

Human Rights are integral to the promotion of peace and security, economic prosperity, and social equity. For its entire life as a world organization, the UN has been actively promoting and protecting human rights, devising instruments to monitor compliance with international agreements, while at the same time remaining cognizant of national and cultural diversities. Accordingly, the issue of human rights has been designated as cutting across each of the substantive fields of the secretariat's work program (peace and security; economic and social affairs; development cooperation; and humanitarian affairs). A major task for the UN, therefore is to enhance its human rights program and *fully integrate* it into the broad range of the UN's activities.⁷

The UN High Commissioner for Human Rights became a member of each of the four committees, reflecting the perceived need to integrate human rights fully in each of the major functional areas. Such integration was viewed at the time as being better served in this fashion rather than by creating a fifth committee specifically for human rights. This study focuses its attention on one specific aspect of the Secretary-General's initiative: the integration of human rights in the specific area of humanitarian affairs.

Parameters of the Study

This study offers a broad overview of how the integration mandate is being understood and applied two years after the Secretary-General's reform program was announced. The study does not catalogue all UN activity

relevant to human rights. Instead, it reviews the broad outlines of how the task is being approached, emphasizing system-wide issues, observations, and recommendations with a view to informing and stimulating a process of reflection.

The analysis focuses on the area of humanitarian affairs, reviewing the approaches to integrating human rights of eight key UN actors. These are, in the first instance, the four major UN operational actors with programs in the humanitarian sphere: the United Nations High Commissioner for Refugees, the United Nations Development Programme, The United Nations Children's Fund, and the World Food Programme. Second, the role and relative importance of human rights in the context-setting work of the UN Department of Political Affairs and UN Department of Peace-Keeping Operations are considered. Finally, the Office for the Coordination of Humanitarian Affairs provides a nexus between operational humanitarian agencies and other UN actors, and the Office of the High Commissioner for Refugees is viewed in terms of its role as focal point for human rights within the UN system.

The study is based on consultations with officials of each of the eight actors in New York, Geneva, and Rome during the period from March to September 1999 and augmented by official documents and secondary literature. Since interviews were conducted at the agency headquarters level only, the focus is on actors' stated approaches to human rights. Although some field illustrations are included, review of the implementation of the integration mandate in the field remains a matter for future research.

The key concepts used in the study deserve elaboration at the outset. Human rights is used as a legal term of art that encompasses the full spectrum of human rights (civil, cultural, economic, political, and social rights). Reflecting the legal principles reaffirmed in the Vienna

Declaration and Programme of Action, human rights are universal, indivisible, interrelated, and interdependent. International refugee law and international humanitarian law are treated as subsets of human rights law. Each of the eight humanitarian actors is understood to have roles and responsibilities of a human rights nature, both direct and indirect, that are applicable at all times. Hence the subtitle of the study, *An Overview of UN Efforts to Integrate Human Rights in Humanitarian Action*.

In reviewing the progress of the actors, the study identifies four elements essential for full integration. The four are: to recognize applicable international law, to identify the common human rights goal, to adapt action to achieve that goal, and to construct a management systems approach for doing so. The first element involves the law itself, the others involve its practical implications.

Recognizing Applicable Law

The norms of international law most relevant here are drawn from human rights law, treaty law, and the law of international organizations. These norms frame life-threatening needs in terms of the rights involved and also recognize that the legal framework is directly applicable to the work of UN actors. Based on this body of law, any one of three considerations is sufficient to require reconceptualizing UN humanitarian action in human rights law terms. These are the inherent nature of human rights, the fact that responsibility is in effect delegated by state members of the UN, and the nature of the Charter as the constituent legal instrument of the organization.

The first argument drawn from public international law reflects the inherent nature of human rights. From the Universal Declaration of Human Rights through hundreds of treaties, declarations, and resolutions, the modern edifice of human rights is founded on the ex-

pressed recognition by states that human rights inhere to each person by virtue of being human. This contrasts with the focus of an earlier era on the rights of the citizen. Since they are inherent in the nature of being human, these rights are automatically part of the legal framework applicable to the work of humanitarian actors.

A second argument from international law sees humanitarian actors as stepping in to assure respect for human rights in situations in which the state is unwilling or unable to do so. Finally, the law of the Charter of the United Nations, whether seen as a constituent treaty or as an international constitution, makes human rights a purpose of the organization, with legal obligations resulting for all components of the UN system as well as for member states. These obligations exist regardless of the host state's obligations under international law.

Reinforcing the three arguments are the principles of the indivisibility, interrelatedness, and interdependence of human rights, most recently reaffirmed by states in the Vienna Declaration. Applying the principles requires a recognition that humanitarian action concerns human rights, whether it is the right to food or to physical security that is at issue.

In sum, beneficiaries of humanitarian action are rights holders, no less when life is at risk from lack of food, shelter, or medical care than when they are tortured or denied their right to vote. In practice, under pressure of emergencies, rights are often reduced to needs, and public international law is perceived as moot in emergencies.⁸ Integrating human rights involves challenging the prevalent needs-based orthodoxy in humanitarian action. The centrality of human rights is not simply a matter of policy of the UN system but also a legal imperative flowing from the law applicable to its work. The remaining three elements involved in full integration of human rights in humanitarian action flow from this legal framework.

Identifying the Common Human Rights Goal

The second element of integration involves asking why humanitarian action is required and identifying among the root causes the rights issues whose resolution is the ultimate goal. In this broader context, the presence of humanitarian personnel in a crisis area and their access to civilian populations is not an end in itself but one element in a process toward that goal. Identifying the human rights issues that are frequently among the root causes of humanitarian crises and charting action to address them is a function not only of individual actors but also of the UN as a system.

Adapting Action to Achieve the Goal

Recognition of the human rights goal of the UN system requires as a matter of law that each component of the UN system adapt its work accordingly. Using the language of human rights and affirming that the vindication of human rights is the goal of humanitarian action is a first but insufficient step. The act of feeding a starving person can reflect either a needs-based approach or a rights-based approach to humanitarian action, depending on the manner in which and the wider context in which it is carried out. Adapting action to achieve the common human rights goal of the UN system will transform needs-based ways of providing humanitarian assistance.

For example, food aid may be provided in ways that reinforce the primary human rights responsibility of the host state, leaving claims holders better prepared to defend their own rights in the future. Such aid may help ensure that the right to food security is not undermined, enhancing empowerment and the right to participation rather than dependency or distortion of local markets. Aid can be provided in ways respectful of culture and

religion and without discrimination (as, for example, between refugees and local resident populations). Participation, already recognized in terms of its efficiency as best practice by many humanitarian actors, forms a cornerstone of a human rights approach, and as such applies to all UN actors, including secretariat departments.⁹

Action also needs to reflect the indivisibility and interdependence of human rights. A UN official delivering emergency food should see the right to food as part of a wider array of rights, including the right to organize to defend the right to food. An ongoing process of UN strategic analysis should examine the full spectrum of human rights under threat, with decisions then taken regarding if, when, how, with whom, and why food is delivered. Each of these decisions affects the immediate and long-term human rights situation. Therefore, the criteria used to evaluate such programs should include their effects on the full spectrum of human rights as well as on the rights of people indirectly affected.

The fact that the vindication of human rights is a goal for the UN system as a whole and not just for its humanitarian actors underscores the need for coherent action. Each of the eight actors clearly affects the operating environment of the others, for example, in pursuing inconsistent political, military, or humanitarian goals. No single actor can achieve full integration in its own work unless its humanitarian colleagues and other UN actors in peace and security, development, and economic and social affairs do so in a mutually reinforcing manner. Coherence and consistency are essential elements of an United Nations-wide human rights approach, promoting a search for what might be called “seamlessness” across actors and functional areas.¹⁰

For example, WFP’s commitment to empower women by working to address the root causes of early malnutrition can be reinforced or undermined by the extent to which DPA, DPKO, OHCHR, and other UN actors apply

gender analysis in their respective spheres of work. In El Salvador, if DPA's facilitation of the peace process does not ensure that the human rights causes of the conflict are addressed, UNDP's programs and funding of fledgling human rights institutions will suffer. A weak human rights field operation in Rwanda may affect the work of other UN agencies involved in emergency relief, institution-building, and repatriation. When one UN agency continues to cooperate closely with the Zairian authorities after they have rebuffed a human rights fact-finding mission mounted by another UN agency, the responsibility of all UN agencies to respect, and to ensure respect for, human rights is undercut. In sum, the key to full integration of human rights is for each UN actor to work in a coherent, mutually reinforcing way.

Constructing a Management Systems Approach

Finally, the identification of common human rights goals and the formulation of concerted strategies for action throughout an entity as complex as the United Nations requires significant changes in existing management systems. This study emphasizes a management system approach as more relevant to the nature and context of UN actors than the "violations" approach, which is most often associated with state compliance with civil and political rights. The violations approach is based on the assumption that there exists an identifiable moment in time when a state action curtails or denies the exercise of such rights. In addition to being reactive, the violations approach prioritizes judicial redress, a matter of limited application in the UN context.

By contrast, achieving full integration requires the eight actors of the UN system to have structures, systems, and procedures designed to prevent working to the detriment of human rights, whether by intention or inadvertence. Actions proposed and implemented need

to be reviewed with reference to their human rights impacts. A management systems approach will introduce changes over time to reflect the ongoing processes of learning.

The four elements of the full integration of human rights mentioned here are the hallmarks of what is referred to throughout the study as the “transformative approach.” This approach raises different questions to be balanced, and balanced in a different manner, than does a needs-based understanding of humanitarian action. Which rights will take priority, and, most important, according to whom?

The study contrasts the transformative with the “add-on approach,” which simply supplements existing activity: for example, by new sharing of information with human rights bodies while continuing programs as before. While information-sharing has value, this approach leaves unaffected the nature and goals of humanitarian action and does not review the impacts of such action in terms of human rights. As a result, the add-on approach does not constitute or promote the full integration of human rights.

While the study proposes an agenda for reflection for the eight actors and their colleagues in humanitarian work, the framework applied to the present overview is also of relevance and utility to the three other functional areas of the UN within which human rights are to be integrated: economic and social affairs, development, peace and security. The exclusion from this study of significant actors such as the World Bank results from the need to limit the scope of the research. It does not imply that the issues addressed are applicable only to the eight actors. Similarly, although the focus of the study is on UN structures, the analysis has relevance to other actors, such as NGOs, some of whom have been influential in advancing the cause of integration in the UN system.

Overview of the Chapters

Chapter 2 focuses on policy. It outlines the manner in which individual actors identify their human rights mandate and interpret its content. For purposes of analysis, actors are grouped according to those that focus on certain claims holders (UNHCR, UNICEF), certain rights (WFP, UNDP), and certain activities (DPA, DPKO). While the policy of most individual actors is presented by them as being guided by international human rights law, each takes a selective approach to the particular part of that framework that is relevant to its work.

Chapter 3 deals with the operational activities of the actors and, more particularly, with the means through which operational guidance is given by headquarters to field staff. The chapter starts from the premise that integration has the potential to cast new light on every aspect of the program cycle, from early warning to impact evaluation. To date, none of the eight actors has assigned a single unit or senior manager with overall responsibility for translating the Secretary-General's commitment into operational reality.

A range of individual and joint program strategies is reviewed, including human rights training, the conclusion (in the case of DPKO and UNDP) of Memoranda of Understanding (MOU) with OHCHR, internal review of emergency practice and procedures (UNICEF), and the setting up of country-specific task forces for individual peacekeeping missions. The general pattern involves adding on human rights elements to the work of individual agencies or undertaking to work more closely with human rights specialists. While potentially positive, the results are not transformative, particularly against the backdrop of factors that constrain the operational integration of human rights. These include the absence of clear overall management responsibility within each actor, relations with host governments and with NGO

implementing partners, the independence of the UN secretariat from member states, and current interpretations of humanitarian principles.

Chapter 4 moves beyond policy and operations to the interaction among the actors. It examines the two main relevant interagency forums: the Inter-Agency Standing Committee (IASC), including its subgroups, and the executive committees.

Chapter 5 reviews the current state of leadership within the UN system on integration issues. The focus is on the roles of OCHA and OHCHR in seeking coherent strategies across humanitarian actors, host governments, and donors. OHCHR's mandate makes it central to the integration of human rights not only in humanitarian action but also the other functional areas. Its current policy and capacity for such leadership are explored.

CHAPTER 2

POLICY

This chapter outlines the manner in which six individual UN actors identify their human rights mandates and interpret their conceptual content. With respect to their human rights roles, the actors form three clusters, to a certain extent overlapping. UNICEF and UNHCR focus on the rights of particular claims holders; WFP and UNDP work on particular rights; and DPKO and DPA bring their respective peacekeeping and political specializations to bear on efforts to protect human rights. The final two actors, OCHA and OHCHR, analyzed in Chapter 5, have leadership responsibilities in the human rights sphere.

Actors Specializing in Certain Rights Holders

In recent years, UNICEF and UNHCR have come to describe themselves as promoters of the human rights of particular categories of people: women and children for the former, and refugees and “others of concern” for the latter. In the case of UNICEF, the shift in awareness, however gradual, has been substantial. In 1979, recalls Professor Philip Alston, the UN Commission for Human Rights adopted a resolution in which it asked international organizations about their activities to address exploitative child labor. “The UN’s Children Fund, the lead agency for children’s issues, responded by saying that, of course, this was not an issue within its domain because it was a human rights matter.”¹

In the intervening period, UNICEF has come to frame its work in explicitly human rights terms. It was a prime mover behind the campaign for ratification of the 1989 UN Convention on the Rights of the Child (CRC), press-

ing to ensure that ratification was secured in unprecedented numbers and in record time. Today only the United States and Somalia have not accepted the convention's terms.

UNICEF's child rights policy has evolved accordingly. Its 1996 mission statement, framed by its executive board, drew on human rights treaties concerning women and children:

UNICEF is guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behavior towards children. UNICEF aims, through its country programs, to promote the equal rights of women and girls and to support their full participation in the political, social and economic development of their communities.²

Other sources of relevant law referred to include the Geneva Conventions and the African Charter on Human and People's Rights. The near-universal ratification of the CRC, however, provides UNICEF with what it considers the most potent foundation for its work.

