

Strengthening the protection impact of **Human Rights Field Presences**

Concept paper for the OHCHR Annual Meeting of Field Presences

Prepared for OHCHR

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Table of contents

Background on Fieldview Solutions	2
1 Executive Summary	3
2 Introduction	5
3 Opportunistic expansion	7
4 Using what you've got: a flexible approach	9
5 Creative Field Strategies.....	14
6 Challenges for workshop discussion	22
7 Conclusions	23
8 Annex 1: 2010 Project Proposal:	24

Background on Fieldview Solutions

Fieldview Solutions helps organizations that deploy staff in conflict zones and regions of significant human rights abuse, by bringing a rigorous analysis of best field practice into planning, guidance materials and training. Civilian suffering in the face of conflict and human rights abuse places a tremendous obligation on United Nations and non-governmental organizations who try to confront it: an obligation to be efficient and effective; an obligation to get past words and rhetoric and find real solutions that make a difference. To meet this obligation, they need good analysis, well-trained staff and creative strategies. Fieldview Solutions consultants bring together practical field experience from NGOs and UN organizations. We specialize in best practices analysis, creative training development, and strategic advisory services.

We are currently involved in analysis and training development projects with the UN Office of Coordination of Humanitarian Affairs, the Office of the High Commissioner for Human Rights, the World Food Program and the UN Department of Peacekeeping Operations. Other recent achievements include the development of a training on protection for ECOWAS Emergency Response Teams.

Fieldview Solutions founder Liam Mahony, has been doing fieldwork, analysis and training focused on protection for over 20 years. The field manual, "Proactive Presence: Field strategies for civilian protection," authored by Mr. Mahony and published by the Centre for Humanitarian Dialogue, is now a key resource for many institutions to assist in planning and training for the integration of protection into the ongoing work of a wide range of field operations. In addition to protection expertise, Mr. Mahony has been developing and implementing participatory training methodologies for nearly 30 years. He developed the "ProCap – Protection Standby Capacity" training modules for UN OCHA, and has carried out several in-depth training-of-trainers for ProCap as well. He has contributed several new chapters for the OHCHR Monitoring manual and assisted in developing new training methodologies for human rights monitoring.

Fieldview's co-founder, Roger Nash, brings to this initiative a solid field background of human rights and humanitarian work Colombia, Afghanistan, Sri Lanka, and South Sudan. This practical experience is complemented by academic work on human rights, focused especially on the efficient use of field presence for protection. Mr. Nash is currently a protection trainer for the OCHA ProCap program (Protection Standby Capacity). As part of the "Protection in WFP Operations" program he

has recently conducted in-depth analyses of the protection impact of WFP work in Sri Lanka and Nepal.

For more info, see <http://www.fieldviewsolutions.org>

1 Executive Summary

This paper and the associated workshop at February 2010 meeting of heads of human rights field presences represent the initial stage of a project through which Fieldview Solutions aims to assist OHCHR in assessing the most efficient ways to grow and the best ways to develop and share high-quality protection strategies on the ground. As an initial step in a longer project, no conclusions here are final, but rather we hope to begin a dialogue on a range of related issues.

Clearly the UN human rights field presence has been expanding, and the increased protective impact made possible by such expansion is now a fairly “mainstream” idea. Nevertheless, the implementation gap remains huge. Political and institutional obstacles remain, and there is still a long way to go in the necessary expansion.

We suggest here that the protection impact of a field presence is only partial and incremental, but it is nonetheless real and well documented. Human rights field operations need to explicitly “own” this concept of protection, and constantly seek better strategies to achieve it. OHCHR needs ongoing mechanisms for dissemination and creative development will ensure that future HROs, field managers and Geneva-based staff coming into the system will start out with a clear vision of how field presences implement protection.

OHCHR needs to continue to pursue a process of “opportunistic expansion”: Seeking funding wherever it can be found; Installing new and larger presences wherever possible; Taking advantage of promising political moments or political will when they exist to negotiate stronger mandates or exercise a stronger voice. Even as it consolidates each growth spurt, it needs to keep pushing for the next.

This growth demands a more conscious and systematic expansion and nurturing of a pool of qualified and experienced human rights officers and managers. Trainings need to be much more systematically rolled out in the field. Rosters of technical expertise and political experience need to be developed and taken advantage of. Field management need much more rigorous preparation and strategic assistance.

But even as we pursue greater growth, we can do much more to achieve a better strategic impact with the resources we already have. HROs need to be encouraged and supported in getting out of the office and into the field more, into contact with rights-holders and authorities, encouraging, supporting, intervening and pressing for progress wherever there is the potential. Mandates need to be interpreted broadly and flexibly, allowing creativity and maximizing interaction with all key stakeholders. Activities need to set precedents that will facilitate greater presence and flexible action in the future. Relationships and partnerships can further multiply the impact of limited resources, especially if the field presence encourages others to engage in pro-active rights protection as well (DPKO-SRSGs, RCs and UNCTs, NHRIs, INGOs and CSOs).

One of the fundamental objectives of all field presences is to get hold of unassailably accurate information, and use it to influence HR dynamics on the ground. This is particularly challenging for small offices and HRAs, but still possible. Each presence needs to stretch its space, and have good diplomatic arguments and reasons for doing so, to pre-empt any questioning of their mandate. Field diplomacy and negotiation are among the most vital talents in the field, and need to be systematically trained and practiced.

Technical and often confrontational modes of expression inherent in some human rights discourse can create unnecessary barriers. People the world over can generally relate easily to concepts like

freedom, justice, independence, safety, fairness, or dignity. But they do not relate easily to the legal terminology of conventions and covenants or other UN-speak. Many important stakeholders may be more responsive when issues are expressed in more familiar terms which resonate with their lives. Field managers need to be flexible in their discourse, and need examples of this language flexibility at their fingertips.

Field presences achieve protection in a variety of ways:

- human rights diplomacy at the field level;
- visibility;
- direct encouragement and empowerment of local human rights actors;
- fostering dialogue;
- public advocacy and reporting.

The study goes through examples of creative strategies in each of these areas in more detail and the longer-term study will develop case studies to push this analysis and lesson-sharing further..

Field research suggests increasing integration collaboration between the work of field presences and that of treaty bodies and Special procedures. Better integration is also evident in the field between protection and monitoring activities and technical cooperation work.

The upcoming workshop will address some specific challenges that were raised during the research:

- Creating new mechanisms for cross-pollination of strategic ideas between field presences
- Making more strategic use of public reports.
- Maximizing the time spent in external contact work for protection and advocacy.
- Protective strategies when dealing with popularly-supported traditional or cultural practices.
- Responding to anti-western ideologies and other attacks undermining our legitimacy.
- Adapting technical human rights language to better communicate with diverse audiences.
- Addressing the impact on the ground of foreign companies and investment.
- Addressing election-related violence and abuse.
- Protection role for human rights field presence in humanitarian crises.
- How to strengthen field protection through the use of special procedures, treaty bodies and UPR.
- Confronting state tactics that constrain our contacts and flexibility.
- Dealing with manipulation of legal processes for repressive purposes.

OHCHR needs to develop more streamlined mechanisms for the sharing of creative field strategies. Field managers, HROs, desk officers and others involved need safe spaces to talk with each other regularly, raising difficult questions and brainstorming ideas that may not fall within their normal or habitual approaches.

The human rights field presences of OHCHR, DPKO and DPA, together with their sponsoring institutions, need to conceptualize themselves increasingly as a single system with shared objectives, shared strategies and shared human resources. The system is still in the early stages of a necessary growth curve, and the more visionary leaders need a long-term horizon, thinking and positioning the institutions and their field operations for the future: not for the budget of the next bi-ennium, but for what kind of human rights protection system the United Nations should have in 2020 and beyond. They need to break through any inertia or political obstacles that slow this growth, and re-invigorate and expand upon the ambitions of the 2005 Plan of Action.

.....

2 Introduction

What are we doing well? How can we do more of it? What can we do better? What kinds of effective human rights diplomacy are being tried in the field? How do we open doors that seem shut? Who can we get to influence people who don't seem to listen to us? How can we expand our practical range of activity and impact, even within a limited formal mandate? How do we make sure that our public reports have their best possible advocacy impact? How can we adapt human rights language to influence diverse actors more effectively?

How, in short, can we improve the protective impact of our field presence?