Since UNHCR's creation in 1950 as a subsidiary body of the General Assembly, many more international human rights treaties, of both universal and regional application, have been adopted by states beyond the primary refugee treaties that guide UNHCR's work.³ Affirming this wider context, the High Commissioner for Refugees stated in her address to the 50th session of the UN Commission on Human Rights in February 1994 that "UNHCR today is very much an operational human rights organization, albeit for certain categories of people."⁴

The High Commissioner has articulated the linkage

between human rights concerns and refugee issues in the following terms:

Violations of human rights are a major cause of refugee exodus and in its efforts to curb such violations this Commission [on Human Rights] also contributes to the prevention of refugee flows. Violations of human rights also create complex problems of protection in countries of asylum ... Finally, too, restoration of acceptable human rights situations in countries of origin can be the key to successful resolution of long-standing refugee problems.⁵

Over the years UNHCR has also incorporated human rights into various sets of operational guidelines. The lack of clearly specified responsibility, whether in UNHCR or another UN organization, for internally displaced persons has led to an unusual process of human rights policy development.⁶ The Guiding Principles on Internal Displacement aim to address the situation of IDPs worldwide by identifying the relevant rights and guarantees.⁷ The principles, based upon existing international human rights law, serve as standards for governments as well as international humanitarian and development agencies. The IDP policy process has been stimulated by actors external to the UN such as NGOs and research institutions. The resulting principles evolved through interagency discussion and have been adopted as policy rather quickly.

Derived from human rights standards, most of the IDP principles apply equally to those not displaced. For example, they call for participation of displaced women in planning and management of humanitarian activities, a principle no less applicable to women in other situations.⁸ The process of the elaboration of the principles

and their acceptance as policy is noted in the discussion of system-wide leadership in human rights policy development in Chapter 5.

UNHCR and UNICEF played active roles in the preparation for and follow-up to the UN's Fourth World Conference on Women at Beijing in 1999. Their involvement illustrates how the three identified clusters of actors overlap in their roles, whether specializing in certain rights, claims holders, or functions.

Actors Specializing in Certain Rights

Founded as an emergency relief body in the aftermath of World War II, UNICEF has strengthened the developmental component of its activities over a period of years. By contrast, UNDP has become increasingly emergency-oriented. WFP has seen the proportion of its emergency work grow to 70 percent in recent years.

For development actors, the United Nations acknowledged early on the linkages with human rights. As far back as 1957, UN member states recognized in General Assembly resolutions and through such landmarks as the World Conferences on Human Rights in Teheran (1968) and Vienna (1993) that development and human rights are interdependent and mutually reinforcing. There cannot be full attainment of human rights without development, nor development without respect for the full spectrum of human rights.

However, while the General Assembly's Declaration on the Right to Development dates from 1986, it was another 12 years before UNDP published its strategy for supporting the integration of human rights.⁹ The language and concepts of the document reveal that UNDP's work, while inherently concerning human rights, has not been approached as such in the past. UNDP's *Human Development Report 2000* has human rights as its theme. It is too early to tell whether and how human rights concepts

will guide expanded activities in the area of emergencies.

Since its establishment in 1961, WFP has been viewed as “the frontline UN organization fighting to eradicate world hunger.”¹⁰ While the right to food is established in international law, “its operational content and means of application are generally little understood,”—not least in emergency contexts—and also actively disputed.¹¹ Increasingly, WFP documents reference the right to food and a human rights approach to gender. The organization has committed itself to base its work with IDPs on human rights.

Senior WFP officials maintain that the organization does not have a protection mandate, which suggests that its conceptualization of human rights remains in the early stages of evolution. The view that “by meeting the needs of refugees, the internally displaced and other civilian victims of famine, natural disaster and conflict, WFP protects and promotes the right of individuals to adequate food” seems tautologous.¹² Internal advocates are working to have WFP policy reflect the human rights nature of food rather than concentrating on programming issues of a more logistical and technical nature.

UN High Commissioner for Human Rights Mary Robinson herself has highlighted differences between the right to food and more traditional needs-oriented approaches. Articulating the right to food injects a normative element, with accompanying obligations. Beneficiaries of food programs become active subjects and claims holders. The right of food approach introduces an accountability dimension not otherwise present.

[A] fundamental misunderstanding in the implementation of the right to food, has been the notion that the principal obligation is for the state to feed the citizens under its jurisdiction (fulfilling the right

to food), rather than respecting and protecting the rights related to food, as well as emphasizing the obligations of individuals and civil society in this regard.¹³

The most conceptually evolved of WFP's relevant policy areas concerns gender. It holds the greatest potential to lead the agency towards a rights-based approach in its emergency work. WFP's senior gender adviser explains the operational rationale behind the proposed adoption of this subset of the human rights framework applicable to humanitarian action. In the context of decreasing food aid supplies, food providers should identify the most effective and efficient methods. Targeting women is understood to reduce hunger by increasing consumption at the household level, particularly among children:

Using the gender framework of equality-efficiency-empowerment, WFP has women play an equal role in the food distribution committees, targets women with the food as the most efficient method of ensuring that food reaches the right hands, and gives women new leadership skills which empower them. These strategies ... move towards a rights-based approach.¹⁴

An approach that recognizes the normative basis of rights does not require efficiency as an additional justification. However, exploring the efficiency of rights-based approaches should be an important element of learning from experience and, as noted in Chapter 4, may provide additional justification for a rights-based approach.¹⁵

Actors Specializing in Certain Functions

By virtue of their location in the UN secretariat, the departments of political affairs and peacekeeping are, along with the OCHA and OHCHR, closest to the Charter's human rights mandate. As members of the UN secretariat, they form part of a principal organ created by the Charter itself. Article 100 seeks to safeguard the loyalty of the secretariat to the Charter's purposes and principles.¹⁶ DPA and DPKO bring specialized political and peacekeeping responsibilities and resources to the UN's human rights involvement. As a matter of policy, however, neither entity sees itself as directly responsible for promoting human rights.

DPA's primary function is to brief the Secretary-General and service the UN's political organs. In the context of humanitarian action, its most important roles are facilitation of conflict negotiations and postconflict peace building.¹⁷ DPKO's role involves principally running UN peacekeeping operations.

Major developments have taken place in the last decade for both DPA and DPKO as regards the role of human rights in the negotiation of peace agreements. A potential watershed development was DPA's facilitation of a human rights accord in 1991 between the parties to the civil war in El Salvador. It was signed prior to full peace negotiations and led to the first UN peacekeeping operation with specialized field-based human rights officers.¹⁸ While the negotiations reflected the axiom that "today's human rights violations are the causes of tomorrow's conflicts," experience in and since El Salvador has been uneven.¹⁹

DPA's approach to human rights in peace negotiations varies according to the views of belligerents and the attitudes of the UN officials involved. Overall policy remains unclear, with the human rights framework, if any, varying from one geographical division within the

department to another. The UN approach to negotiations concerning Bosnia and Herzegovina has been recently described by the Secretary-General as having “amounted to appeasement” of those responsible for widespread and systematic human rights violations.²⁰ El Salvador was not the watershed for the United Nations that it might have been.

The Secretary-General’s 1997 reform program designated DPA as the UN focal point for enhancing the coherence of political and humanitarian responses in postconflict situations. DPA chairs the Executive Committee on Peace and Security (ECPS) and is responsible for coordinating UN responses following peace settlements. For those operational humanitarian actors not themselves present on the ECPS, the role of DPA is central.

In 1999 DPA sought to develop policy regarding its role in postconflict peace building. A draft policy paper prepared by former Special Representative of the Secretary-General Dame Margaret Joan Anstee recommended that DPA play a coordination role vis-à-vis actors ranging from UNDP to the World Bank. However, some secretariat staff from within, and some NGOs from outside, have expressed concern that human rights are not given sufficient emphasis. Indeed, DPA policy has yet to be finalized.

DPKO’s most recent statement of policy is contained in a November 1999 Memorandum of Understanding agreed to after long negotiations between Under-Secretary-General for Peacekeeping Operations Bernard Miyet and UN High Commissioner for Human Rights Mary Robinson. “Respect for human rights is itself fundamental to the promotion of peace and security,” notes the MOU, “and a unified United Nations approach to these ends is essential to the fulfillment of these two Charter-mandated objectives.”²¹ Once the Security Council or General Assembly determines the “specific mandate” of

a given peacekeeping operation, including tasks relating to human rights, DPKO will proceed as appropriate. In its most positive interpretation, the MOU leaves open the question of whether peacekeeping officials have an inherent, Charter-derived human rights mandate. Interviews, suggest, however, that DPKO takes the position that it has neither such a mandate nor the authority to interpret its peacekeeping mandate to maximize human rights effects.

The fact that DPA has no comparable MOU with OHCHR does not mean that it accords less importance than DPKO to human rights. It does suggest, however, a lack of policy coherence. Thus, peacekeeping operations run by DPKO will be expected to apply the commitments in the memorandum while activities orchestrated by DPA will not. In a broader sense, DPKO and DPA are the least likely among the eight actors considered to articulate the human rights implications of their work, despite growing pressure to do so. Still less have they clarified their direct responsibility for the human rights consequences of their actions.

It comes as no surprise, therefore, that other UN organizations have few expectations of these departments as human rights actors. In 1998 DPA and DPKO were conspicuously absent among the many UN agencies reporting on their progress in fulfilling the goals of the Vienna Declaration and Programme of Action.

Issues in the Search for a System-Wide Policy

Why has it proved so difficult for the United Nations system to develop comprehensive and coherent policy to guide its component parts with respect to human rights? Interviews reveal three principal constraints: the absence of a common understanding among officials of their human rights role and responsibilities; the fragmentation of policymaking; and the lack of a mechanism pro-

viding system-wide direction and accountability.

The primary constraint to system-wide policy stems from the absence of a common UN understanding of the system's human rights role and responsibilities. In the reform program, the Charter is acknowledged as the foundation of the human rights role of the UN's component parts, whether secretariat departments, subsidiary organs, or specialized agencies. Yet not all actors invest the terms of the Charter with real significance, focusing instead on secondary mandates. A resolution of the General Assembly or of the Security Council is seen as providing a specific mandate on a case-by-case, crisis-by-crisis basis. While secondary mandates can reinforce more fundamental obligations, they may also lead agencies in divergent directions.

DPKO officials, for example, express the view that they have no human rights mandate absent an expressed reference from the Security Council. That the secretariat is a principal organ of the UN is not seen as providing, of itself, normative content for their work. Such an attitude has practical consequences such as self-censorship in negotiating access or peace agreements or in interpreting peacekeeping mandates. It also ignores the will of the General Assembly in endorsing the Secretary-General's Program for Reform.

Second, policymaking on matters related to the integration of human rights is fragmented both within actors and throughout the UN system along internal fissures between emergency and development work, and between protection and assistance activities. Each actor develops policy that reflects its own institutional interests, priorities, and resource constraints, using distinct processes and operating largely without reference to others. While this may reflect conscious self-interest, ingrained habits and institutional stasis are also at play. The benefits of a process of policy development that has a major interagency component and includes voices ex-

ternal to the UN are illustrated by the Guiding Principles regarding Internal Displacement mentioned earlier. However, the executive office of the Secretary-General has made clear that it is for each actor to consider what, if anything, the integration of human rights means for its work, even though the issues are of system-wide import.

Third, there is a lack of UN system-wide direction and accountability, a problem not limited to the human rights sphere. Asked whether they regarded themselves as human rights actors with direct responsibilities to respect and ensure respect for human rights, most interviewees were unaware whether the UN or their particular agencies or departments had policy on this fundamental question of law. UNICEF officials spoke of being guided by the Convention on the Rights of the Child, UNHCR staff saw themselves as entitled to invoke international human rights standards and to draw on the new IDP principles for guidance. DPKO staff had not directly addressed the issue.

A recent policy statement by the Secretary-General, however, has potentially far-reaching implications. Speaking in September 1999 on the fiftieth anniversary of the signing of the Geneva Conventions in the context of clarifying the individual criminal responsibility of peacekeepers, Mr. Annan committed UN peacekeeping personnel to respecting the conventions, even though the UN itself cannot ratify the treaties.²² Acting as Secretary-General, he articulated new policy for the UN as an organization.

His statement has major implications for recognition of the applicability of the international human rights framework to the UN's work. The Geneva Conventions oblige parties to respect their terms and to ensure respect by others. Peacekeepers have a legal duty to ensure that parties to a conflict respect the Geneva Conventions where they are deployed. Do UN officials have the same duty to ensure respect of the law by other UN colleagues?

If so, OCHA or, for that matter, UNHCR or UNICEF, could not then negotiate access for emergency assistance in a manner that does not reflect the United Nations system's human rights obligations.

Guidance for implementing the Secretary-General's commitment with respect to peacekeeping personnel has not yet been issued by his military adviser. In reality, however, the Geneva Conventions are only part of the international law applicable to UN military forces. As a result, many questions remain regarding which human rights provisions apply to UN soldiers when there is no armed conflict or whether the UN can derogate from any of these human rights responsibilities. Moreover, recent discussions have yet to address whether the organizational commitment to respect the human rights framework extends beyond peacekeeping personnel to the secretariat as a whole and to UN agencies and subsidiary bodies as well.

The fragmented and selective approach to human rights policy is reflected in the assistance-protection dichotomy. For many actors, it is their protection activities that they associate with human rights. The field guide for NGOs on the protection of refugees recently produced by UNHCR states promisingly that "the phrase international protection covers the gamut of activities through which refugees' rights are secured." If this means their rights both as refugees and the full spectrum of their rights as human beings, such a formulation would address the issue of indivisibility of rights. Yet, the remainder of the text clearly limits the term protection to civil and political rights.²³

UNHCR policy toward assistance does not frame these functions in terms of the right to food, housing, or health. It uses the language of benefits and beneficiaries, reflecting a needs-based approach to assistance. The parts of its work described as involving human rights are what are called "protection functions." While UNHCR

policy contributes to standard-setting for operations concerning refugee women and children,²⁴ not until 1995 were elements of human rights standards incorporated into UNHCR's program even of protection officer training.²⁵ The prevailing assistance-protection dichotomy encourages a selective approach to the human rights framework, rendering divisible rights that are inherently indivisible.²⁶

The integration mandate requires monitoring the impacts of activities on the full spectrum of human rights. Mechanisms to encourage accountability for such impacts are also of the essence. A human rights approach will reinforce the primary human rights responsibility of host political authorities and the primary capacities of the host society, leaving claims holders better prepared to defend their own rights.

The direct legal responsibility of the UN has arisen most recently in the case of Kosovo, where the OSCE's human rights division has reported alleged human rights violations for which under international law the UN is ostensibly responsible. Examples include the alleged failure by the United Nations Interim Administration Mission in Kosovo (UNMIK) to provide effective protection to threatened minorities, compounded by the alleged failure of UN civilian police to investigate such allegations energetically. Such deficiencies in law enforcement and administration of justice have been described as contributing to the climate of impunity in which further human rights violations are likely to occur. Similar questions were raised concerning other UN missions mandated to exercise governmental functions on a transitional basis, acting, for the purposes of international legal responsibility, in place of the state.²⁷

The human rights framework for UN action depends not on which specific human rights treaties are applicable to a host state or on whether the state has made derogations. The content of the framework is a univer-

sally applicable core of human rights applying at all time and in all places to the work of all UN actors. Thus, if UN agencies were to recognize their direct responsibility to respect human rights in their work, the impacts would be transformative.

The legal responsibilities of the UN are likely to be further clarified in the coming years. Contributing to the increased pressure is the growing expertise of NGOs in holding UN actors accountable in relation to the full spectrum of human rights.²⁸

Conclusion

At present, there is no system-wide policy process to address issues raised by the mandate to integrate human rights in humanitarian action. Each UN actor has distinct policy approaches to, and perceived institutional interests in, a human rights framework for their activities. The component parts of the UN system lack policy articulating common human rights responsibility and the integration of such a framework into their work. In contrast with the right to development, the human rights nature of humanitarian action has been the subject of relatively little conceptual attention.

While policy evolution is still lacking, all actors acknowledge that complex emergencies require a response that goes beyond the mandate or capacity of any single agency or country program. Indeed, most of the actors independently of each other recognized the relevance of human rights before the program of reform. Thus the possibility of agreeing upon and implementing a common framework already exists. Such a framework can be likened to each actor continuing to play its own instrument but reading from the same music sheet and being accountable to the same conductor and audience.

CHAPTER 3

OPERATIONS

This chapter examines how six major UN actors give operational meaning to the integration of human rights in their work. The remaining two agencies, OCHA and OHCHR, are considered in Chapter 5 following a review of interactions among the actors at the interagency level in Chapter 4. In the present chapter, an overview of agency programs, recruitment, and training is followed by an examination of constraints in providing operational guidance regarding the integration of human rights.

None of the six actors—UNHCR, UNICEF, WFP, UNDP, DPA, and DPKO—has assigned a particular unit or senior manager with overall responsibility to translate into practice the mandate to integrate human rights into all aspects of their work. Instead, they have used various means for giving ad hoc operational guidance on human rights concerns to staff. Steps underway include training in human rights, internal reviews of emergency practice and procedures, conclusion of Memoranda of Understanding with OHCHR, and country-specific in-house task forces for discussion of peacekeeping missions. By and large, however, they have opted for the add-on rather than the transformative approach.

Significant recurring constraints affect development and implementation of operational human rights guidance. These include lack of effective learning from experience concerning relations with host political authorities, the nature of working through NGO implementing partners, and the lack of independence of the UN secretariat from member state pressures. Taken together, the steps described in this chapter fall substantially short of the transformative approach necessary to realize the full integration of human rights.

The Quest for Operational Guidance

Programs

The nature and extent of operational human rights guidance to field staff vary not only from actor to actor but also within individual agencies. UNDP, WFP, UNICEF, and UNHCR carry out reconstruction or development as well as emergency activities. These activities often are organized in isolation from each other, even within the same agency. To date, operational guidance for integrating human rights has mainly addressed relatively stable development contexts. Guidance for emergencies is in its early days, even though such settings comprise the majority of activities.

To facilitate the integration process, UNDP negotiated an MOU with OHCHR in 1998. OHCHR agreed to orchestrate close cooperation between UNDP and UN human rights organs, bodies, and procedures. OHCHR also is to engage UNDP in joint initiatives concerning the right to development, including defining indicators in the area of economic and social rights and devising methods and tools for their implementation. One outcome is a joint Human Rights Strengthening Programme (HURIST) involving monthly meetings at headquarters level.¹ Although some areas of cooperation such as OHCHR briefings for UNDP resident representatives have a bearing on emergencies, the memorandum and its application have not explicitly concerned the context of humanitarian action.

In the meantime, UNDP's emergency work is in transition. A review of organizational issues and structures, including UNDP'S Emergency Response Division (ERD), is currently taking place. Reflection on what UNDP calls protection issues through a governance lens as well as conflict prevention and resolution concepts was scheduled for the September 1999 meeting of its

Expanded Executive Committee. With the appointment of a new UNDP administrator, ERD is being reinforced and UNDP policy clarified.² However, development of operational guidance on integrating human rights into emergency activities is in its early stages.³

Similarly, UNICEF's watershed 1998 directive to staff on human rights-based programming for the most part assumed stable program environments and was not fully adapted to emergencies. For the UN as a whole, the concept was relatively new. In the words of one UN official, "rights-based programming is assistance informed by human rights thinking and designed to achieve crosssectoral and sustainable improvements in the human rights situation. It focuses attention on structural inequalities that contribute to poverty, social exclusion and marginalization."⁴ A standard goal in the field of development, this approach is only now being applied in crisis contexts, with UNICEF in the vanguard.

Also in 1998 UNICEF undertook to break down the dichotomy between relief and development by recognizing that all its work involves development and that emergencies are a normal part of its operating environment. It is now formulating guidance for rights-based programming that reflects the realities of emergencies. UNICEF is updating its policy and procedures manual for emergencies of 1985 (Book E), which predated the Convention on the Rights of the Child and most complex emergencies. A new draft, *Assisting in Emergencies: Handbook for UNICEF Field Staff*, was prepared in 1997, drawing together ad hoc updates from the intervening period. The 1997 draft has been circulated internally for comment. It is not yet clear how the new draft of Book E will approach integrating human rights; the earlier draft was criticized in house for not reflecting UNICEF's stated human rights policy.

Neither WFP nor UNHCR has a specific process for identifying the implications of integrating human rights

in its work. In the case of WFP, officials emphasized that its recent policy pronouncements are “way ahead of the attitudes and practices” of many staff. As for UNHCR, several recent documents have reviewed human rights issues.⁵ Asked on a recent occasion to outline her vision of the integration of human rights, the High Commissioner mentioned only her relations with the Commission on Human Rights and its human rights machinery.⁶ To be sure, UNHCR has worked closely with OHCHR—the emergency session of the Commission on Human Rights on Kosovo in 1999 is one example—but largely on an ad hoc basis, and cooperation has not been formalized. In any event, the implications of integration of human rights goes well beyond UNHCR links to the UN system’s formal human rights machinery, affecting the refugee agency’s own operational activities.⁷

The selective approach of UNHCR policy concerning human rights noted in Chapter 2 carries over into its programs. Its work in Colombia was mentioned in interviews as evidence of the persistence of a needs-based orientation. UNHCR bases its work with IDPs there on the Guiding Principles on Internal Displacement, which reflect international human rights law. Moreover, its analysis of the displacement concluded that protection activities and durable solutions were required, but not assistance as such. However, agency officials interviewed expressed the view that because the approach taken in Colombia was out of step with what has become UNHCR’s needs-based orientation, it was “unlikely to be replicated.”

Operational guidance to peacekeeping personnel shows a similar combination of progress and problems. The early UN peacekeeping missions were planned and fielded almost entirely without input from the then-UN Centre for Human Rights. In 1993, DPKO introduced multiagency, multidepartmental task forces at headquarters on each peacekeeping mission. While a step forward,

attention to human rights remained ad hoc. In November 1999, however, an MOU between DPKO and OHCHR reiterated the possibility of OHCHR participation in DPKO-led assessment and preparatory missions. Whether this arrangement will give greater importance to human rights in future peacekeeping operations remains to be seen.

The Secretary-General is committed to making such multidisciplinary peacekeeping operations the rule rather than the exception. The MOU aims to systematize arrangements such as those used in the UN Observer Mission in Sierra Leone (UNOMSIL). There, the human rights program is headed by an officer recruited by DPKO, working under the supervision of the Special Representative of the Secretary-General (SRSG), with substantive backstopping from OHCHR in Geneva.

The number of such field-based UN human rights specialists is increasing, sometimes as part of peacekeeping operations and sometimes independent of them. A further positive development is increased secondment to OHCHR from agencies such as OCHA or UNDP of persons then fielded under the High Commissioner's mandate. One senior human rights adviser from OCHA was assigned to work with OHCHR in Afghanistan, another from UNDP to support its work in Colombia. Other interagency efforts, including the role of the Executive Committee on Peace and Security in adjudicating disputes among actors, are discussed in Chapter 4. Taken together, such developments reflect considerably greater opportunities for OHCHR input.

The design of two recent peacekeeping missions in the summer of 1999—by DPA for East Timor and by DPKO for Kosovo—suggest the higher priority now accorded human rights concerns both in the Security Council's expressed rationale for intervention and in the UN secretariat's follow-through. The Asia and Pacific Division of DPA had formulated the terms of reference of

the United Nations Assistance Mission in East Timor (UNAMET). UNAMET was to arrange a referendum in August in East Timor regarding its future and ensure that it was free and fair. Many UNAMET officials, including the head of the UN mission itself, were human rights specialists.⁸ Human rights activities in its terms of reference, included, in addition to the referendum itself, the training of the new East Timor police after the vote.

In June 1999, DPKO drafted plans for the UN mission in Kosovo as part of what those involved describe as a “positive team effort.” DPKO officials took into account the East Timor discussions and pooled comments from OHCHR and other UN agencies and departments as well as from the International Committee of the Red Cross (ICRC) and NGOs, such as Amnesty International.⁹

UNMIK’s design, which was intended to have human rights infused throughout the operation, was encouraged by the High Commissioner for Human Rights, who drew attention in her speeches to the human rights causes of the Kosovo crisis. OHCHR identified the person then appointed by DPKO as senior human rights adviser to the SRSG, whose task is to ensure the integration of a human rights culture in UNMIK and to provide human rights advice to the UN mission. The human rights monitoring role in Kosovo is carried out mainly by the Organization for Security and Cooperation in Europe (OSCE), which had taken on a similar role in the former Yugoslavia. The OHCHR field presence in Kosovo is outside the UNMIK structure.

Recruitment and Training

The integration of human rights into day-to-day operations has implications for the selection and training of UN staff. For the most part, outside human rights experts have not been recruited, although this may reflect frozen UN recruitment generally rather than a specific approach

to the integration mandate. However, none of the actors specifies as a general condition that new recruits show familiarity with international human rights standards.

A number of the actors have appointed or nominated individuals as focal points for human rights. Their role tends to be that of liaison officer, sometimes with responsibility for training staff in human rights. In one case, an existing staff member with no familiarity with human rights was named. In view of the scale of the organizational opportunity and challenge that the integration mandate represents, focal points may be helpful. However, substantially more significant authority and resources are required.

The process of recruiting and training SRSGs merits special study, given their influence on UN human rights coherence from one country situation to the next. Having been charged with responsibility for all UN actors in a given mission area, SRSGs are in a position to promote clear and coherent operational guidance and training, both by individual organizations and on an interagency basis. Central to fulfillment of the integration mandate is therefore the process by which SRSG candidates are identified, selected, briefed, and debriefed on UN human rights policy and operations. The selection process is not transparent, the criteria not clear.

In December 1998 for the first time a group of 15 former SRSGs met for an exchange of views with the Secretary-General, the Deputy Secretary-General, and the heads of key departments.¹⁰ One major conclusion was that their expectations at the time of their appointments differed dramatically from what proved to be the reality of their posts. The UN agreed that a list of possible candidates for future SRSG positions would be drawn up and realistic training provided. A further meeting in mid-1999 returned to some of these themes. Also reflecting these discussions, an SRSG handbook is being drafted. The fact that one does not already exist confirms the lack

of system-wide coherence identified by the present report.

A recurrent feature of discussion regarding integration is the increase in demand for human rights training. Broad support for such training for personnel involved in peacemaking, peacekeeping, and peace building activities has been recently expressed by the Security Council in the context of children's human rights.¹¹ A sample of training activities is mentioned here.

UNICEF is reviewing past training for emergencies with an eye to mainstreaming emergency responses into its normal work. The mid-1990s saw a training emphasis in both UNICEF and UNHCR on mobilizing rapid response teams of highly trained and experienced technical personnel. While some of this training remains relevant, UNICEF realized that "humanitarian principles were missing" and has started to fill the gap in regional training for its country representatives. WFP and UNDP have launched modest efforts to increase familiarity with international human rights standards. OCHA has recently begun workshops for its headquarters staff in such standards.

Training is a major focus of activity through which OHCHR seeks to support the integration of human rights in the work of other actors. In 1999 it produced a basic handbook on human rights for dissemination to new UN staff. For DPKO, it has created a range of manuals and guides for training of peacekeepers.¹² Yet there is no systematic assessment of the human rights training needs of secretariat staff at headquarters, whether for senior managers, desk officers, or political affairs officers in DPA and DPKO. Users of such materials confirm that they provide useful reference material on international legal standards and mechanisms but are not particularly helpful as tools for providing training or operational guidance. There is no planned evaluation of the materials' impact on decisions or behavior.

The IASC Task Force on Training, under UNHCR auspices, encourages information exchange on training issues to identify gaps. Individual agencies have taken the lead on particular issues: safety and security of staff (WFP), humanitarian principles (UNICEF), and inter-agency coordination (OCHA). Other training has been similarly piecemeal. A number of interagency training courses on prevention and early warning have been held at the UN Staff College in Turin, which, with OHCHR participation, incorporate elements of human rights analysis. Yet the process is not designed to ensure continued application of such training and better human rights outcomes.

Constraints in the Quest

Three factors in particular that inhibit integration and the development of human rights guidance for staff emerge from interviews. They are relations with host political authorities, the lack of independence of the UN secretariat from member state pressures, and the dynamics of working through implementing partners.

The question of relations with host political authorities in complex emergencies is viewed as perhaps the most fundamental impediment to integrating human rights. Good relations are seen as essential for the success of a given actor's programs and built into the UN's system of rewards and incentives. The perceived need for humanitarian actors to maintain neutrality may also limit how extensively UN officials are prepared to raise controversial human rights issues with their interlocutors.

Integrating human rights is frequently reduced to the stereotype of behind-the-scenes and sometimes publicly applied pressure, which is then sometimes discarded because of the perceived risk of creating a backlash. The human rights mandate thus engenders what some offi-

cials call “subliminal resistance,” discouraging the process of making the operational level connections with human rights concerns. Some officials interviewed spoke of self-censorship, by which they meant that fear of a backlash had stopped them from being more assertive in acting on human rights concerns, which they, in retrospect, regretted.