United Nations human rights field operations are expanding, in number and size. They are working from a strong normative framework in international law. They are guided by numerous institutional doctrines that prioritize a field-based approach to proactive human rights protection (from OHCHR's Plan of Action and SMPs to UNSC Resolutions on Protection of Civilians and related DPKO guidance). HQ support for the field has expanded as well.

Yet the gap in implementation remains huge. Resources are still insufficient. Weak political support and deliberate political obstacles constantly get in the way. Questions like those above face us every day. We are always in search of new and more effective ways to use the limited resources and space we have to make a tangible difference to people's protection needs.

This paper and the associated workshop at February 2010 meeting of heads of human rights field presences represent the initial stage of a project through which Fieldview Solutions aims to assist OHCHR in addressing such questions, assessing the most efficient ways to grow and the best way to develop and share high-quality protection strategies on the ground. The overall project, described more fully in Annex 1, will produce two major outputs: a) an assessment of the impact of the expansion of human rights field operations since 2005 on the protection of rights on the ground; and b) more specific lessons-learned studies on effective field approaches to protection.

The initial reflections in this paper will give OHCHR/FOTCD and the heads of field presences a sense of the kind of outputs the larger project should yield, and also strengthen the dialogue with the field which will guide the project.¹

The workshop on field protection at the annual meeting of field presences will be structured in a way to maximize the "cross-pollination" objective of the study: facilitating mechanisms for field presences to share promising strategies among each other and between regions, to learn from each other, and do collective problem-solving around shared challenges.

2.1 Field presences and "Protection"

The 2005 OHCHR Plan of Action, which set in motion and guided this expansion, emphasized the dual goals of Protection and Empowerment, emphasizing that "*Much can and should be done to*

¹ Over 40 interviews have already been carried out with heads of field presences, human rights field officers, human rights advisors, regional representatives, FOTCD staff and management in Geneva, and other OHCHR staff. OHCHR documents provided by FOTCD and field presences were also taken into account, as well as prior research on human rights field operations.

enhance protection, including through the deployment of human rights officers...” It went on to define and describe “protection” in this manner:

“We will undertake a concerted effort to focus on the protection of human rights, defined here to mean ensuring respect for human rights in concrete ways for individuals. Human rights protection is not a specific tool or approach, but rather refers to a desired outcome – where rights are acknowledged, respected and fulfilled by those under a duty to do so, and as a result of which dignity and freedom is enhanced. Human rights protection results when, through specific actions, individuals who otherwise would be at risk or subject to deprivation of their rights, are able to fully exercise them. It is based on international law, and necessarily focuses on both immediate responses where people are threatened, and on longer-term work to build and strengthen laws and institutions that protect rights - within States and on the global level. Protection understood in terms of concrete outcomes for individuals ensures that the work carried out by OHCHR is targeted at achieving real impact.”

The increased protective impact made possible by expanding the field presence is now a “mainstream” idea within OHCHR. But just *how* do we do it? An independent field study, *Proactive Presence: Field strategies for civilian protection*, was released shortly after the Plan of Action², detailing a range of protective strategies for field missions. During 2007, with the encouragement of the HC, the guidance from that study was integrated by the Methodology, Education and Training Unit along with other new material into several new chapters of the OHCHR Manual on Human Rights Monitoring and Protection, as well as into a new basic monitoring training package for all HROs.³

Nevertheless, research feedback still shows some evidence of confusion about how “protection” relates to the work in the field. Confusion is sometimes exacerbated by the inevitable inconsistencies in the usage of the term “protection” between human rights, humanitarian, political and military actors. Continued efforts are needed to disseminate existing guidance tools and training that will help HROs and management, especially those new to the organization, to see how “protection” is a fundamental objective of the work on the ground, and how it relates to the different daily activities of the field presence.

There are also fears that claiming a “protection mandate” raises expectations to impossibly high levels, since there are such limited practical possibilities to guarantee the safety of particularly threatened people. Given the small scale of many field presences, the lack of political will of the host state, security constraints, and the intensity of some of the conflicts where field presences work, among other factors, in many situations the power of a field presence to deter abusers may be very limited, and difficult to measure or prove.

The protection impact of a field presence is only partial and incremental, but it is nonetheless real and well documented. With realism and humility, human rights field operations still need to “own” this concept of protection. It is the fundamental mandate of the High Commissioner. At the same time they need to be strategically selective and apply their limited ‘protective resource’ to initiatives which will have a maximal emblematic or multiplier effect – on perpetrators, duty-bearers and rights-holders.

² Because of its close linkage with the Plan of Action and the current study, it is highly recommended that the *Proactive Presence* study be considered background reading both for this paper and for the upcoming workshop. Many OHCHR staff are already familiar with it, but for others it will be new, so this paper will include some summary references to it. The full manual can be downloaded from the publications list at www.fieldviewsolutions.org. There are also summary versions available there in English, Spanish and French.

³ The new monitoring training has been delivered at least 16 times in the field since it was piloted in 2007. Unfortunately, however, the new field monitoring manual has not yet been released.

Given this ‘mainstreaming’ of field protection, some of the ideas in this paper will seem obvious to many field officers. Many HROs and heads of field presences with long experience are already implementing creative protection activities in strategic ways, and may have less need of reminders. If we look at human rights field presences as a broader “system,” though, we must ask why this clarity is not universally shared, and why confusions and doubts are still arising. *What ongoing mechanisms for dissemination and creative development will ensure that future HROs, field managers and Geneva-based staff coming into the system will start out with a clear vision of how field presences implement protection, and to ensure that current HROs and field leadership and Geneva staff are fully aware of the lessons being learned by their colleagues around the world?*

2.2 Grow for the future, but use what you’ve got now.

Clearly there have been important advances in “institutional doctrine” in support of better field protection. The overall advance in practice is also substantial: among other changes, more offices are in more places; more staff are on the ground, a Rapid Response unit has been operationalized, and thematic reorganizations and clearer strategies have put field protection work in closer touch with technical cooperation work, Special Procedures and Treaty Bodies.

Many have voiced concerns, though, that the “nice words” of the Plan of Action have not been sufficiently taken to heart by the institution as a whole – or even forgotten - citing recent setbacks and obstacles. For every advance, there are counter-examples: countries which should have a field presence that don’t, presences that are by no means large enough, ignorance of the opportunities for a more integrated approach, or contradictory efforts by two parts of the system.

Good doctrine and guidance, like good laws, are only useful in their implementation. They must be taken advantage of on a daily basis. Growth will continue, but there is a long way to go. This ambitious doctrine demands a great deal more pushing, both for quantitative resource support and qualitative improvement of impact on the ground.

Powerful forces will always push against growth and progress in human rights protection. Host states will resist human rights efforts on the ground, while some member states will constrain growth at the global level. Weak political will often extends to UN Country Teams, Resident Coordinators and SRSGs. Resources and political support, therefore, will *never* fully match the real needs. This realistic acknowledgement demands a two-tiered approach: *continued opportunistic expansion for future field presence, and taking better advantage of what we already have out in the field today.*

3 Opportunistic expansion

A presence with more people and funding can do more protection. With better-trained and experienced HROs, it can do more protection. And with more political support and stronger mandates, it can do more protection. Expansion is not just about money, but about all three.

The opportunistic approach has in many ways been in process since the Plan of Action, starting by taking advantage of the General Assembly’s openness to reform. It means you seek funding wherever it can be found. You install new and larger presences where you can. You take advantage of promising political moments or political will when they exist and negotiate stronger mandates or exercise a stronger voice.

Some argue that this opportunism is too messy, and that the recent growth spurt has yielded a lack of consistency in fieldwork. They point to a need for minimum standards for establishing new offices, clearer standard operating procedures or guidance for different kinds of activities, and better training for managers and HROs, a stronger desk-officer support system for the growing field presence. Growing pains have led to pressure for “consolidation” rather than more expansion, to catch up with prior growth.

While these concerns are all valid, they should not be a reason for slowing down an expansion which still has so far to go. OHCHR needs to develop a “consolidation-while-expanding approach.” Expansion that takes advantage of political moments or donor interest will never be “fair” or coherent. It will be uneven and somewhat ad-hoc, but it will protect the rights of more people in more places, consistent with OHCHR’s commitment to be responsive to the needs of rights-holders.

Adequately supported field presences will continue to depend on voluntary contributions, and this will be secured most effectively when there is a proactive fund-raising strategy on the ground that takes advantage of in-country donor presence. Field management with fundraising skills will have an advantage in this. While it was not within the scope of this initial survey to assess OHCHR resource mobilization strategies, we did encounter some confusion about the limits on this process. If field presences can locate interested donors and present appropriate budgets within the accepted institutional procedures, then expansion should not be constrained by arbitrary ceilings or administrative complications.

3.1 Human resources

In addition to finding funds, continued growth demands a more conscious and systematic expansion and nurturing of a pool of qualified and experienced human rights officers and managers. We still hear constantly of approved-but-unfilled field posts, even while experience consistently shows how larger missions create a significantly better image of OHCHR as an institution, and offer a more convincing demonstration of human rights as a commitment of the United Nations. Deployment and contracting issues are an internal constraint on expansion, and need further improvement. Given the deployment advantages that have been achieved in the collaboration between OHCHR and DPKO (now responsible for the majority of fielded HROs), it was suggested that OHCHR might seek out similar deployment relationships with other strong partners, such as UNHCR or OCHA, to further multiply its presence.

Protection is achieved with more staff, but also with more hours applied to it, and some respondents called for more protection-focused allocation of work-time. The administrative, bureaucratic and reporting demands on field staff need to be rationally balanced in a way that will maximize the time available for external interactions and protection efforts. In DPKO/DPA human rights units, for instance, the dual-reporting requirement can be onerous if not managed efficiently to avoid duplication. For small presences, regional offices or HRAs, the internal reporting requirements to HQ occupy a greater proportion of their time, reducing their already small capacity to get out and do the other parts of their job. Clear communication and reporting are essential, but expectations from different kinds of presences should be flexible.

At the qualitative level, further improvement is still needed in the selection of HROs with the appropriate skills and attitude for the field. Training is still not rolled out sufficiently to meet the needs of field HROs, and training of national staff is a particular gap. Respondents specifically called attention to the need for improvement in analytical, political and diplomatic skills, and project management and capacity-building skills. They highlighted a need for a functional roster of technical specialists who can be deployed for specific projects or advisory services where needed on the ground. It was also stressed that desk officer training needs to emphasize skills related to facilitation and mobilization, maximizing their capacity to link the field presence with a range of other actors and support resources, rather than feeling they must respond to all field needs themselves.

One serious concern that arose frequently in this study was the need for conscious improvement of the quality and preparation of field management. Field managers themselves stressed the need for more and better preparation for deployment, better guidance from HQ, and better training on the management of a field presence. There was a strong sense that field presence leadership are left out on their own to make things up as they go along. On the one hand, this decentralized reality calls for great care in selection of heads of field presences for their management, leadership and strategic capacity, and for their clear understanding of the institution’s priorities and approaches. Field

presences heads are making, interpreting, and implementing policy on a daily basis. Even as they are asking for more support and guidance, they will not want to be micro-managed, so the office needs to be certain they are putting people in these difficult positions who can navigate all the ambiguities of the context and still project a clear identity for the UN human rights presence. HRAs are particularly alone – as one respondent put it, “They are a one-man show, and it all depends on the individual.”

Choosing the right leadership is important, but not enough in itself. There is still a need for intensive preparation before posting, and ongoing support, supervision and training, especially when managers are being brought in to the organization from a non-human rights or non-UN setting.

3.2 Taking more systematic advantage of larger missions

UN Human Rights Field Operations need to power this expanding system with more people and more skills. Both the quantity and quality of field staffing would be improved if there was a more conscious effort to take advantage of the professional development resource represented by larger and longer-lasting missions. These missions are a goldmine for developing HRO experience and leadership. For instance, if you trace the origins of the most experienced HROs in Latin American missions, you inevitably find a great number who had their early experiences in MINUGUA (UN verification Mission in Guatemala, 1994-2004). The large MONUC human rights unit, similarly, has generated over time a reservoir of French-speaking HROs. The Nepal office, in a few brief years, exposed hundreds of HROs to new field strategies.

In larger missions many HROs can learn their craft, building up their technical, political and diplomatic skills with support and feedback from others. A small office cannot risk having junior staff engaging in high-level political tasks. But a larger mission with a broader array of tasks and levels of work can absorb less experienced junior staff and train and mentor them to the point where they could move on to larger responsibilities in other missions.

The same potential flow of experience is true for management. Mid-level managers can move up the hierarchy in large missions, developing experience that can prepare them for being posted later to head up a smaller presence. This flow of experience happens now in an ad hoc fashion, but it should be taken advantage of much more systematically.

With most of the larger field presences currently hosted under the DPKO structure, this aspect of strengthening the system demands a more fluid movement of people between OHCHR and DPKO. Movement and sharing of experience between institutions, between presences, and between regions should be encouraged and facilitated, as it constructs skills, management expertise, and a shared conception of the UN human rights identity. Individual HROs are in some cases spending many years in a single large field presence, and while this may be a good contribution to contextual experience and historical memory for that field presence, it also represents a lost opportunity for strengthening the broader UN human rights system.

These resource challenges will be studied further in the extended 2010 project. For the rest of this paper, and the upcoming workshop, we want to focus on the more immediate challenge: while we keep working on future expansion, how do we take better advantage of what we’ve already got?

4 Using what you’ve got: a flexible approach

To make the best use of the political, human and material resources at hand on the ground today, HROs need to get out of the office and into the field, into contact with rights-holders and authorities, encouraging, supporting, intervening and pressing for progress wherever there is the potential. Mandates need to be interpreted broadly and flexibly, allowing creativity and maximizing interaction with all key stakeholders. Activities need to set precedents that will facilitate greater presence and flexible action in the future. Relationships and partnerships can further multiply the impact of

limited resources, especially if the field presence encourages others to engage in pro-active rights protection as well (DPKO-SRSGs, RCs and UNCTs, NHRIs, INGOs and CSOs). We will begin this discussion by focusing on the general approach of field presences to the challenge, touching on issues of style, language, and relationships. In the next section will look at concrete strategies being implemented in specific contexts.

4.1 Firm and principled, but linked to solutions:

There was strong feedback that a field presence needs to be seen as a source of objective and unassailably accurate information, based on an objective commitment to international law. This consistency builds credibility and legitimacy, and is a service to many stakeholders (in civil society, the international community and the state), strengthening alliances. It can also encourage a relationship of respect from authorities. Even if the respect is grudging, the legitimacy of the information and the institution are not easily attacked. And when critique is accompanied by offers of support for solutions, it can even be appreciated. In Colombia, the consistent monitoring and reporting of the field presence combined with effective use of media made OHCHR reports an accepted standard for all political actors engaging with human rights issues, giving the presence a legitimacy that helped deter political attacks. In contrast, when a field presence projects mixed signals about its willingness to stand firm to its principles, it can be perceived as a sign of weakness, with a consequent loss of influence.

A firm and principled stance does not necessarily mean “loud.” The name-and-shame approach has an important place in the strategic toolbox for influencing human rights dynamics, but quiet diplomacy will be the chosen influence strategy in many cases. Quiet diplomacy demands the same principled and accurate approach. Even under technical cooperation or HRA mandates, an approach that holds firm to the law and the institution’s principles and takes advantage of the power of accurate information can have more influence on the authorities.

We shouldn’t get too stuck on terminology: whether a presence is labeled “monitoring,” “observation,” “verification,” “support,” “advice” etc. – one of its fundamental objectives is to get good information and use it to influence human rights dynamics on the ground. As some described it, “Monitoring is our only leverage,” and in a broad sense this is arguably true even where there is no official monitoring or reporting mandate. Even within quiet diplomacy strategies or non-reporting mandates, if authorities know you have good information, they implicitly recognize a risk of exposure. This link may even be alluded to in the diplomatic approach, in which the HR field presence expresses a strong critique, and then points out *“Isn’t it better to hear this from me than in a Human Rights Watch report?”*

Where monitoring and reporting is a formally accepted practice, that must be sustained, and the watering down of mandates should be resisted. Where it is not official, it should still be done, however possible. As one SRSG put it to a human rights component, “go ahead and monitor, but don’t call it that.” HRAs and regional offices are implicitly monitoring as well. Within the confines of much more limited resources and mandates, their protection impact is based on learning what is going on and using that information through whatever channels of influence they can create.