A second factor inhibiting the development of clear guidance regarding the integration mandate involves the vulnerability of the UN and its personnel to member state pressure. DPA and DPKO officials at headquarters are subjected to greater day-to-day scrutiny than other UN actors. The secretariat’s role in drafting reports involving human rights provides an example.

In the spring of 1999, DPKO drafted the Secretary-General’s report to the Security Council concerning the Sierra Leone peace agreement, the terms of which gave blanket amnesty to all parties. The SRSG had been directed by the Secretary-General to add a disclaimer regarding the amnesty provision when he signed the peace agreement as one of its “witnesses and moral guarantors.” Although not UN-brokered, the agreement was one that the Security Council has since committed some 6,000 troops to monitor. The disclaimer was intended to distance the UN from a blanket amnesty for war crimes and crimes against humanity.

Issues for DPKO in drafting the report included whether the Secretary-General would recommend an international commission of inquiry and increase the number of human rights officers serving with UNOMSIL. Council members were split. Some urged “pragmatism,” viewing any insistence on accountability for past human rights violations as delaying the process of reconstruction in Sierra Leone. Others, lobbied by OHCHR and NGOs such as Human Rights Watch and Amnesty International, argued that such impunity would contradict

the principles of the future International Criminal Court (ICC), the thrust of statements by the Security Council president, and the Secretary-General's announced commitment to integrate human rights. The report stopped short of recommending a commission of inquiry but did urge an increase in the human rights unit of UNOMSIL, a recommendation adopted by the Council.¹³

In articulating human rights concerns within such drafting processes, DPKO and DPA may come under intense pressure. Although UN officials are increasingly familiar with human rights issues, they have not received operational guidance regarding their responsibility to provide informed advice to assist in achieving the UN's human rights goals. Unless actively lobbied for, human rights remain simply another "interest" rather than the UN's core preoccupation.

A third inhibiting factor is that UN agencies and officials often are not the implementers of their own programs. Many WFP, UNICEF, and UNHCR activities, for example, are implemented by NGOs, whether international or local, and some by other intergovernmental organizations. Ensuring that the UN's chosen partners are themselves committed to integrating human rights in their humanitarian work raises a host of difficulties. Some NGOs may be more assertive on human rights issues than are the UN actors whom they serve as implementing partners; other NGOs may be less so.

UNICEF is considering how its partners may be selected and how mechanisms for monitoring contracts may be established to help ensure that such partners are themselves committed to its rights-based programming. The recent field guide for NGOs produced by UNHCR in consultation with its NGO partners gives "practical advice for on-the-ground interventions that can make the difference between rights abused and rights secured."¹⁴ Yet it does not make maximizing protection of the full

spectrum of human rights a requirement for NGO collaborators. The choice is left to NGOs as to the nature and degree of their interest in human rights.

If UN operations are to integrate human rights, its partners should be chosen and monitored accordingly. The experience with gender integration injects a cautionary note. In Eastern Zaire in 1996, "despite all the formulated recommendations and training that may have been given to them," NGO implementing partners "made no particular effort in approaching women in planning and implementing operations."¹⁵ While NGOs as implementers of UN programs rightly expect to be treated with respect, they need to reflect a commitment to integrating human rights throughout such work.

Conclusion

Recent years have witnessed an extraordinary increase in awareness at headquarters level of the relevance of human rights issues to field operations. Advocacy for a permanent ICC is but one example. However, there is wide divergence among the actors in the depth of their commitment to the implementation of human rights in their work. While they welcome the ICC, there are no signs of their planning to provide operational guidance to their staffs to help ensure its effectiveness.¹⁶

The spectrum of approaches to integration ranges from UNICEF, which is seeking to give operational content to its commitment to rights-based programming, to DPKO, for which human rights remains essentially the work of others. The typical approach is to add human rights elements in piecemeal fashion here or there. Yet the addition of human rights officers to peacekeeping missions, accelerated since the 1994 Rwanda debacle, while giving higher visibility to the human rights-based nature of such crises, does not ensure the integration of such concerns into peacekeeping operations. Similarly,

for human rights-based programs, the risk of contradictions and incoherence is also high if such strategies are pursued in an operating environment shaped by needs-based approaches.

The Rwanda experience is particularly instructive. In 1994, the UNAMIR force commander lacked the essential policy, doctrine, and tools to respond to the genocide. While the absence of adequate human rights analysis in that crisis led the Secretary-General to add human rights officers to later peacekeeping missions, the Rwanda experience was repeated the following year when the Dutch UNPROFOR contingent in Srebrenica lacked the requisite operational human rights guidance. Adding human rights experts is not integration.

There is thus a need to revisit operational humanitarian principles, examining their relationship with the human rights law framework applicable to the UN's work.¹⁷ During the July 1999 negotiations on the ICC, UNHCR sought an exemption from the requirement that it give evidence to the Court, an exemption requested by ICRC in view of its unique role and status under international law. The UNHCR initiative, which threatened ICRC's exemption request as it might have led to a flood of such requests from other UN agencies, was quickly and quietly dropped. Yet the incident illuminated a fundamental confusion between the mandate of the ICRC, which is palliative in nature, and those of the organizations of the United Nations system, whose Charter is committed to preventing conflict, including through the advancement of human rights.¹⁸

The same operational principles are not appropriate for both organizations. A set of human rights principles, based on the Vienna Declaration and Programme of Action, should be recognized to apply to all UN actors across all functional areas.¹⁹ Each such area could then be approached in mutually coherent human rights terms. Such a process would clarify that the goal of humanitar-

ian action is not access, as those who place the highest premium on the delivery of assistance suggest. Access would emerge as one method among many in the UN toolbox, not a goal in and of itself.

A set of human rights principles, drawn from the existing international legal framework, would bring greater coherence to the responses of UN actors to the integration mandate. One of the reasons for divergences among actors in their understandings of, and approaches to, human rights is that senior officials from various actors have not taken a root-and-branch approach to identifying the operational implications of integrating human rights. Some of them—UNHCR and DPA are examples—have, as individual actors, no such process at all. None has assigned a senior official or a unit to the task of carrying out a human rights “audit” to identify areas where human rights integration is relevant and requires support to give it effect.

Each actor needs a single authoritative locus for reflection on the operational implications of the integrating mandate for the whole of their work. Reflection on the operationalization of human rights principles would be a step toward greater coherence at the level of operations across the UN system as a whole.

CHAPTER 4

INTERAGENCY RELATIONS

The previous two chapters examined efforts by the major individual actors to integrate human rights in policy and operations. This chapter reviews progress in addressing the integration of human rights through wider interactions. The two principal forums which structure these interactions are the Inter-Agency Standing Committee (IASC) and the four UN Executive Committees.

After recapping recent developments, the chapter examines the need for a UN system-wide approach to identifying and incorporating lessons from its experience. This involves pooling the human rights experience of individual actors for the benefit of all and developing a system-wide evaluation of efforts toward the common human rights goal.

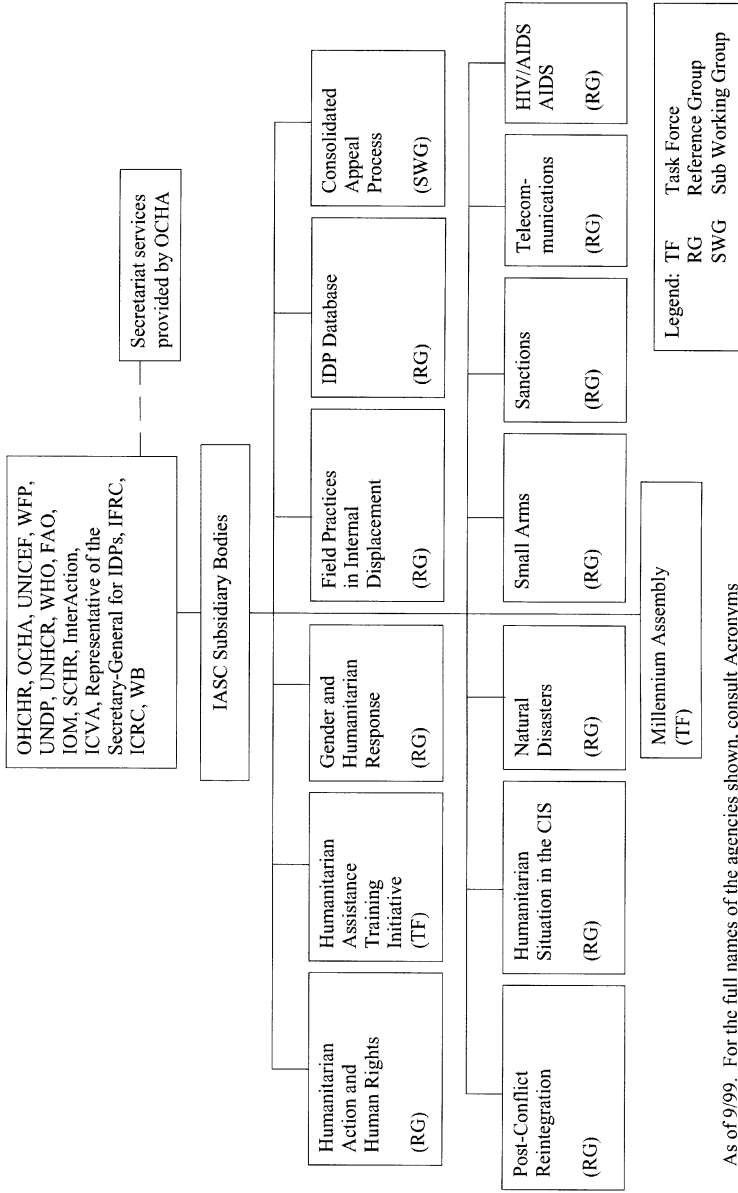
The roles of the Office for the Coordination of Humanitarian Affairs (OCHA), which provides staff support to the IASC, and of the Office of the High Commissioner for Human Rights, which is a member of each of the Executive Committees, are reviewed in the final chapter.

The Inter-Agency Standing Committee

Officials interviewed during the study identified the IASC as a particularly significant forum for integrating human rights in humanitarian action. Framed by General Assembly resolution in 1991, the IASC brings together major humanitarian actors from within and outside the UN system.¹ (See Figure 1.) It meets twice yearly at the level of heads of agencies. Its working group meets quarterly, with various task forces, reference groups, and subworking groups convening as the situation war-

Figure 1

INTER-AGENCY STANDING COMMITTEE



As of 9/99. For the full names of the agencies shown, consult Acronyms

rants. The membership of each of the smaller bodies reflects the interests of IASC member agencies.

The IASC is intended to be the major coordinating vehicle for the UN and associated humanitarian activities. It promotes shared analysis of humanitarian emergencies, facilitating interagency decisionmaking and collaborative donor responses. Its activities related to the integration mandate are summarized here.

Each of the 14 IASC subgroups shown in Figure 1 has a role to play in integrating human rights. (As of early 2000, several of these entities had been disbanded and several others were in the process of being created.) The unit with particular relevance is the Reference Group on Humanitarian Action and Human Rights, which provides a forum for working level interaction expressly on human rights. The activities of the SubWorking Groups on the Consolidated Appeals Process and on Gender are also of significance here.

Established in June 1998, the Reference Group has a number of projects at various stages of development. Papers are being prepared on the relationship between the humanitarian community and a rights-based approach and on the relationship between international humanitarian law and human rights. A training module is being drafted on international humanitarian law and human rights, with OHCHR in the lead role. Field practices in international humanitarian, human rights, and refugee law are being collected.

The Reference Group is made up of most members of the parent IASC, including OCHA, OHCHR, UNICEF, and, since 1999, UNHCR. UNDP and WFP are not members. The involvement of non-UN actors such as ICRC is significant. The differences between the ICRC's views on the relevance of human rights for humanitarian action and the integration perspective were noted earlier. DPA and DPKO are not members of the Reference Group or, for that matter, of the parent IASC.

The Reference Group encourages discussion among the agencies of key policy and operational issues. In the field practice project, consultations are being held in the Great Lakes region, Afghanistan, former Yugoslavia, and South America. A draft will then circulate for review before submission to the IASC Working Group for endorsement and field dissemination.

The approach taken is similar to one used earlier by another IASC subgroup to identify best practices in programming for IDPs. The field practices highlighted were drawn from a variety of UN actors as well as from local and international NGOs and the output made available to all the actors. It has since been incorporated into regional UNICEF training for its country representatives and into training being developed by OCHA.

The strategy of gathering field practices through ad hoc arrangements, however, has limitations. Varying terms of reference, consultants, and methodologies circumscribe the potential contribution to institutional memory and practice. Compilation is linked not to an assessment of the actual human rights impacts of field practice but rather to what such activities were intended to achieve. There is no follow-up mechanism to ensure that documents disseminated and associated training have the intended effects.

A second IASC subgroup relevant to the integration mandate is on the Consolidated Appeals Process (CAP). The CAP is a programming process designed to facilitate, through sharing strategies and goals, coordinated planning by the agencies and coordinated resource mobilization by donors. In 1994, the IASC approved guidelines on the CAP process. This particular subworking group aims to integrate human rights and gender concerns into that process.²

Whatever its merits from the standpoint of coordination, the CAP process involves the add-on rather than the transformative approach to integration. Human rights

concerns are framed narrowly in terms of the “activities of the Office of the HCHR” and “the activities of UN agencies having a protection mandate, in particular UNHCR and UNICEF.”³ Left unaddressed are the human rights dimensions of the day-to-day core activities of each of the IASC members. Despite perennial efforts to improve the CAP, there is little indication that revisions will include monitoring and evaluation of the human rights impacts of the humanitarian activities for which funding is sought.