Given all the ambiguities of the many different field presence mandates, and the real political forces who want to weaken the UN’s human rights presence in any given country, every presence engaging in creative protection strategies needs to be ready to defend itself against the accusation that, *“That’s not in your mandate!”* Field activities may be questioned by host governments, by partner organizations, by SRSGs and RCs, and even by headquarters and colleagues, and you need to know how to answer: *“Actually, this is not outside our mandate. In fact, this activity is necessary for fulfilling our mandate, and here is why: _____.”* Preparing and knowing how to be persuasive with that answer in each specific context is a crucial challenge of human rights field diplomacy. And when you do have that defense ready in advance, you will actually be in a better position to diplomatically pursue these protection strategies in ways that pre-empt the accusation in the first place.

Without such a defense ready, a field presence tends towards self-censorship for fear of rebuke. But if a field presence has these arguments ready, and consciously nurtures allies who will back them up, it will be less inhibited and more willing to explore the frontiers of its potential scope of action.

When the mandate is not in question, there is often room for friendly expansion of the scope of action, in which cooperative relationships allows the presence to take on activities and discuss issues that may not have been contemplated at the outset.

4.2 Problem-solving and diplomacy

The field presence needs to combine this monitoring/influence approach with commitment to problem-solving collaboration with the authorities. Monitoring identifies needs, and the field presence can help the state meet these needs, providing best practices advice, training, or other direct technical collaboration. The field presence needs to try to convince the state of its “added value”, even while sustaining a constructive critique of state weaknesses or abuses. Issues to focus on may need to be chosen on the basis of the potential for progress or the capacity of the presence to provide assistance.

In one case, a field presence was concerned about the potential human rights impact of proposed national security legislation, and wanted to conduct a workshop on questions of conformity with human rights instruments and relevant peace agreements. A state security agency was at first opposing the workshop. According to the head of the field presence, *“I could have done a Code Cable to Geneva and New York, and by the time action happened the law would be passed. So I went directly to the agency and talked about all our functions, and discussed their concerns and their fears. And after a couple of hours they were very satisfied and they agreed to conduct training for their staff. So we have built a bridge, and reduced their suspicions. We will have this workshop early next week – and the threats they were posing for our staff have stopped.”*

Just as an expansion strategy needs to take advantage of political openings, the field approach also needs to realistically recognize the limits on its political space. While adjusting its language and demands to this constraint, strategies need to be developed to try to push that space further open.

Field respondents stressed the importance of building bridges and contacts with a range of government ministries and stakeholders before issues arise requiring criticism. If a positive personal contact already exists, the door will be more open to discuss sensitive developments. A field presence might start out with a more humble approach, with flexible use of language, avoidance of ‘name-and-shame’ or media, in order to minimize resistance while relationships are built. At the same time, its technical cooperation should serve to create a positive impression with state authorities, and open doors for influence.

A field presence needs a strong alliance with civil society, and this too requires diplomacy, relationship-building, and problem-solving support. As with the state, we need to know their needs and their perceptions of us and our added value, and we need to know how to communicate a delicate balance of solidarity and our own institutional independence.

All of these approaches require skills and practice. Field diplomacy and negotiation suffer from a lack of recognition and support compared with other more ‘technical’ skills of the trade. While some field management and HROs are expert in one kind of diplomacy or another, the overall system could benefit a great deal from more diplomatic training and exchanges, in which good practice and successes from experienced practitioners are more systematically shared with others who could adapt them to different situations.

4.3 Adapting the “human rights” language

Several respondents stressed the need to tailor the standard ‘human rights language’ to the context and the audience in order to achieve our objectives. Technical and often confrontational modes of expression inherent in some human rights discourse can create unnecessary barriers. People the

world over can generally relate easily to concepts like freedom, justice, independence, safety, fairness, or dignity. But they do not relate easily to the legal terminology of conventions and covenants or other UN-speak. Many important stakeholders may be more responsive when issues are expressed in more familiar terms which resonate with their lives. The Guatemala office, for instance, faced a situation where “human rights” had very negative connotations in certain sectors of the population. They designed an outreach program for youth and other stakeholders, presenting the key concepts of human rights without using the standard human rights language. Similarly, in Togo and Liberia, outreach programs tailored their language to effectively reach youth.

When the OHCHR Cambodia office confronted issues of land rights and evictions, they recognized that the political and economic forces they were up against were far too great for the limited voice of their office. They wanted to bring on board the weight of the voice of the entire UN country team as well as the donor community. To do this, they developed a “de-human-rights-ized” discourse that translated the human rights concerns over evictions into the language of “good governance,” “poverty alleviation,” “sustainable human development.” These issues struck a clearer chord with those other institutional and political agendas, and the strategy succeeded in achieving a joint public statement from the donors calling for an end to forced evictions.

We all get used to certain comfortable modes of expressing human rights messages, and it is always easier to say the same thing again than to design a new message with new language tailored to the audience and the context. Field HROs and managers would be in a diplomatically stronger position if they had at their finger-tips a more creative – and practiced – range of arguments and modes of expressing what needs to be said.

4.4 Expanding the scope of interaction

To maximize the flexibility of a field presence’s strategies, there needs to be an assumption and practice of interacting with any key actors who can influence human rights dynamics. Conservative habits (and limited human resources in some cases) tend to limit field presence interaction to the most convenient government contacts, international partners, human rights NGOs, and a few others. There are a number of misconceptions about “acceptable contacts” that ought to be clarified, so some of these barriers can be reduced.

Armed groups: Some respondents felt that a more rational and permissive policy on contact with armed groups is needed, one which allows and even encourages the development of relationships between a field mission and a relevant armed group, where not obstructed by explicit legal or security constraints. Human rights operations are increasingly dealing with IHL issues and with abuse scenarios in which armed groups must be held accountable along with the state. Just as with state actors, effective influence requires a relationship.

Private sector: In describing a field presence’s approach to a specific human rights dynamic heavily influenced by business actors and multi-national corporations, one respondent asserted, “It is not the role of a human rights field presence to talk to a private company.” *Why not?* With the increasing focus on rights issues linked to natural resources or environmental degradation, or on ESC rights, interaction with the private sector could be a vital strategic opening for influence – both for direct pressure on responsible parties and for new allies. The OHCHR office in Medellin, Colombia, for instance, has both a funding and a human rights promotion relationship with the private sector.

Political parties/candidates: In another example of limiting contact, some assume that it is inappropriate to interact with political parties or campaigning politicians, and thus cut themselves off from another strategic avenue of influence. Certainly in some contexts cases it may be ill-advised to risk misinterpretation of such contact, and care must be taken not to appear partisan, but that does not preclude contact as a matter of principle. Political parties and politicians affect public policy and public discourse, and are sometimes responsible for mobilizing abuses. They are thus very relevant stakeholders for human rights field presence interaction. These relationships can also be

used to generate support for OHCHR itself. In Colombia, for instance, pre-election relationship-building with presidential candidate Alvaro Uribe facilitated the negotiation of a four-year mandate for the office upon his election.

When opening new avenues of contacts like these, the previous discussion on language is pertinent: talking about human rights effectively to the Chamber of Commerce is entirely different from talking to a warlord or guerrilla leader, and both need a different language than the foreign affairs ministry or the UNCT. Field presences need to articulate and share their examples of productive interactions with these non-traditional contacts, to assist others in preparing their own approaches.

4.5 Maximize and multiply clout

The relatively small voice and clout of a human rights field presence must be enhanced, by taking advantage of others with greater weight. The High Commissioner, Resident Coordinators, SRSs, the Security Council, or the diplomatic corps, all have potential for greater involvement in the protection strategy of a field presence. The presence can also seize promising political opportunities to set precedents and increase its legitimacy or profile. At the same time it needs to deflect counter-strategies that aim to reduce its impact.

The voice and weight of the High Commissioner herself is a force multiplier. Heads of field presences that are formal representatives of the HC carry more weight, both with states and with other UN partners. Regional Representatives can use this weight in all their interactions with countries they cover as can stand-alone offices.

In human rights components of peace support operations some heads of units feel they can speak as representatives of the HC but others don't, and the attitude of the SRS makes a significant difference. This ambiguity should be clarified wherever possible. HRAs are in the most difficult position, since the formal representative of the HC in these settings is the RC. An HRA's access to this clout depends on the character of the RC. In situations where an RC is not effectively fulfilling his/her responsibility to represent the HC, FOTCD and the HC herself need to make a special effort to find ways to project the power of her office into the voice of the HRA herself/himself, even if this may require some firm negotiation with the RC.

A second level of use of the voice of the HC is her "good offices." Obviously, field visits by the HC are a limited resource. Regional tours or other mechanisms to maximize the coverage of her travel will help, but in most years, most field presences can only count on her support long-distance. But that still helps. Field presences need to regularly consider and propose different types of intervention from the HC that might assist their strategies, such as public statements, private letters to key authorities, a carefully targeted phone call, or a note of support or solidarity to human rights defenders and their networks at a moment when it is needed. As long as such interventions are conceived in ways that are minimally time-consuming for the HC and her staff, a larger number of interventions might be mobilized to multiply her voice.

Similarly, there needs to be more progress towards bringing together the strategies of field presences and Special Procedures mandate holders, with more requests from the field (appropriately targeted) for interventions by the mandate holders. These interventions can also be of lesser intensity than a full field visit with a report. To maximize the coverage of the mandate holders, these requests should be conceived in ways that will be the least time-consuming for them.

Those HR units and HRAs who have the advantage of a permissive and supportive SRS or RC need to take full advantage of it, establishing practices and setting precedents that will strengthen their position in the future, in case that leadership should change for the worse. Expanding this space of action also sets precedents that other human rights presences can call attention to when struggling to expand their own action spaces.

OHCHR also needs to push all its UN partners more consistently to use their own weight to stand up for the UN's human rights and protection commitments, rather than accepting the "good-cop-bad-cop" idea that such unpleasant issues are only the turf of the human rights actors. Human rights presences do not often have sufficient political protection to be the "bad cop" all by themselves, especially when the 'good cop' will not always back you up.

A number of field officers pointed out that the impact of their advocacy tends to carry more weight in rural or isolated areas, where state authorities are of lower rank or less closely monitored, and where the UN is perceived as a comparatively more significant force.

Finally, field presences stressed the need to watch out for deliberate state strategies to minimize their impact and access by insisting that they work only through highly constrained channels: for instance by allowing contact only through a certain NHRI or a specific human rights liaison. Evading these constraints is a delicate political challenge.

4.6 Extending protection: from crisis to long-term

OHCHR, DPKO and DPA tend to create a human rights field presence as a response to a specific crisis, with an assumption of contributing to a medium-term solution. Yet nearly every field presence becomes long-term, and uncovers the links between crises and deeper structural problems. Some respondents suggested that human rights presences, and OHCHR as a whole, lack clarity about whether they are a short-term crisis institution like DPKO, or a development organization with crisis activities like UNICEF.

But this isn't really a choice. The High Commissioner's mandate covers all human rights, not restricted to crisis, and current doctrine emphasizes the importance of addressing long-term issues such as discrimination and economic, social and cultural rights, as well as conflict and crisis. Field presences must therefore be engaged in that full mandate, even if resources are prioritized towards the most life-threatening situations. HRAs and long-term stand-alone offices like Cambodia have demonstrated an important role for an ongoing OHCHR presence in post-crisis countries. By juggling these two identities, the field presence can also help other partners see the human rights linkages between conflict, crisis and deeper human rights structural issues.

Regardless of whether OHCHR will sustain a long-term presence in a country, large field missions need to address the challenge of strengthening national capacity and passing on as much as possible of the monitoring role to national actors. A large presence with no such devolution strategy risks substituting and weakening longer-term national capacities. Some respondents criticized UN and OHCHR capacity-building efforts as being far too ad-hoc, too focused on training individuals rather than ensuring that these trained individuals will have stable structures to work with.

National capacity-strengthening cannot be limited to official National Human Rights Institutions and state ministries. Human rights monitoring is a vital national task that demands an effective civil society counterpart. Civil society monitoring keeps the state and the NHRIs on their toes – it is a vital organ of the democratic process. If field presences are to promote sustainable change, they need to invest as much effort in building civil society capacity as they do in supporting the state. In both cases, state or civil society, there is a tension between the perfectionism of international UN human rights monitoring standards and the need to allow a process of growth and learning by others through trial and error. At worst, if we expect weaker national actors to do the job from the start "as well as we do," we may never get out of the way and give them a chance to try.

5 Creative Field Strategies

In this initial round of research we asked all respondents for specific examples of creative and effective strategies for human rights protection. The feedback re-confirmed and expanded on the framework of field strategies that had been developed in Proactive Presence, which delineates five

basic categories of action:⁴a) Sustained multi-level diplomacy, b) Visibility, c) Encouragement, d) Convening and bridging. e) Public advocacy. In addition, we sought out specific examples in which technical cooperation work is linked to protection and monitoring, as well as examples of expanding collaboration between the field and the Geneva-based human rights mechanisms.

5.1 Sustained multi-level diplomacy:

Some call it “human rights diplomacy,” others “quiet diplomacy”, and the general approach was described above in section 3.2. Daily intervention and constant discussion with authorities and other key stakeholders at all levels are the most fundamental tools of any human rights field strategy. It involves building relationships, creating trust, and transmitting concerns and suggestions for solutions. It requires political and diplomatic skills, and the more training made available to HROs on these skills, the better.

In the ASEAN region, ongoing diplomacy efforts of the Bangkok regional office promoted Article 14 of the ASEAN Charter to establish a regional human rights body. The approach combined multi-lateral quiet diplomacy with formal proposals, and the office also organized training to familiarize Asian stakeholders with experiences and lessons learned from Africa, the Americas and Europe regarding the establishment and development of credible regional human rights mechanisms and improving awareness on the basic elements and principles for such mechanisms.

One very intensive mode of maximizing external contact is the co-location or embedding of mission staff in state operations. DPKO missions, for instance, sometimes locate UN police together with national police. The co-location of international corrections experts with local prison management has generated an increased flow of information and advocacy about abuses in prisons. In at least one case, international human rights officers were co-located to work together inside a national human rights institution. It would be worth exploring more options of co-location or embedding with other relevant state organs (e.g. justice, etc.) On a purely practical and logistical level, this approach in one step overcomes all the inertia that otherwise minimizes external projection by keeping staff in the comfort zone of their own office.

Several respondents discussed diplomatic strategies for dealing with national militaries and police. Using international staff with professional police or military expertise can often open doors for communication with these authorities. Human rights components in peace support operations can (and should) call on their police and military colleagues for support with this kind of diplomacy. Other field managers stressed the need for OHCHR and the human rights field presence themselves to recruit HROs with police and military experience, in order to strengthen their ability to interact with these sectors.

Human rights training for police and military has opened many doors for building relationships and strengthening future diplomacy with these actors. To take advantage of this more systematically, the Nepal office in one case organized police trainings, and then kept a confidential internal dossier (with photos) on those who attended, in order that HROs who would be posted to those police participants’ districts could recognize them and take advantage of the prior relationship. One respondent with long experience in police training stressed the importance of changing the language and content of human rights training to more effectively match it to the experiences and problems faced by the officers who attend.

One HRO described building a relationship with the head of the local judiciary in an isolated region of Sudan where there was a lighter international presence, and less political influence from the capital. In a kind of informal ‘technical cooperation’, the HRO fulfilled a request from this judge to procure a set of basic legal books for court’s legal library, thus establishing a positive relationship. The HRO then opened a dialogue with the judge about the situation in the local prison (which the judge had

⁴ Proactive Presence, part 2, pp.47-104

never visited), and arranged to visit it together. After listening to some of the prisoners, he gave instruction to the prison administration about getting people to court, or making sure that others detained on remand without interrogation would be brought to the police. The HRO learned later from contacts in the prison that the intervention of this judge made a big difference. As the HRO analyzed it, “He just needed a little push to do his work - to overcome the inertia that was quite natural in such a frustrating circumstance.”

Diplomacy is not just for mission leadership, but for every HRO. A large mission can build a powerful momentum with hundreds of contacts over time, right down to the local level. Regional offices and HRAs, as well as other field presences, need to engage partners and donors to use their voices as well. Individuals and managers in all sizes of operation need to build time for constant external contact into their work-plans. If HROs are spending too much time in their office writing, or attending meetings with other ex-pats, they have very limited time to apply to this vital protection task. Respondents stressed the need for a disciplined and systematic practice of *getting out there* for this tool to achieve its potential.