Developments in the SubWorking Group on Gender are more encouraging in terms of policy evolution. Members of the gender group are WFP, OHCHR, UNICEF, OCHA, UNDP, UNHCR, ICRC, the World Health Organization (WHO), the International Organization for Migration (IOM), the Food and Agriculture Organization (FAO), and two NGO consortia, InterAction, and the Steering Committee for Humanitarian Response (SCHR). The terms of reference have been clear and the output substantial. The group was charged with laying the groundwork for IASC policy and advising the Emergency Relief Coordinator (the ERC is also the Under-Secretary-General for Humanitarian Affairs) on how to ensure gender integration. The group prepared a paper that was quickly adopted by the IASC as policy in April 1999 and held a workshop for the agencies three months later.⁴

The gender statement is based squarely on international human rights law. The policy, as one of the drafters put it, “does not apologize” for affirming that legal foundation. Using a human rights approach to gender, it makes important commitments to the broader integration of human rights in humanitarian action. In endorsing the statement as policy, the IASC has undertaken to uphold the principles embodied in international human rights instruments and to ensure the application of principles such as the equal representation at all levels of

women and men in peace mediation and decisionmaking on humanitarian matters. The integration of gender concerns had been recommended at all recent global conferences, particularly the World Conference on Human Rights and the Fourth World Conference on Women.⁵

In approving the gender statement, each IASC member in effect committed itself to formulate specific strategies for ensuring that the full spectrum of human rights is brought into the mainstream of its own humanitarian activities. Specific strategies include involving claims holders in planning, designing, and monitoring all aspects of emergency programs; producing human rights-sensitive studies; and developing guidelines for human rights impact methodologies and checklists for programming. The implications of integrating human rights for accountability mechanisms, incentives, performance evaluations, and budget allocation are also raised by the statement.

The approach taken in gender policy, applied to the larger challenge of human rights integration in humanitarian action, would move the UN system towards the kind of policy transformation advocated here. In fact, the approach taken in the area of gender may offer clues for accelerating the pace of human rights integration in the humanitarian sphere more generally. The process reflects the strength and determination of an organized lobby for women's human rights in development, with much input coming from Southern development focused NGOs and community groups. For decades, such groups have worked to hold actors such as the World Bank and multinational corporations accountable for the effects of their activities on rights in general and women's human rights in particular.

In a parallel but somewhat separate evolution, leading international human rights NGOs based in the North have focused attention on civil and political rights. Their reluctance in earlier decades at UN accountability may

have derived in part from a concentration on the primary responsibilities of states and a desire to avoid undermining confidence in the very organization intended to uphold human rights.

In any event, gender and participation have become integral parts of the prevailing development orthodoxy. Development policies and programs that do not address such objectives have been shown to be ineffective or counterproductive. Even where opposition to gender equality exists, it is nowadays rarely voiced, and when it is, the opposition is framed as pertaining to culture rather than gender.

By contrast, the questioning of connections between human rights and humanitarian action still remains acceptable. The view that “advocacy for human rights threatens humanitarian access and programs” or the stereotype that “human rights get in the way of peace processes” are not reviewed systematically in the light of experience.

In sum, IASC work on the policy issues concerning the integration of human rights contrasts with the progress it has made in promoting a human rights-based approach to both gender and IDPs.

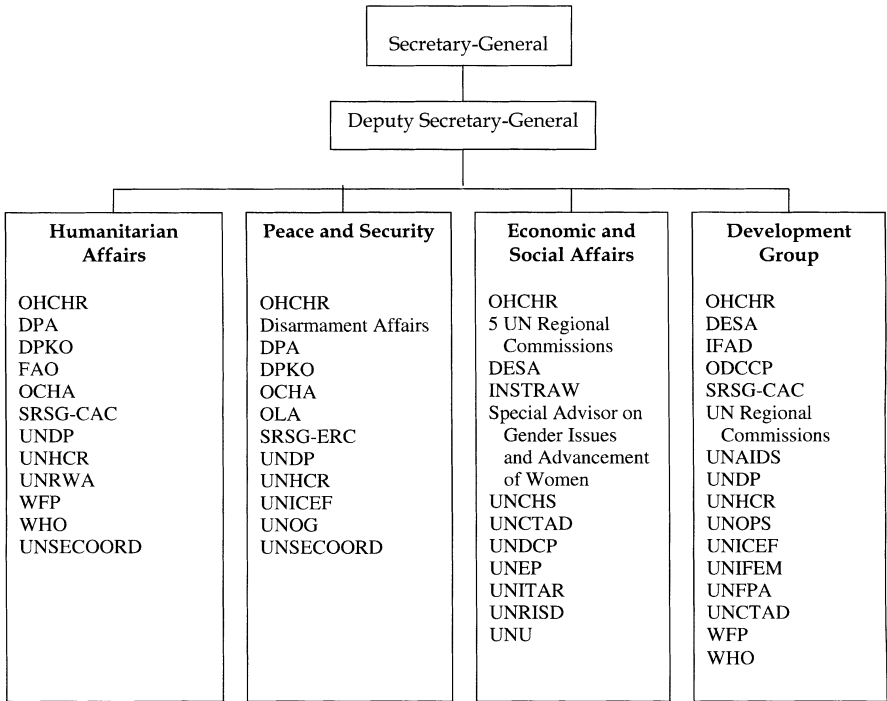
The Executive Committee on Humanitarian Affairs

The executive committees, a key element in Secretary-General Kofi Annan’s 1997 reform program, provide a second interagency arena for advancing the integration of human rights (See Figure 2.) The committee with greatest relevance here is the Executive Committee on Humanitarian Affairs (ECHA), which, chaired by the Emergency Relief Coordinator, is comprised of the major UN humanitarian actors. OCHA provides staff support to ECHA, as it does to the IASC as well. OCHA also serves on the Executive Committee on Peace and Security.

As noted earlier, the High Commissioner for Human

Figure 2

UN EXECUTIVE COMMITTEES



For the full names of the agencies shown, consult Acronyms list.

Rights is a member of each of the four committees, which are limited in membership to UN agency heads. Thanks to the modest strengthening of its New York liaison office, OHCHR is now more able to participate in the work of the committees, although it remains challenged to monitor and influence developments on a variety of fronts.

For humanitarian action, ECHA is the forum at which most major policy disputes among UN actors are arbitrated at the highest level. The Executive Committee on Peace and Security (ECPS) plays a similar role on issues involving peacekeeping. A recent watershed report by the Secretary-General on the protection of civilians in armed conflict was reviewed and discussed by ECHA.⁶ Despite its subject matter, however, the report, which served as the basis for a resolution adopted unanimously by the Security Council, was weak on human rights concepts, analysis, and language.

Work by the Executive Committees—for example, the drafting of statements or the resolution of divergent policy approaches—is difficult to monitor and assess because of their lack of transparency. As a result, it is unclear how effectively OHCHR has used its membership to advance the cause of human rights integration. The reform program allocated OHCHR the task of assessing the work on human rights carried out in each of the four Executive Committees. That task does not seem to have been carried out, nor is it clear what the framework for doing so would be. Chapter 5 reviews OHCHR's roles in greater detail.

ECHA meets only twice a year at the heads of agency level. To date it has not established subgroups at the working level, an approach taken by several of the other executive committees and by the IASC. The Executive Committee on Development Cooperation has some eight subgroups while the ECPS is linked to the work of country-specific task forces. The absence of ECHA sub-

groups is partly due to its desire to avoid what it sees as duplication with the IASC's work.

While there is indeed some overlap in ECHA's intended role in integration, there are clear differences in the membership and missions of the two interagency entities. ECHA has only UN members, whereas the IASC seeks consensus among members that include non-UN actors. While some legal sources of direct human rights responsibilities apply to all IASC members (such as human rights "inhering" to those served by humanitarian action), other sources, such as the Charter, are particular to the UN. Given its varied membership, consensus sought within the IASC might dilute the UN's understanding of its own human rights responsibilities in humanitarian action. In this context, the emphasis by officials interviewed regarding the IASC as the relevant forum is significant, reinforcing the conclusion noted in Chapter 2 that there is no common UN understanding of human rights law applicable to its humanitarian work.

For another reason, too, the role of ECHA is indispensable and that of the IASC is limited regarding UN integration. The IASC is not a tailor-made forum for deepening the sense of shared human rights responsibility specifically among UN actors. While the IASC's membership extends beyond the UN, it does not include all relevant UN actors: neither DPA nor DPKO are members. UNDP and WFP have chosen not to be members of its reference group on human rights. In fact, that subgroup has only four of the eight entities considered by this study as key actors. A common theme of interviews conducted was that ECHA had yet to realize its potential as a forum for UN system-wide human rights integration.

System-wide Learning

The progress of the United Nations system in meeting the integration mandate is impeded by the absence of

effective mechanisms for reviewing experience and making necessary corrections. This is true of the learning processes both of individual agencies and of the UN system as a whole.⁷

From the previous overview of current efforts by the individual UN actors to clarify human rights policy and formulate guidance for staff, it is clear that most such efforts are not premised on harvesting a given agency's lessons. Most agencies are ad hoc rather than systematic in gathering experience, even from senior officials and even on matters as central as relations with host governments on human rights issues. The result is an inadequate link between experience in the field and headquarters functions such as policy formulation and program design.⁸

A UNHCR official who had been head of mission for Bosnia and a UNICEF country representative in Rwanda noted that they had not been debriefed at the end of their respective missions. SRSGs reported no debriefings at DPKO headquarters upon completion of their tours. Officials from DPA, UNICEF, and OCHA described how the self-censorship they had applied concerning the human rights content of their work had turned out to be misplaced. Yet their agencies were none the wiser for their more considered judgement.

Such examples suggest that not only individual agencies but also the UN system as a whole is being deprived of valuable learning. Indeed, the dilemmas involved in integrating human rights in humanitarian action lend urgency to precisely such a lessons-learning process. The experience of a UNDP resident representative in Algeria may yield insights useful for an SRSG in Angola. A modified approach could benefit a WFP representative in Afghanistan in identifying options for integrating human rights in her work. The experience of UNHCR with IDPs should be available to UNICEF and UNDP. The fact that DPKO leads a particular mission should not

mean that relevant DPA experience is not applied. Learning by individual agencies needs to be pooled for the benefit of the system as a whole.⁹

A second aspect of learning concerns the need for system-wide evaluation of efforts towards the common human rights goal. A military commander seeking to navigate an aid convoy through checkpoints can compromise the protections afforded by international law. A UN diplomat intent on negotiating a cease-fire may be inclined to ignore past human rights violations. An aid worker providing food to displaced populations may be tempted to acquiesce in diversions to combatants. Choices made in each such situation have system-wide ramifications and require system-wide approaches and evaluation of their bearing on achieving human rights improvements in the immediate and longer terms.

An example of the need for crosscutting learning is provided by the UN strategic framework process approved for Afghanistan by the Administrative Committee on Coordination (ACC). The aim is to enhance coherence of relief activities, first between relief and development actors and then, more broadly, between the assistance and political spheres. The strategic framework also seeks to facilitate dialogue among UN agencies and with the Afghan authorities, NGOs, and donors. The human rights situation there continues to be a major challenge for the UN and its partners. There is much to be learned from such efforts at system-wide approaches that might inform both human rights-based programming in Afghanistan and the application of the strategic framework approach to other settings such as Sierra Leone.

The learning cycle involves not only harvesting experience and introducing changes in policy but also training to disseminate lessons to staff. A lesson is learned only when applied. However, interviews disclosed a lack of clear management responsibility to ensure learning on both intra-agency and system-wide bases. It took

a General Assembly resolution four years after the event to commission a report on the UN role in Srebrenica in 1995.

Peacekeeping missions in East Timor (UNAMET) and Kosovo (UNMIK) offer dramatic examples of the need for institutional learning. Both have been criticized for their human rights impacts, with direct responsibility for violations of human rights alleged in the case of UNMIK.¹⁰ Interviewees noted that efforts were indeed made to build into both missions key aspects of earlier human rights experience. Yet neither DPA nor DPKO's lessons learned unit (now its policy analysis and learning unit) routinely include human rights impacts in reviews or identify clear management authority to ensure effective learning. Discussions of integration are limited to issues of staff composition—numbers of human rights officers, titles, and organigrams—rather than addressing actual human rights impacts.¹¹

The standard response from individual UN agencies to the integration mandate has been a commitment to provide human rights training and/or manuals. Indeed, workshops to familiarize humanitarian actors with human rights law and initiatives such as preparing and disseminating the proposed handbook for SRSGs may be useful. Yet such training is often approached as a panacea, with the training activity itself—rather than the changed behavior of trainees—seen as the result. More rigor is needed from funders, trainers, and end-users to evaluate the operational relevance and impact of training in changing not only staff performance at such functions as problem analysis and option formulation but also the human rights outcomes themselves.¹²

The UN system presently has no single person or unit responsible for assessing what approaches have yielded which human rights results, in what circumstances, and over what period. Such learning is feasible and should be system-wide, ensuring that the knowledge is generated

and applied. Many officials interviewed identified their need for support to resolve tensions they see between the new commitment to integrate human rights and traditional needs-based procedures.

System-wide evaluation does not require actors to be uniform in their approaches. Rather, mutual reinforcement and consistency in dealing with host political authorities are central. The major 1996 evaluation of the Rwanda response, while dealing with human rights concerns in one of its volumes, lacked a human rights framework for its overall analysis.¹³ The lack of a prompt response to the Taliban's request for a UN investigation into alleged massacres at Mazar in 1997, officials report, has undermined humanitarian work in Afghanistan today.

Inconsistency also allows host political authorities to go "agency shopping." A perception that UNDP provides "monitoring-free" technical assistance or that some NGO implementing partners are less fully committed to human rights standards than other NGOs invites failure.

The UN Development Assistance Framework (UNDAF) is intended as an assessment of development needs and priorities agreed to by the UN system and a given host government based on a human rights approach to development. UN guidelines for the process quite properly speak of strengthening "unity of purpose." UNDAF should thus provide a framework for evaluating all UN actors—humanitarian, political, military, and developmental—on their unity of effort toward a common human rights goal in each setting. Such accountability would complement and reinforce crosscutting initiatives such as consolidated appeals, the strategic framework, and the development assistance framework itself.

In the quest for greater system-wide human rights coherence and accountability, the UN's Office of Internal Oversight Services, in its management advisory role,

may also have a contribution to make. However, the office's own methodology does not yet take account of the integration of human rights as a central ingredient of program effectiveness or evaluate unity of effort towards the human rights goal.

As part of the overall issue of system-wide learning, the question of a concerted approach to human rights staff training arises. The training which OHCHR provides concentrates on generic human rights standards and information-gathering methods for primarily civil and political rights.

However, since the office does not effectively learn from its own or others' experience, central issues such as host society participation, gender perspectives, and analysis of structural root causes are inadequately developed in OHCHR training materials and methods. A more dynamic approach would involve a team of interagency facilitators for cross-agency, country-specific training from needs assessment through delivery to evaluation. In UNICEF, consideration is being given to such issues.

Conclusion

To date, interagency success in implementing the integration mandate has been mixed. Working level interactions through the IASC have enhanced contacts. Colleagues are getting to know one another and lines of communication are more open. Yet, with IASC's membership omitting key actors and ECHA lacking participation and interagency discussion at the working level, there is no UN system-wide mechanism for integrating human rights in the day-to-day practices and procedures of UN humanitarian action.

Among agencies as well as within them, more effective mechanisms are needed for distilling experience. This will reinforce the "effectiveness" case for integrating human rights as well as providing the foundation for

the necessary adaptations in policies, procedures, and training. Still-missing links include processes to pool learning among actors and evaluate system-wide efforts to advance common human rights goals. The interagency nature of activities and the impact which the actors have on each other's operating environment render it much more difficult for any one actor to implement integration unless others do likewise. No single actor is expected to achieve the common goal alone; each depends on others to reinforce the common effort.

Effective system-wide learning is an essential element in the transformative potential of integrating human rights. This is not least because learning should itself be carried out in a manner respectful of human rights, ensuring the meaningful participation of the host society in identifying lessons. Achieving such learning is a function not only of interagency processes but also of human rights leadership. That is the subject of the final chapter.

CHAPTER 5

LEADERSHIP

Earlier chapters have reviewed the interpretation and implementation of the mandate to integrate human rights in the policies and operations of six individual UN actors and have analyzed the interplay among them. This chapter examines the roles and potential for system-wide leadership of the Office for the Coordination of Humanitarian Affairs (OCHA) and the Office of the High Commissioner for Human Rights (OHCHR).

The Role of OCHA

OCHA's role in strategic humanitarian coordination gives it the potential to be a central actor in integrating human rights. It is concerned with overall orchestration of programs, setting of goals, advocacy of humanitarian principles, negotiation of access, mobilization of resources, and monitoring and evaluation of humanitarian activities.¹

As Under-Secretary-General for Humanitarian Affairs, the head of OCHA is principal adviser to the Secretary-General on such matters. He provides a link between the humanitarian community and the decisionmaking organs of the UN as well as the political, security, developmental, and human rights elements of the UN system. In this coordination role, the Under-Secretary-General, as convenor of ECHA and chair of the IASC, is a key facilitator of interagency discussions. In his role as emergency relief coordinator, he also has responsibility for ensuring that the situation of IDPs is effectively addressed.

The responsibilities of OCHA and the ERC have important potential to influence the contours and pace of

human rights integration. This is particularly the case in relation to the IASC and its work on activities such as the consolidated appeal process, gender, the strategic framework, and IDPs. However, OCHA functions within the constraints of its modest financial resources and limited number of personnel. Equally confining is its authority in the area of coordination, where consensus rather than command is the established watchword.²

Ensuring access is seen as a key function of OCHA's strategic humanitarian coordination role. In various complex emergencies, the Office has negotiated terms of engagement for the entire UN system, including access for OHCHR human rights officers, and for associated NGOs. (UNHCR and UNICEF have on occasion also led such negotiations.) OCHA's performance, however, has led some to question its understanding of human rights integration. During 1999 OCHA led several efforts to negotiate codes of conduct or "firm stands of principle."³ An OCHA-led team spent two weeks negotiating with the Taliban on the ground rules for the operations of the UN and associated agencies. The resulting agreement contained a statement that nondiscrimination on grounds of gender in the enjoyment of human rights was a matter for "gradual" achievement.⁴

The agreement was criticized by some rights advocates for contradicting the existing obligations of Afghanistan, including those it undertook as a party to the Convention on the Rights of the Child. OCHA has acknowledged the legitimacy of the criticism. OCHA was also criticized for failing to include gender, human rights, or negotiation specialists in the mission, which also neglected to draw on UN negotiations experience in other such settings.

Similar questions have been raised about the negotiation of humanitarian access in Angola. In a note disseminated for comment prior to an IASC heads of agency meeting, OCHA wrote,

States are obliged to ensure that all populations in need receive assistance—regardless of whether they are in areas outside the government’s control. As a reciprocal condition for gaining access, humanitarian organizations agree to operate under the principles of neutrality, impartiality, and independence.⁵

The first sentence accurately reflects the cornerstone of human rights law: nondiscrimination in the enjoyment of human rights. However, a state’s obligation not to discriminate among its population in its access to essential food is independent of any conditions that it may request the UN to meet. By the same token, UN responsibility to act with principled impartiality is not conditional on particular behavior by the host authorities.

These examples raise questions about OCHA’s perspective on its direct human rights responsibilities. The impression is sometimes conveyed that there is no human rights framework to reinforce the UN’s position and, more importantly, to affirm the rights of those to whom access is sought. Lack of consistency in the respect for law may create unfortunate precedents for future negotiations, whether in the same country or elsewhere.

From the integration perspective, presence is only one of many resources available in a system-wide toolbox. Experiences in Srebrenica in 1995 or in the Kibeho massacre in Rwanda in 1996 would suggest that presence is not an end in itself. Rather, presence must be of a certain nature if it is to maximize a positive human rights impact. Negotiations of access raise unavoidable questions about the relationship between the integration of human rights and current interpretations of humanitarian principles. The question arises: for what is humanitarian access being negotiated?

OCHA has worked through the IASC Reference Group on Human Rights to encourage reflection on such matters. However, it could provide greater leadership in examining the human rights impacts of various approaches to negotiating access. In a broader sense, its perspective on its leadership role as strategic humanitarian coordinator in integrating human rights seems characterized by reluctance. Its work has been portrayed as almost entirely focused on interagency consensus building. OCHA officials suggest that it does not have independent views outside of that consensus. This echoes the DPKO view noted earlier that it has no inherent human rights responsibility.

The Role of OHCHR

The Office of the High Commissioner for Human Rights enjoys a mandate for leadership on integration issues across all functional areas of the UN system. As a member of each of the four Executive Committees, OHCHR should be pivotal to system-wide discussions. The High Commissioner's role is not only to coordinate the system's promotion and protection activities but also, reflecting the Vienna Declaration and Programme of Action, to "play an active role in removing current obstacles" to the enjoyment of those rights and to prevent violations throughout the world.⁶ The mandate of the Office, reprinted in Appendix I, expressly encourages assertive action.

The human rights work of the UN has moved through several phases since the creation of the Commission on Human Rights in 1946. Drafting and standard-setting were the initial emphases, leading to two international covenants, which, together with the Universal Declaration of Human Rights, form what is called the international bill of human rights.⁷ In its early days, the commission also developed the UN's human rights machinery,

including the treaty monitoring bodies and special procedures.⁸ These bodies and the secretariat servicing them in Geneva were for many years politically and geographically marginalized from UN decisionmaking.

Until 1997, the Centre for Human Rights saw itself as having no independent right of initiative, but instead confined itself to drafting reports and servicing the meetings and experts appointed by the Commission on Human Rights. Limited resources imposed serious constraints on such activities, which could not always be serviced as effectively and thoroughly as needed. Resource constraints are still a major factor today.⁹

The post of UN High Commissioner for Human Rights was created in 1993 following the recommendation of the Vienna Declaration and Programme of Action and with the active and effective support of NGO human rights advocates. The Office of the High Commissioner, part of the UN secretariat and based in Geneva, inherited the early functions of servicing the UN's human rights machinery. The Commission on Human Rights, a 53-state political body that normally meets once a year in Geneva, has experienced a rapidly growing workload, as have the human rights treaty-based bodies, the special procedures, and mechanisms. The General Assembly has charged the Office with making the UN's human rights machinery more effective, cost-efficient, responsive, and transparent. Although the higher profile of the Office in recent years is a sign of progress, the new prominence of human rights poses serious organizational and resource challenges for the Office.

In addition to its headquarters activities and its liaison office in New York, OHCHR has a number of in-country field presences, varying in any given year. The first High Commissioner took up his post in 1994 just as Rwanda imploded into genocide. He launched several human rights operations; the first and largest to date was the Human Rights Field Operation in Rwanda (HRFOR).

In 1999 there were 25 OHCHR human rights field presences around the world, of varying size and mandate, with technical assistance programs in an additional 55 countries.

Many such OHCHR personnel are stationed in countries where UN humanitarian organizations are also active.¹⁰ Some are providing governments with assistance in developing their national capacities to protect human rights through reforming judicial systems or through human rights education and training.¹¹ Others have been established in response to human rights violations in the context of armed conflicts and exist either outside of or, increasingly, within DPKO- or DPA-orchestrated peacekeeping operations. In the last eight years OHCHR field activities have become “a regular and substantial component of its work.”¹²

Two particular issues have relevance for the current study. How is the Office approaching the human rights integration mandate? What constraints does it face in playing an effective role in integrating human rights in UN humanitarian action?

The current High Commissioner, Mary Robinson, is committed to a full spectrum approach to human rights “based on the principle of the universality, indivisibility, and equal rank of all human rights.”¹³ In addition, she has stated that she regards promotion of the enjoyment of human rights for all people as the UN’s “collective responsibility.”¹⁴ These statements suggest a view oriented toward the transformative rather than the add-on approach to human rights. Yet the Office has issued no policy document detailing its vision and strategy on integration in the sphere of humanitarian action.

Some of OHCHR’s activities are geared to energizing other actors in the system and facilitating collaboration with them. One of its four strategic aims is to “increase UN system-wide implementation and coordination of human rights.”¹⁵ It has pursued this objective

both in dealings with individual UN actors and in inter-agency forums. The Office has concluded several Memoranda of Understanding. The MOU with UNDP includes collaboration on human rights guidelines for UNDP resident coordinators, although not specifically addressing emergency contexts. An MOU with DPKO concerns mainly human rights officers within peace support operations. An MOU also exists with UNICEF, now outdated,¹⁶ but not yet with WFP, OCHA, DPA, or, apart from ad hoc field-level collaboration, UNHCR.¹⁷ The MOUs shed little light on the Office's integration philosophy or strategy.

OHCHR's strategy also commits it to "support and strengthen the interface between human rights and humanitarian action, in particular by increasing the level of human rights protection through better use of the UN human rights machinery by humanitarian actors."¹⁸ In this context, OHCHR prepared a discussion document for the IASC Human Rights Reference Group in June 1998 that proposed information-sharing arrangements on human rights issues and offered training to UN agencies on UN human rights mechanisms. In 1999, OHCHR invited the Under-Secretary-General for Humanitarian Affairs to address the annual meeting of chairs of treaty bodies and special procedures to discuss the interaction. A focal point for these human rights mechanisms was identified within OCHA.

Despite such encouraging developments, concerns were repeatedly expressed in interviews about the narrow focus of the Office's approach to integration. The suggestion in OHCHR's 1998 discussion paper that human rights monitoring by humanitarian personnel requires an explicit mandate of the Secretary-General runs counter to full integration.¹⁹ The observation fails to reflect the UN Charter's provisions and implies that individual agencies should not continue to do the causal analysis of crises necessary for human rights-based pro-

gramming. OHCHR policy refers to humanitarian action only in situations of armed conflict, rather than linking such action to a human rights concept which by definition includes natural disasters.²⁰ Reference in the OHCHR/ICRC agreement to a “continuum between human rights violations, conflict and humanitarian disasters” also implies a hands-on approach.²¹

OHCHR is committed to building an effective database to help feed back information and analysis to humanitarian actors and, as noted, participates in the early warning mechanism coordinated by OCHA. Yet OHCHR’s information-sharing is perceived as geared more to its own need to improve the UN human rights mechanisms than to advancing the integration of human rights. At a time when habitual human rights approaches are being questioned in the light of humanitarian experience, reflection is needed before such approaches are proposed for others.²²

The code of conduct introduced for OHCHR field staff encourages them to facilitate integration of human rights in the activities of other UN actors on the ground.²³ Further operational guidance is not provided, however, as to who these actors are, what they do, or how OHCHR can contribute to such integration in practice.

Interviews underscored the perception that OHCHR would prefer to “go it alone” rather than enlisting UN organizations in a more comprehensive and shared approach. Such a perception reflects many factors, including interagency competition. Some interviewees sense a resistance within OHCHR to bring to life a more facilitative approach. Funders may also prefer to finance visible, short-term activities by the Office.

There is a general perception among UN staff, for example, that OHCHR is not according due priority, even within its real resource constraints, to interagency work on integration. It has not dedicated staff specifically to this task, nor have resources been allocated to

take initiatives, to contribute research, or to follow up opportunities to influence the integration of human rights in the policy of other actors.

A number of interviewees commented that OHCHR misses key meetings, lacks consistency of representation needed to follow a particular issue, and is represented by staff lacking authority to discuss policy. The Office's own staff view these observations as confirming a wider problem: that OHCHR does not attach adequate priority to reflection or influencing others in the UN system on human rights integration issues.

The "information-sharing in armed conflict" approach outlined by the Office for interagency discussion is very limited and does not reflect the views of the High Commissioner herself noted above.²⁴ Two recurrent views within the Office also constrain its approach to integration. First is the view that OHCHR can achieve credibility with fellow UN actors and with donors only if visible in the field. The second is that the Office's need for independence prevents collaborative action with UN partners. Both assumptions undermine OHCHR's credibility and effectiveness.

As a relatively new actor, OHCHR has exhibited a certain tension between establishing its own identity and facilitating the efforts of UN partners to integrate human rights. Many of those interviewed within and outside the OHCHR expressed the need for the Office to identify the value added of its field presence. Some senior OHCHR managers believed that in cases such as Kosovo or East Timor, the value added was minimal, the controlling consideration instead being the Office's need to be seen. Whatever the merits of that viewpoint, OHCHR is widely regarded as ill-prepared for such operations, however dedicated its individual human rights officers.²⁵ Its smaller presences providing technical assistance are seen as risking duplication with other UN actors that have more established project management systems.²⁶

These perceptions of OHCHR have a direct bearing on its leadership capacity. The Office is committed to clarifying the objectives of its field work. UN partners; some member states, including donors; and NGOs encourage this. A central part of the discussion should be its vision of, and contribution to, the full integration of human rights in UN humanitarian action.

Conclusion

Fully integrating human rights in humanitarian action requires nothing less than remolding the UN's self-understanding and culture. A full decade after the end of the Cold War, the prevailing practice is to view human rights as comprised of essentially political activities injurious to the successful conduct of the UN's work in the fields of humanitarian action and diplomacy. Strong leadership is needed to promote practical understanding and application of the human rights paradigm already recognized in theory as framing UN work.

Integrating human rights necessarily involves contributions from each of the eight actors reviewed in the study. Only the Office of the High Commissioner for Human Rights, however, enjoys a clear crosscutting mandate for conceptualizing and supporting the integration of human rights across the entire UN system, reflected in its membership of the four Executive Committees. The Office for the Coordination of Humanitarian Affairs and the interagency links it nurtures give it an important support role to OHCHR in this process.