5.2 Visibility

Visibility is well-understood as a factor that can add to protective impact: people see field offices, UN vehicles out on patrol, blue vests on the street or at events, and the consciousness of observation becomes a factor in their thinking. It encourages communities and civil society that they are not alone, and reminds potential perpetrators of the consequences of their actions. A local UN office makes a powerful statement, short-term delegations and investigatory missions are reminders in isolated areas that they are not so totally alone. In some cases direct accompaniment of threatened witnesses of human rights defenders helps them survive.

The Nepal OHCHR office developed a highly coordinated and refined system for monitoring demonstrations and preventing violence, combining visibility with rapid advocacy. First they lay the groundwork with advance discussions and trainings with the police and army about the use of force, so they know what is expected of them, and they know they will be observed, and they know OHCHR has fluid communication with their hierarchy. Then, at the demonstrations, *“We have monitors out with jackets and radios, with very clear instructions and maps. We have an operations room. If the monitors see something and radio it in, we can go straight to their chiefs and report, ‘There was a baton charge in XX. No warning was given’. And they will be feeding it back down the chain of command. It’s a real time integrated system that has had a real impact.”*

As with contact-building and diplomacy – a visibility strategy requires people, dedicated time, logistical and transport support, and a commitment to getting out of the office.

5.3 Encouragement and empowerment

When threatened with abuse, people will try to help themselves and protect themselves, and a fundamental task of the human rights field presence is to help them do this, by strengthening civil society networks and providing tools, support and advocacy for their safety. A human rights field presence can help individuals and groups overcome their fears and organize more effectively. It can uncover and confront stigma that isolates vulnerable groups, and it can be a channel of resources, links to outside mechanisms and training tools.

In Guatemala, for instance, in part of a multi-agency “Maya Project”, OHCHR coordinates a program in training for human rights litigation. In order to assist Guatemalans in legally claiming their own rights, this program aims to build up a corps of Guatemalan lawyers who can select influential cases whose impact can promote broader institutional changes, and follow them through the entire litigation process. The litigation objective is not only to win the individual case, but to change laws, policies and practice. Each year the program selects 14 organizations, and about 30 law students and 5 law professors. It partners with two Universities– each with a commitment that this capacity will link to the University’s work with indigenous communities. The participants go through a guided

process of construction of litigation cases on the human rights of indigenous people. The program draws from experiences of other countries, such as Chile, Colombia, and Argentina. Eventually, when these teams of trained lawyers are on their own, the next stage of the program would be to create an advisory team to assist them in an ongoing way.

Interventions to protect threatened human rights defenders are standard activity for field presences. Even in the difficult circumstance of the crackdown in Sudan after the ICC indictment of President Bashir UNAMID-HR was able to mobilize a combination of local interventions by HROs with higher-level statements from Special Procedures mandate holders, the High Commissioner and the head of UNAMID, advocating for individual threatened human rights defenders. Regional representatives can use their channels of quiet diplomacy to state actors to advocate for threatened HRDs when they receive well-substantiated reports of threats. Making direct calls to government Ministries about a specific case can result in a reduction of the threats. In Zimbabwe the Southern Africa regional representative facilitated improved contact between local civil society groups and the Special Procedures division, yielding an increase in action on Zimbabwe by mandate holders.

MONUC's program in protection of witnesses, journalists and human rights defenders shows some of the possibilities when substantial human resources can be invested in this task. This unit is training civil society groups to empower them to directly intervene with authorities on cases, and doing capacity-building with authorities to improve their understanding of their obligations. It also follows up individual protection cases (over 550 to date) whereby human rights officers directly intervene with the authorities on behalf of threatened individuals, encourage police and prosecutors to initiate protective measures and conduct quiet diplomacy with other key stakeholders who can influence the case. When this does not work, they also have other protective measures, including hiding people, placing bodyguards at their homes, or moving them to safer locations. These actions have all been done before in many field presences, but the MONUC program shows the cumulative protective impact that can be obtained from a dedicated staffed unit.

5.4 Convening, bridging, fostering dialogue

Human rights field presences have creatively reduced conflict and abuse by using their presence to increase dialogue among polarized groups. They do this through various kinds of 'shuttle diplomacy', by organizing multi-lateral processes (e.g. joint commissions, delegations, etc.), convening meetings, or workshops that bring together disparate actors, bringing national actors together with international ones, and much more. If a field presence is able to establish legitimacy that spans the political spectrum, its international character and objective commitment to rights and law opens many doors. People who won't talk to each other, will often both talk to the HRO.

In South Sudan, for instance, tribal conflicts involving cattle-rustling and child kidnapping threaten local stability and can provoke even more abusive retaliation. UNMIS field staff have been involved in conflict-reducing dialogue efforts. They facilitate and accompany visits to the communities by key stakeholders, including the Southern Human Rights Commission. They have been approaching judicial officials and prosecutor to ensure that they take the actions that are necessary –offering to facilitate their work. The consequent trials of child abductors after cattle rustling sends an important message to stop the cycle of violence. At the same time, the mission is working with youth groups and women's groups to come up with peace messages through the radio or other mass communication.

In another South Sudan example, in one region the court and prosecutor and police and prison were all passing the buck about responsibility for delays in due process, and not talking to each other. After one HRO established a good relationship with the prosecutor, that prosecutor decided it would be a good idea to have a formal meeting with his counter-parts to discuss the problems. But he felt he could not himself convene such a meeting himself. Instead he asked UNMIS-HR to use its neutral credibility convene the different actors.

Sometimes a timely high-level intervention can prompt the creation of a longer-term dialogue mechanism. The Group of Experts on Darfur and the Human Rights Council, for instance, recommended the creation of a Darfur Human Rights Forum. After some negotiation, this forum is in place, and brings together a range of human rights, government and international and diplomatic actors to discuss concerns. Although the process is too young to see the benefits yet, it has the potential to open dialogues that did not exist before. It may reduce friction by giving the government an opportunity for greater input into human rights discussions before critical reports are released against it.

An example of a very explicit commitment to fostering dialogue can be seen in the Colombia office's current strategy. With armed conflict as its first thematic priority, the strategy emphasizes that "fostering constructive dialogue" and "justice and reconciliation have to be nurtured through consensus-building initiatives as one of the first stages of a rights-oriented program." The first programmatic pillar of the strategy links "rights promotion and consensus building" and commits to making better use of OHCHR's convening role in bringing different political and social actors to the table to discuss solutions to the grave human rights and humanitarian situation in the country. The office hosts a number of inter-sectoral committees which include members of the Government, NGOs and international organizations, and which work on diverse policies, including the peace process itself. At the civil society level, the office is making a specific effort to improve the role of the Catholic Church and the academic community in dialogue processes.

Dialogue can also be fostered through training efforts. For instance, a Regional Representative doing police training consistently uses these trainings as an opportunity to bring in key civil society stakeholders to the present their work and build relationships with the police. The Nepal office developed a very creative training approach to the issue of police use-of-force at public demonstrations: in a three-day training on the issue for both police and civil society actors, one day was spent working with civil society actors, a second working with the police. On the third day, the two groups worked together to understand each other and the issue. The process involved role-playing in which each group had to take on the role of the other and plan their approach to a potentially volatile demonstration. This process not only educated both groups but aimed to create bridges of communication and improve trust.

The OHCHR office in Togo devised a strategy for reducing abuses around the upcoming elections combining education, monitoring and dialogue processes. This preventive effort works on the analysis that violence results from the instrumentalization of youth by political parties. It includes sensitization trainings with youth groups on non-violence, mobilization of civil society groups and the national human rights commission in a nationwide campaign on nonviolence, training of civil society in monitoring, establishment of temporary field offices in various regions, and dialogue with different parties (including politicians who are allegedly creating militias) about their behavior.

5.5 Public advocacy

Public advocacy, one of the most traditional practices in the human rights toolkit, includes public reporting, use of mass media, public events and statements, use of high-level visits by special procedures and VIPs, and any other tactics intended to send messages out to a broad audience to assist in a human rights strategy. Some field presences make strategic use of journalists and the media, even while their primary approach is quiet diplomacy. Others put energy into encouraging public statements by others (such as HRAs with the UNCT or RC).⁵

Producing reports is one of the most intensive efforts of many field presences. Over time, OHCHR can certainly be proud of the quantity, quality and content of a great deal of its public reporting.