In keeping with its mission, the Office of the High Commissioner for Human Rights should actively encourage wider reflection within, and outside of, OHCHR itself on the issue of integration. The dialogue should particularly incorporate the areas of development, humanitarian action, women's human rights, the right to participation, and economic, social, and cultural rights. It

should actively seek out and give prominence to the views of rights holders in humanitarian action and intersect with similar reflection processes in the other three functional areas of the UN's work.

To lead such a process requires OHCHR both to inspire and to inform debate, drawing in UN member states, donors, and NGOs. Acting as a fulcrum for such a process would build on its acknowledged comparative advantage. However, this will require vision, time, and advocacy.

There is a fair wind for human rights in the United Nations. Strong support from the Secretary-General reinforces stirrings of change within and among the system's institutional actors. It is too early to say whether current steps will ultimately fulfill the UN Charter's human rights purpose. It is clear, however, that such steps require nurturing, reinforcement, and consolidation. The OHCHR, OCHA, and the other actors each have distinctive and indispensable contributions to make to the integration challenge. They should seize the moment.

NOTES

Chapter 1

1. In addition to associating herself with the gratitude expressed in the Foreword to those interviewed, the author wishes to record her appreciation of the detailed input at various stages by Larry Minear. Responsibility for errors and omissions remains that of the author.

2. In Article 56, all UN member states pledge themselves jointly and separately to implement Article 55.

3. For the most comprehensive work concerning the early phases of the Commission on Human Rights, see Phillip Alston, "The Commission on Human Rights" in Phillip Alston, ed., *The United Nations and Human Rights: A Critical Appraisal* (Oxford: Clarendon Press, 1992): 26. Regarding the narrow interpretation of human rights in Article 1 of the Charter, see Elsa Stamatopoulou, "The Development of United Nations Mechanisms for the Protection of Human Rights," *Washington and Lee Law Review* 55 (Summer 1998): 687, 690. Major developments of the early 1990s are reviewed in Karen Kenny, "Formal and Informal Innovations in the United Nations Protection of Human Rights: The Special Rapporteur on the Former Yugoslavia," *Austrian Journal of Public and International Law* 48 (1995): 19-77. For a discussion of international human rights law and an overview of the relevant mechanisms and procedures, see William G. O'Neill, *A Humanitarian Practitioner's Guide to International Human Rights Law* Occasional Paper #34 (Providence, R.I.: Watson Institute, 1999).

4. The secretariat was first the Division, then the Centre for Human Rights, and, since September 1, 1997, the Office of the High Commissioner for Human Rights.

5. A/CONF.157/24 (Part I), Chapter III.

6. Report of the Secretary-General to ECOSOC, "Coordination of the policies and activities of the specialized agencies and other bodies of the United Nations system related to the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action," E/1998/60, June 1, 1998; also "The Report of the High Commissioner for Human Rights on the implementation of the Vienna Declaration and

Programme of Action," transmitted by the Secretary-General to the General Assembly at its 53rd session, A/53/372, September 11, 1998.

7. "Renewing the United Nations: A Programme for Reform," UN Doc. A/51/950, July 1997, paras. 78-79, hereafter the Programme for Reform. [emphasis added]

8. While the concept of emergency has a short-term connotation, emergencies in reality may last for years. See Susanne Schmeidl, "Comparative trends in forced displacement: IDPs and refugees, 1964-96," in Janie Hampton, ed., *Internally Displaced People: A Global Survey* (London: Earthscan Publications Ltd. and Norwegian Refugee Council, 1998): 112.

9. See, for example, James Kunder, *The Needs of Internally Displaced Women and Children: Principles and Considerations* (New York: UNICEF, February 1998), and papers from a conference titled "Participation: The New Tyranny?" held at the Institute for Development Policy and Management, University of Manchester, November 3, 1998.

10. The twin obligations of respecting and ensuring respect for human rights are referred to, for example, in Article 2 of the International Covenant on Civil and Political Rights 1966, *American Journal of International Law* 870 (1967); and significantly also in Article 1 common to the four Geneva Conventions, 12 August 1949, 75 United Nations Treaty Series.

Chapter 2

1. Introductory speech by Philip Alston, chairman, Médecins sans Frontières-Holland conference on Cooperation between Humanitarian Organizations and Human Rights Organizations, Amsterdam, February 9, 1996, final report.

2. UNICEF Mission Statement <<http://www.unicef.org>>.

3. Those primary referents are the 1951 Convention relating to the Status of Refugees (with its 1967 Protocol) and the 1969 Organization of African Unity Convention governing specific aspects of refugees in Africa.

4. UNHCR's mission statement currently includes the phrase, "By virtue of its activities on behalf of refugees and displaced people, UNHCR also promotes the purposes and principles of the United Nations Charter." See <<http://www.unhcr.org>>.

5. Address to the Commission on Human Rights, February 1994.

6. For an overview, see Thomas G. Weiss, "Whither International Efforts on Behalf of IDPs," *Journal of Peace Research* 36, no. 3 (1999): 363-373.

7. United Nations Commission on Human Rights, *Guiding Principles on Internal Displacement*, E/CN.4/1998/53/Add.2, 11 February 1998.

8. See for example, UNHCR, *The State of the World's Refugees 1997-98: A Humanitarian Agenda* (UNHCR: Oxford University Press, 1997); *UNHCR's Operational Experience with Internally Displaced Persons* (UNHCR: Division of International Protection, September 1994); and *Internally Displaced Children: The Role of UNICEF*, see <<http://www.unicef.org>>.

9. See the Declaration on the Right to Development, General Assembly, Res. 44/128, 4 December 1986, and *Integrating Human Rights with Sustainable Human Development: A UNDP Policy Document*, January 1998, Foreword by James Gustave Speth, UNDP Administrator.

10. Mary Robinson, "Introduction," *The Right to Food in Theory and Practice* (Rome: Food and Agriculture Organization of the UN, 1998). The publication is part of the consultation arising from the World Food Summit of November 1996, which asked the High Commissioner to define more precisely the rights related to food set out in Article 11 of the International Covenant on Economic, Social, and Cultural Rights.

11. Robinson, *The Right to Food*, "Introduction."

12. World Food Program, "The Right to Food in Emergencies," *The Right to Food in Theory and Practice* (Rome: Food and Agriculture Organization of the UN, 1998): 15, at note 4.

13. Robinson, *The Right to Food*, "Introduction."

14. Gretchen Bloom, "Women's Right to Food: Implications for Programming," presented at the Workshop on A Rights-Based Approach to Women's Empowerment and Advancement and Gender Equality, Rome, Italy, October 7, 1998.

15. The fifth anniversary review of progress in implementing the Beijing Platform for Action includes a special session of the General Assembly June 5-9, 2000, see the UN Division for the Advancement of Women at <<http://www.un.org/womenwatch>>.

16. See T. Meron, "Status and Independence of the International Civil Servant," *Hague Academy of International Law* (1980): 285-384.

17. Space does not permit consideration here of the Secretary-General's good offices function under Article 99 of the Charter. However, the general discussion regarding the integration of human rights does apply to that aspect of his work.

18. The United Nations Observer Mission in El Salvador (ONUSAL) eventually stayed for five years, involving civilian human rights specialists, police, and military working together for the first time within a peacekeeping operation. For further discussion, see *Peacekeeping and Human Rights*, Amnesty International IOR 40/01/94, January 1994, Alice Henkin, ed., *Honoring Human Rights and Keeping the Peace: Lessons from El Salvador, Cambodia and Haiti* (Aspen, Colo.: Aspen Institute 1995) and *Honoring Human Rights: From Peace to Justice* (Aspen, Colo.: Aspen Institute, 1998). NGOs specializing in development have been particularly absent from this discussion, as have host societies. See Karen Kenny, "Towards a Human Rights Partnership for Effective Field Human Rights Work" (Dublin: International Human Rights Trust, 1998); also Todd Howland, "Mirage, Magic or Mixed Bag: The UN High Commissioner for Human Rights' Field Operation in Rwanda," *Human Rights Quarterly* 21 (1999): 1-55, at note 149.

19. Statement by Kofi Annan, Secretary-General of the UN, to the opening of the fifth-fourth session of the Commission on Human Rights, Geneva 16 March 1998. Regarding El Salvador today, see "Report of Preliminary Feedback from Five Sample Countries which Have Hosted Human Rights Field Presences," (International Human Rights Trust, forthcoming June 2000).

20. Report of the Secretary-General, *The Fall of Srebrenica*, November 15, 1999, pursuant to General Assembly Resolution 53/35, at para 500.

21. Memorandum of Understanding between OHCHR and DPKO, November 1999, available at their respective offices.

22. When the question of legal accountability came to the fore with allegations of summary executions of civilians by UN peacekeepers in Somalia in 1993, the UN Special Rapporteur on Summary Arbitrary and Extra-Judicial Executions wrote to the UN Force Commander seeking an explanation. This approach

replicated the normal procedure for allegations made against a state. The recent MOU between OHCHR and DPKO reiterates the understanding that UN peacekeeping forces will themselves directly respect the Geneva Conventions. See Brian D. Tittmore, "Belligerents in Blue Helmets: Applying International Law to United Nations Peace Operations," *Stanford Journal of International Law* 33, no. 1 (Winter 1997).

23. *Protecting Refugees: A Field Guide for NGOs*, UNHCR Division of International Protection, 1999.

24. See, for example, the UNHCR Executive Committee's 1997 *Conclusion on Refugee Children and Adolescents; Guidelines on Refugee Children; Action for the Rights of Children Programme (ARC); Guidelines on the Protection of Refugee Women and Sexual Violence Against Refugees: Guidelines on Prevention and Response*. Available from the Division for International Protection, UNHCR, Geneva.

25. UNHCR, *Human Rights and Refugee Protection*, Part I: General Introduction, Training Module, Refugee Learning Document 5, October, 1995.

26. Similarly, in its review of coordination capacity, the Inter-Agency Standing Committee stated that "the activities of UN agencies having a protection mandate, in particular UNHCR and UNICEF, should be highlighted in the Appeals," para. 27, 35.

27. Regarding the authority, competence, and structure of the UNMIK, see Report of the Secretary-General S/1999/779, 12 July 1999. Regarding similar issues in the case of East Timor, see Report of the Secretary-General A/53/951 May 5, 1999, S/1999/513, and Transitional Administration in East Timor (UNTAET), the report of the Secretary-General to the Security Council S/2000/53, January 26, 2000; both at <http://www.un.org.peace>. See also the OSCE human rights report, "Kosovo/Kosova—As Seen, As Told" a two-part, 900 page analysis of the human rights findings of the OSCE Kosovo Verification Mission covering from October 1998–October 1999. <<http://www.osce.org/kosovo/reports/hr/index.htm>>; "Kosovo: Protection and Peacebuilding," Lawyers Committee for Human Rights, August 1999, <<http://www.lchr.org>>; Intervention by Human Rights Watch concerning Kosovo at the Commission on Human Rights March 2000, <<http://www.hrw.org>>; and Andrew Gray, "NATO, UN Charged with

Rights Violations," Reuters, March 14, 2000, Pristina.

28. See, for example, the Draft Code of Conduct on the Human Right to Adequate Food, endorsed in 1997 by a number of NGOs associated with the Food First Information and Action Network (FIAN). The code includes a section on the responsibilities of international organizations as well as of societies and individuals. See also Human Rights Watch, *Failing the Internally Displaced: The UNDP Displaced Persons Program in Kenya* (1997).

Chapter 3

1. *UNDP-OHCHR One Year Review*, Joint Task Force on the Implementation of the Memorandum of Understanding, March 4, 1998; and the *Joint UNDP-OHCHR Human Rights Strengthening Programme (HURIST)*, April 8, 1999.

2. A joint policy framework for crisis countries is being developed by ERD and UNDP's Bureau for Development Policy.

3. Upon its establishment in 1995, the ERD was allocated 5 percent of UNDP core resources to build bridges between relief and development activities, nearly half of which was allocated to governance-related activities, including support for the rule of law. In 1999, three particularly relevant reviews were underway: a pilot study of experience in the field by ERD intended to lead to new analytical tools and training for staff, a Report on UNDP Programs in Countries in Special Circumstances Concerning Reintegration by the Office of Evaluation, and a desk study on Lessons Learned by UNDP and Governance in Countries in Special Circumstances by the Management Development and Governance Division (MDGD). Preliminary findings from the latter indicated a low level of human rights familiarity in the concepts and approaches applied.

4. Norah Niland, Human Rights Adviser, Afghanistan, Report on Activities January 15-July 15, 1999, Heads of Mission meeting, OHCHR, September 1999, 3.

5. See UNHCR Human Rights Policy Discussion document, 1997. In 1996, the Division of International Protection published three documents to guide UNHCR staff: an expanded Collection of International Instruments and Other Legal Texts Concerning Refugees and Displaced Persons, a

training module on Human Rights and Refugee Protection, and a reference manual, *International Standards Applicable to the Protection of Internally Displaced Persons*.

6. In the context of the UNHCR Outreach Meeting with NGO Partners on Protection, Council on Foreign Relations, New York, March 1999.

7. See Mark Cutts, "Politics and Humanitarianism," *Refugee Survey Quarterly* 17, no. 1 (1998).

8. The mission was headed by a former chief of mission of the UN Human Rights Field Operation in Rwanda (fielded by OHCHR) and included 17 political officers, half of whom were described by their supervisor as having human rights background.

9. See Chapter 2, note 27.

10. "Command from the Saddle: Managing United Nations Peace-Building Missions, Recommendations Report of the Forum on the Special Representative of the Secretary-General: Shaping the UN's Role in Peace Implementation," Peace Implementation Network, Fafo Programme for International Co-operation and Conflict Resolution, January 1999; <http://fafo.no/PIICR/>.

11. S/PRST/1998/18, 29 June 1998, Statement by the President of the Security Council. Similarly, the ECOSOC conclusions on the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action expressed support for system-wide human rights training of UN staff. See E/1998/L.23, 28 July 1998, para 9.

12. *Trainer's Guide for Military Peacekeepers, Training Manual, Trainer's Guide, and Pocket Guide on Human Rights and Law Enforcement for Training of Police*, available from the Methodology Team, OHCHR, Geneva.

13. Seventh Report of the Secretary-General on UNOMSIL, S/1999/836, 30 July 1999.

14. From the Foreword by Dennis McNamara, Director, Department of International Protection, UNHCR, *Protecting Refugees: A Field Guide for NGOs*, Division of International Protection, UNHCR, 1999.

15. *Gender Assessment of Emergency Food Assistance: Impact on Rwandese Refugees in Eastern Zaire*, June 1995, Yassine Fall, Final Version January 1996, 8 and 20.

16. Article 87 (6) of the Rome Statute of the ICC effectively postponed agreement with the Secretary-General and the components of the UN system regarding cooperation with the Court. See A/CONF.183/9, July 17, 1998.

17. Three such principles have been expressed by the General Assembly: humanity, neutrality and impartiality. See General Assembly Resolution 46/182, December 19, 1991.

18. The ICRC “has always maintained that ... humanitarian action deals only with the symptoms of a crisis, not the crisis itself or its causes ... it is essentially an act of charity,” Cornelio Sommaruga, Humanitarian Forum, Wolfsberg, Switzerland, June 8-10, 1997, quoted in Cutts, “Politics and Humanitarianism.” The ICRC principles were proclaimed by the 20th International Conference of the Red Cross, Vienna, 1965.

19. Examples include the principles of respecting and ensuring respect for the full spectrum of human rights and a clear definition of “principled impartiality” as applying the human rights framework to all without discrimination. This normative basis would challenge inequalities between UN responses to different crises, an issue flagged with respect to Sierra Leone and Kosovo by High Commissioner for Human Rights Mary Robinson in her Sounding the Century Lecture, London, September 23, 1999.

Chapter 4

1. General Assembly Resolution 46/182. NGOs are represented by the Steering Committee for Humanitarian Response (SCHR), the International Council on Voluntary Agencies (ICVA), and InterAction. The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies are also members.

2. Consolidated appeals were also provided for in General Assembly Resolution 46/182. In 1993, both ECOSOC and the General Assembly requested that preparations of such appeals at field level take into account, beyond the UN system, the activities of bilateral donors, the Red Cross Movement, and NGOs.

3. “Recommendations Related to the Review of the Capacity of the United Nations System for Humanitarian Assis-

tance," IASC, 1998, para. 35.

4. IASC Policy Statement on Gender and Humanitarian Assistance, (April 1999), particularly paras. 3-5. See also the accompanying IASC Background Paper, "Mainstreaming Gender in the Humanitarian Response to Emergencies."

5. For an overview, see the report of the Secretary-General submitted to the forty-second session of the Commission on the Status of Women in March 1998, E/CN.6/1998/3.

6. Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict, S/1999/957, September 8, 1999, Security Council Resolution 1265 (1999).

7. For the elements needed to ensure effective learning, see Karen Kenny, *Learning—To Integrate Human Rights*, (Dublin: International Human Rights Trust, 1999).

8. Management reviews have been carried out by UNHCR, UNDP, OHCHR, and DPA, with varying degrees of success. Voices of host societies are often missing from such evaluations. Two potentially important UNHCR initiatives involve piloting "beneficiary-based" evaluation methodologies for refugee protection and assistance programs and holding an inter-agency workshop on the extent to which protection and human rights issues are effectively covered by evaluation and monitoring activities in the humanitarian sector.

9. For an example of the relevance and potential for mutual learning, see Jennifer Otsea, *Study on Prevention and Promotion: Building Peace by Strengthening Local Capacities: Are UNHCR Operations a Help or a Hindrance?*, UNHCR consultation on the Study on Prevention and Promotion, Geneva, February 18-20, 1997.

10. See Chapter 2, note 27.

11. However, as an example of members within peace-keeping missions who have worked to improve learning, see Flaminia Minelli, "Lessons to be Learned: United Nations Peacekeepers and Human Rights", Human Rights Division, UN Observer Mission in Angola (MONUA), April 1999 (copy on file with author).

12. On effective training, see Karen Kenny, *Towards Effective Training for Field Human Rights Tasks* (Dublin: International Human Rights Trust, 1996).

13. See *The International Response to Conflict and Genocide*:

Lessons from the Rwanda Experience (Copenhagen: DANIDA, 1996). A similar shortcoming was apparent in the *Report of the Tripartite Study of the Great Lakes Emergency Operation September 1996-1997* by UNICEF, UNHCR, and WFP (Rome: June 1998).

Chapter 5

1. For OCHA's Mission Statement, see "OCHA: Office for the Coordination of Humanitarian Affairs, What it is... What it does..." and <www.reliefweb.int/dha_ol>.

2. For a discussion of coordination by consensus as distinct from coordination either by command or default, see Antonio Donini, *The Policies of Mercy: UN Coordination in Afghanistan, Mozambique, and Rwanda*, Occasional Paper #22 (Providence, R.I.: Watson Institute, 1996).

3. Examples include, for the Democratic Republic of the Congo "Principles of Engagement" and the "Guidelines to Humanitarian Principles for Arbitrary Displacement in the Great Lakes," which address issues raised by *regroupment* in Burundi. Other recent access negotiations concerned North Korea and Sierra Leone.

4. For a review of the UN's approach to human rights issues in Afghanistan, see a case study by Judy Benjamin in Julie Mertus's *War's Offensive on Women: The Humanitarian Challenge in Bosnia, Kosovo, and Afghanistan*.

5. OCHA Information Note for the IASC meeting May 31, 1999. The reference to independence is misplaced in the context of access for UN actors, and the General Assembly principles affirmed as applicable to UN humanitarian action do not include it. See General Assembly Resolution 46/182, December 19, 1991.

6. The 1993 World Conference on Human Rights in Vienna called for strengthening UN human rights machinery and better coordination. General Assembly Resolution 48/141, adopted on December 22, 1993 created the position of UN High Commissioner for Human Rights. (See Appendix I.)

7. For a more extended discussion, see William G. O'Neill, *A Humanitarian Practitioner's Guide*, and the OHCHR website at: <<http://www.unhchr.ch/html/menu2/2/secretar.htm>>.

8. These currently include rapporteurs, representatives,

experts, and working groups of the commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. See OHCHR website at <<http://www.unhchr.ch/html/menu2/2/secretar.htm>>.

9. OHCHR resources bear little relation to the scope of its mandate. It has some 179 staff in Geneva, 10 in New York, variable numbers in field, and a 1998-1999 budget allocation of \$46,448,000 (approximately 1.7 percent of the UN's regular budget), augmented by \$54 million in voluntary contributions. Additional tasks come from the Commission on Human Rights, the General Assembly, and the Secretary-General "with little negotiation ... over resource implications and the feasibility of implementation," as an Institutional Strategy Paper of the UK Department for International Development acknowledged in 1999.

10. These have included Abkhazia-Georgia, Angola, Burundi, Cambodia, Central African Republic, Colombia, Democratic Republic of Congo, El Salvador, Guatemala, Gaza, Indonesia, Liberia, Malawi, Mongolia, Rwanda, Sierra Leone, South Africa, Tanzania, Togo, and former Yugoslavia (Bosnia and Herzegovina, Croatia, Macedonia, and the Federal Republic of Yugoslavia).

11. *Basic Handbook on Human Rights for UN Staff, Office of the High Commissioner for Human Rights*, April 1999, 36.

12. *Basic Handbook*, 37.

13. See the OHCHR review report cited at Chapter 1, Note 6, at para 35; also E/CN.4/1998/122 for details.

14. *Basic Handbook*, Foreword.

15. "Mission, aims and strategic projects for 1999-2001," report of the OHCHR Leadership Team retreat January 19-20, 1999.

16. Dated January 27, 1994, the MOU precedes major shifts in the work of both parties, including the creation of OHCHR and its expansion into field work.

17. For a recent discussion of "Human Rights, Refugee Protection and Humanitarian Action: Convergence and Cooperation" that included both UNHCR and OHCHR, see *Refugee Studies Quarterly* 18, Issue 3, 1999.

18. *Basic Handbook on Human Rights*, 22.

19. OHCHR Inter-Agency Discussion Document "Interface

between humanitarian issues and human rights," June 1998.

20. The only direct reference to humanitarian action in the 1999 OHCHR strategy document is under the heading, "Interface between Human Rights and Humanitarian Law." OHCHR does not participate in the IASC subgroup on natural disasters, and issues such as the relevance of human rights for UN disaster management teams have not received its attention. However, its New York office was active in the Hurricane Mitch task force in 1998-1999.

21. Mary Robinson, UN High Commissioner for Human Rights, keynote speech, "Humanitarian Crises... Preventive Measures through Human Rights," Conference Report, September 28, 1999, sponsored by the Conrad N. Hilton Foundation in New York.

22. See, for example, a review of how habitual methods of stigmatizing authorities responsible for abuses have proved ineffective in emergencies in Somalia, Bosnia, and Rwanda where oppressors "are independent of the great powers and act outside the customary network of political leverage." Jennifer Leaning, S. Briggs, and Lincoln Chen, eds., *Humanitarian Crises* (Cambridge: Harvard University Press, 1999).

23. Code of Conduct for OHCHR Officers, November 1999.

24. UNICEF's conceptual approach is, within its own parameters, more highly evolved, moving to analyses of the structural causes of child human rights violations and identifying holistic methods to address them. See, for example, "Programme Co-operation for Children and Women from a Human Rights Perspective," UNICEF report to its Executive Board, E/ICEF/1999/11.

25. With variations among the individual officers, some OHCHR offices have actively supported humanitarian actors. For example, OHCHR presences in Angola and Sierra Leone have joint training initiatives and advocacy support involving humanitarian NGOs.

26. See "The Technical Co-operation Programme of the Office of the High Commissioner for Human Rights: Activities, Administration, Policy," OCHCR, April 1999. See also "System-wide Analysis of Technical Co-operation in the Field of Human Rights," Preliminary Report, April 12, 1999. For a review of technical assistance from the beneficiaries' perspective, see International Council on Human Rights Policy, *Human Rights Assistance* [draft report for consultation in January 2000] June 2000 (forthcoming).

APPENDIX I

MANDATE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

The mandate of the High Commissioner for Human Rights flows from the Charter of the United Nations and international human rights law. It is set out in UN General Assembly Resolution 48/141 of 20 December 1993 as follows:

“The High Commissioner shall be the United Nations official with principal responsibility for the United Nations human rights activities under the direction of the Secretary General.

The High Commissioner’s responsibilities shall be:

(a) To promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights.

(b) To carry out the tasks assigned to him/her by the competent bodies of the United Nations system in the field of human rights and to make recommendations to them with a view to improving the promotion and protection of human rights.

(c) To promote and protect the realisation of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose.

(d) To provide, through the Centre for Human Rights of the Secretariat and other appropriate institutions, advisory services and technical and financial assistance, at the request of the State concerned and, where appropriate, the regional human rights organisations, with a view to supporting actions and programmes in the field of human rights.

(e) To co-ordinate relevant United Nations education and public information programmes in the field of human rights.

(f) To play an active role in removing current obstacles and in meeting the challenge to the full realisation of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action.

(g) To engage in a dialogue with all Governments in the implementation of his/her mandate with a view to securing respect for all human rights.

(h) To enhance international co-operations for the protection and promotion of all human rights.

(i) To co-ordinate the human rights promotion and protection activities throughout the UN system.

(j) To rationalise, adapt, strengthen and streamline the United Nations machinery in the field of human rights with a view to improving efficiency and effectiveness.

(k) To carry out overall supervision of the Centre for Human Rights."

Resolution 48/141 also states:

"The High Commissioner for Human Rights shall...recognise the importance of promoting a balanced and sustainable development for all people and of ensuring realisation of the right to development, as established in the Declaration on the Right to Development."

APPENDIX II

ABOUT THE AUTHORS AND THE RESEARCH INSTITUTIONS

Karen Kenny is a human rights lawyer who is co-founder and co-director of the International Human Rights Trust of Dublin, Ireland. Based in Nottingham, England, she advises and trains intergovernmental and nongovernmental organizations on human rights matters. Her field experience includes serving as a UN staff member in the human rights field operations in Rwanda, El Salvador, and the Former Yugoslavia. She has also served as a trainer for humanitarian actors concerned with integrating human rights approaches into their work.

The International Human Rights Trust was established in Ireland in 1996 to promote respect for the norms of international human rights law. The Trust has focused on promoting the evolution of well-planned and well-managed fieldwork designed to contribute to the sustainable improvement of the human rights situation. Its activities include education, research, and the advancement of effective training in diagnostic monitoring and development of human rights. The Trust's work is supported by the European Commission and the Irish Department of Foreign Affairs. Additional information about the Trust and its research, publications, and training activities may be found on its web site at www.ihrt.org.

The Humanitarianism & War Project is an independent policy research initiative underwritten by some 50 UN agencies, governments, NGOs, and foundations. Since its inception in 1991, it has conducted thousands of interviews on complex emergencies around the world, producing an array of case studies, training materials, books, articles, and opinion pieces for a diverse audience.

The Project is currently examining the process of institutional learning and change among humanitarian organizations in the post-Cold War period. It is highlighting innovative practices devised by individual agencies to address specific challenges.

Current research builds on case studies, both geographical (the Persian Gulf, Central America and the Caribbean, Cambodia, the former Yugoslavia, the Great Lakes Region, and the Caucasus) and thematic (the interface between humanitarian action and peacekeeping, and the roles of the media and the military in the humanitarian sphere). Research is tailored to the expressed needs of humanitarian organizations, the primary constituency of the project.

Intergovernmental organizations that have contributed to the project are the European Community Humanitarian Office (ECHO), International Organization for Migration, OECD Development Centre, UNDRO, DHA, OCHA, UNDP, UNHCR, UNICEF, UNITAR, the UN Special Emergency Program for the Horn of Africa, UN Staff College, UN University, UN Volunteers, WFP, and WHO.

NGO contributors are the American Red Cross, CARE-US, Catholic Relief Services, Danish Refugee Council, International Center for Human Rights and Democratic Development (Canada), International Federation of Red Cross and Red Crescent Societies, International Orthodox Christian Charities, International Rescue Committee, Lutheran World Federation, Lutheran World Relief, Mennonite Central Committee (U.S.), Mennonite Central Committee (Canada), Mercy Corps International, the Nordic Red Cross Societies, Norwegian Refugee Council, Oxfam-UK, Save the Children-UK, Save the Children-US, Trócaire, and World Vision-US.

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The Project is an activity of Brown University's Watson Institute for International Studies, which was established in 1986 to facilitate analysis of global problems and to develop initiatives to address them. Additional information about the Institute and the Project may be found at http://www.brown.edu/Departments/Watson_Institute.