⁵ For further discussion of public advocacy tools, see *Proactive Presence*, pp. 90-104. Note that the use of media will be the focus of one of the workshops planned for the upcoming gathering of heads of field presences.

Public advocacy and reporting can put effective pressure on abusers, encourage positive reforms, and strengthen international engagement. It can bring hidden issues to light, reduce stigma and raise the profile of vulnerable or isolated groups, encourage networking and greater involvement in human rights work by many stakeholders, correct misinformation and clarify the nature of international human rights norms, or counter-act hate-speech or false accusations. Public outreach also serves to clarify public perceptions of the field presence, and can establish it as a credible authority.

To take just one example, UNMIL-HR produced a detailed report on the impact of the Liberian rubber industry⁶ on human rights which resulted in cases being brought in the US and Europe against the US/Europe based controllers of the rubber plantations. It influenced the government to renegotiate agreements with foreign rubber companies which allowed the workers to work directly for the foreign companies rather than through intermediaries.

But are public reports generally achieving their desired or potential impact? Feedback in this first round of research suggests that despite the quality of the content of public reports, field presences often lack clear strategies for ensuring that reports are used effectively, and do not put enough energy into the potential for advocacy and impact that each report creates. After investing a huge effort in researching and creating reports, several respondents confessed doubts whether their work was ever used after it was written. It is more likely that much greater amounts of time in work plans will be devoted to investigation and report creation than to subsequent report-based advocacy.

In the human rights components of peace operations, the dual reporting process also obliges a “dual-approval” process for public reports, which in some cases has delayed report production past the point of their relevance or utility. In some cases SRSGs have resisted publication of sensitive reports. Some human rights components have been able to use lower-level periodic updates (which do not require the same level of HQ/SRSG approval) as a mechanism for more prompt public advocacy.

From the very moment of conception of an investigation intended to yield a public report, there should begin a process of strategizing how the report will be used after it is published. The content and language of the report should correspond to this intended usage, so that human rights officers can walk in to any office, be it a state actor, an embassy or civil society, and use it to back up an advocacy message to influence or promote specific changes. Mission and HRO work-plans need to invest sufficient time in that advocacy process, so that by the time one report is produced and approved, everyone has not already moved on to other projects. If there is not a strategic plan to ensure that a report has a sufficient impact, arguably the field presence should reconsider whether it is worth the investment to produce it. A report is not an end in itself. Rather than thinking of report-creation as the main event and subsequent advocacy as optional ‘follow-up’, we should be thinking of reports only as tools for later use: it is the advocacy and other actions yielding protection impact that are the main event.

5.6 Field presences collaborating with the Geneva-based human rights mechanisms for protection impact on the ground

The 2005 Plan of Action and subsequent strategic management plans called on the office to unify its approach to individual countries, through greater integration of field-based work and the work of Special Procedures and Treaty Bodies. There appears to have been considerable improvement in this regard. Several respondents mentioned that the thematic restructuring of work in the larger field operations had helped to encourage this collaboration. Special Procedures staff pointed out that the work of mandate-holders is significantly enhanced when there is an OHCHR field presence – most

⁶ “Human Rights in Liberia’s Rubber Plantations: Tapping into the Future”, UNMIL, May, 2006.

especially when the field presence builds in to their work plans a commitment of follow-up on recommendations of a mandate-holder's visit.

Human Rights Advisers, who suffer from a lack of public voice on the ground, can take particular advantage of visits of mandate-holders. By hosting and advising these visits, the HRA can ensure that the necessary public statements s/he cannot make are being voiced by another part of the HR system. The official visit can also create an opening for the HRA to follow-up on recommendations, and the high-level 'clout' of the mandate-holder can sometimes open channels of communication with government actors who might otherwise resist such contact.⁷

Host governments are not always open to official visits from Special procedures. The Nepal office created a productive link through a creative tactic: special rapporteurs were invited to the country on un-official visits to advise the OHCHR office on the development of thematic programs. The government was informed, but did not resist since the visit carried a lower level of political clout and would not result in a formal report. The rapporteurs were still able to meet with government officials and discuss issues of concern.

In another creative approach, when a crisis was erupting in Zimbabwe, the Special procedures division in consultation with Southern Africa regional office named a special focal point for Zimbabwe to field contact from civil society and others and to rapidly increase the level of action by various mandate-holders in response to the crisis.

Not all field presences are taking full advantage of the Special Procedures and treaty bodies. In part this is limited by the scheduling constraints of the mandate holders themselves. But in other cases, it is a missed potential, and some feedback suggests there are still substantial gaps in communication and mutual understanding.

As this collaboration continues to improve, field presences need to move beyond simply supporting mandate-holder visits and following up on recommendations. The creation of the Darfur Human Rights Forum, described above, shows how a timely intervention of external recommendations (with political clout behind them) can prompt the creation of new structures that may be crucial to the success of the longer-term human rights strategies of the field presence. Ideally, the field presences should be actively involved at the front end in strategizing what sorts of mechanisms and steps are needed on the ground, what they want from the HRC, UPR or SP recommendations, and how to get such interventions and recommendations to happen. Human Rights components of peace operations should also seek to strategically prompt facilitative recommendations from the UNSC or other relevant New York-based bodies.

The combination of expanded field presence together with the process of UPR will logically create a steadily increasing caseload for mandate-holders, but it does not expand their resources. Similar to the way the office looks for ways to transform HRA posts into "HRA units," strategies are needed to create "mandate-holder units" with budgets and personnel to expand their capacity for travel and intervention, and be better able to respond to increasing demands.

5.7 Technical Cooperation and field protection

Another area where integration appears to be improving is the linkage of technical cooperation work with other more direct protection efforts, including monitoring and advocacy. Ideally, effective monitoring serves to identify and analyze needs that can be addressed through technical support, while technical support relationships build bridges of communication and trust that should assist in advocacy interventions. Some respondents felt that in the past, technical cooperation projects were totally separate, with little strategic collaboration. In Colombia, it was suggested that the thematic

⁷ In one reported case, a HRA suffered negative consequences from a Special Rapporteur visit, as the government apparently held the HRA responsible for the rapporteur's criticism.

re-organization of the work made a big improvement, as now the same thematic teams are responsible for technical support and monitoring follow-up.

The “National Diagnostic” processes in Mexico were initially a form of technical cooperation, but by bringing together multiple actors to assess the human right needs of the country, they served as a kind of monitoring process, identifying problems and yielding many recommendations for action and policy. These diagnostics are now being facilitated at the regional level, by an expanded OHCHR office that now has a monitoring mandate.

Some of the training examples where technical support has protection benefits have already been mentioned. Several respondents stressed that training projects with security forces must be linked to subsequent follow-up or monitoring in order that participants are held accountable to the lessons of the training. The creation of such internal accountability mechanisms can be one of the objectives of the training project itself.

The Colombia office recently signed an agreement with the Ministry of Defense to monitor the implementation of mechanisms to stop extra-judicial executions. The office had been documenting extra-judicial executions for years, and eventually the army – perhaps to defend itself – invited them to come in to each unit and discuss the cases one by one. HROs made 20 visits to 7 divisions of the army over ten months, basically proving the allegations were well-founded, and even naming names. The quality of the information made this an eye-opening interaction for the military high command, showing that they not only had a human rights problem but also a command and control problem. They were in the embarrassing position of defending obviously false explanations of events that had come up through the chain of command.

When a large peace operation is providing really substantial support to national security forces, such as MONUC in the DRC, a different kind of leverage is available to link such support with protection: through a “Support for Zero tolerance” policy, the mission can withhold support for brigades and battalions when monitoring shows that members are engaged in abuses. Such a sanction pressures commanders to take responsibility for the actions of their men.

The combination of technical support and monitoring can also yield greater protection of ESC rights. For instance, trainings can be offered to government officials on the construction of budgets that foster better implementation of ESC obligations. Subsequent monitoring of the implementation of budgetary commitments is a way of ensuring that these obligations are met.⁸

In Cambodia OHCHR has a technical cooperation office, but it has created a discourse and strategy that links technical cooperation to monitoring and protection. In one example of this, after assessing the linkage between lack of capacity and level of abuse in the prison system, the office initiated direct material support programs with the prisons. In addition to addressing specific needs, these programs strengthen relationships with prison authorities, opening doors for monitoring and subsequent intervention to solve problems.

A field presence should make a deliberate effort to ensure that its technical cooperation work has the greatest possible “door-opening” effect. Just as a field operation selects “emblematic cases” for investigation based on their potential to influence broader policy and practice, TC projects can also be strategically “emblematic” – conceived and selected in a way that will send a broader message to many government actors about the added value of a human rights field presence, or targeted to open very specific and crucial channels of communication.

⁸Numerous resources are available regarding budget monitoring and other tools for deepening our approach to the protection of Economic, Social and Cultural Rights. The February retreat will include a day-long session on ESCR.

6 Challenges for workshop discussion

A key goal of the upcoming workshop will be to engage field presences in sharing ideas for addressing some of the issues raised in this paper at the field level, and doing some collective problem-solving on challenges raised by field presences during the research. Some of the challenges that have emerged during this process are:

- How can we create more effective mechanisms for increasing cross-pollination of strategic and tactical ideas between field presences and across regions? How can this be done in a way that is accessible, flexible, minimally bureaucratic, minimally labor-intensive and not all piped through bottlenecks in Geneva?
- How can field presences, and the UN human rights system as a whole, make more strategic use of their public reports? How can we better analyse a report's channels of impact and ensure they are systematically factored into its design? Should we change the balance of resource investment between investigation/drafting and advocacy/usage? How can we ensure that the advocacy use of reports is sufficiently prioritized in work planning? How can we make the reports available in a more timely fashion for prompt intervention?
- "We spend all our time meeting other UN people." "We are in armed camps, isolated from the population." How can field presences maximize the time spent by management and HROs in external contact-building, relationship-building and advocacy? How can this essential time commitment be balanced against internal, administrative, reporting, and inter-agency obligations, or security constraints?
- What effective approaches have been developed for relating to popularly-supported traditional or cultural practices that may be causes of abuse? What is the most effective approach for a UN human rights field presence to traditional justice mechanisms? Are there ways to take advantage of some of the strengths of these systems (for instance their local legitimacy) while still addressing inconformity with international law and human rights?
- How can field presences most effectively address underlying 'anti-western' attitudes that are undermining the legitimacy of our presence in some contexts?
- How can we adapt our technical human rights language better to communicate across cultures? [including not only crossing over religious and geographic cultures, but also institutional and professional cultures.] Are we even aware of it when people are not understanding or misinterpreting us? When do we need to be firm about language? What elements of language are not negotiable?
- How can field presences effectively approach the human rights impact of foreign companies and their embassies? Whether we consider US oil companies, European mining interests, Chinese construction firms, Korean maquiladoras, or many other examples, we frequently witness human rights abuses exacerbated by economic behavior of foreign companies. Their economic role is facilitated by the political role of their embassies on the ground. What relationships – on the ground as well as globally, might serve to minimize the negative and maximize the positive human rights impact of foreign economic investment? What role could field presences play in this?
- How can a human rights field presence maximize its contribution to the prevention of election-related violence and abuse? What is a reasonable balance between short-term crisis violence reduction and longer-term processes addressing the root causes of this violence?
- How can a human rights field presence effectively maximize its protective impact in humanitarian crises? How much of the human rights protection challenge can or should be left to the larger humanitarian actors? What is the added value of the human rights field presence?

- How can a field presence ensure or maximize the effectiveness of Special Procedures, relevant treaty body mechanisms, Universal Periodic Review, or other international mechanisms that might strengthen protection on the ground?
- What strategies have field presences found to deal with state attempts to constrain their contacts and flexibility – by channeling them to deal only with specific state liaisons, for instance?
- What strategies have field presences found to respond when states use legal structures for repressive purposes? How can we protect human rights defenders and civil society activists who are confronting false accusations and unfounded prosecutions, overly restrictive NGO laws, etc.?

7 Conclusions

This paper is the beginning of a project, not the end, and as the previous section shows, we have posed more questions than answers.

Field presences need to share mutual lessons and refine problem-solving strategies in challenging protection contexts. OHCHR needs to develop more streamlined mechanisms to keep these kinds of discussions alive and productive all across what we have referred to as the “system” of human rights field presences, including within and between DPKO/DPA and OHCHR presences and across the rest of the OHCHR system in Geneva and New York. Field managers, HROs, desk officers and others involved need safe spaces to talk with each other regularly, raising difficult questions and brainstorming ideas that may not fall within their normal or habitual approaches. Such mechanisms can’t only depend on flying people around the world for expensive face-to-face meetings, nor can they all be channeled through new Geneva-based structures, complex working groups, etc. Not every topic of discussion requires a written output, a policy, or other guidance document. If exchange mechanisms are too costly or time-consuming, too few discussions can be initiated, and even fewer will ever reach productive conclusions. The simplest of mechanisms – from a phone call between two field presences, to a conference call to more technical electronic communication means with encryption, need to be taken advantage of, so that field presences themselves can easily initiate discussions they need and get useful inputs and ideas promptly.

The human rights field presences of OHCHR, DPKO and DPA, together with their sponsoring institutions, need to conceptualize themselves increasingly as a single system with shared objectives, shared strategies and shared human resources. The system is still in the early stages of a necessary growth curve, and the more visionary leaders need a long-term horizon, thinking and positioning the institutions and their field operations for the future: not for the budget of the next bi-ennium, but for what kind of human rights protection system the United Nations should have in 2020 and beyond. They need to break through any inertia or political obstacles that slow this growth, and reinvigorate and expand upon the ambitions of the 2005 Plan of Action.

8 Annex 1: 2010 Project Proposal:

Protection through Human Rights Field Operations

Assessing the expansion of Human Rights Field Operations, 2005-2010

Summary of proposal: Fieldview Solutions will produce a wide-ranging assessment and lessons learned study, drawing from the experiences of the expansion of human rights field operations since 2005. The project, to be carried out in close collaboration with the Office of the High Commissioner for Human Rights (OHCHR), will produce case studies of field operations, an overall assessment of the expansion process, and best practices/lessons learned studies for strengthening the protection work of all field operations.

The project is already underway in collaboration with the OHCHR Department of Field Operations and Technical Support, which has funded the preliminary stage of research, granted full research access to field personnel, and committed to making use of the results. The initial stage of work will be completed in February 2010, with preliminary research leading to a two-day workshop for heads of field operations. The remainder of the project will take 10-12 months, pending commitment of funding.

As used in this proposal, the term “Field Operations” includes OHCHR stand-alone offices, Regional Offices, Human Rights Advisors in Country teams and also the Human Rights Components of DPKO or DPA-led peace operations⁹.

Background

In recent years there has been a steadily increasing demand for the United Nations to project its presence into the field, and to provide more effective protection to civilians at risk of violence and human rights abuse. This demand has led to numerous Security Council resolutions, outspoken statements demanding greater protection in specific crises by the High Commissioner for Human Rights, the Emergency Response Coordinator and the Secretary General, among others, as well as substantial reforms of UN structures of coordination of protection.

In terms of actual protective presence on the ground, one of the more ambitious reforms and expansions within the UN system has come within the Office of the High Commissioner for Human Rights and with the related expansion of Human Rights components within Peace Operations. In 2005, then-Secretary General Kofi Annan’s reform package *In Larger Freedom* called for a dramatic expansion of the field capacity of the OHCHR. Responding to this call, the OHCHR, under then High Commissioner Louise Arbour, created an ambitious *Plan of Action* calling for dramatic expansion of human rights field presence.

Since 2005, this UN human rights field presence has expanded substantially, giving the UN a human rights presence in 55 countries:

- New stand-alone OHCHR human rights operations/offices were established in Nepal, Uganda, Guatemala, Togo, and Bolivia. The Nepal operation, at its height, was the largest human rights operation in OHCHR history.
Human rights components of DPA or DPKO-led peace operations have been formed in Sudan

⁹ Human rights components in peace operations have dual reporting line: to DPKO/DPA in New York as well as to the High Commissioner in Geneva. OHCHR plays a key role in selection staffing, training and strategic guidance for these human rights presences.

(UNMIS and UNAMID), Sierra Leone (UNIPSIL), Timor-Leste (UNMIT), Chad and Central African Republic (MINURCAT). Ongoing OHCHR support for pre-existing components has continued, and in some cases expanded, in the Democratic Republic of Congo (MONUC), Burundi (BINUB), Afghanistan (UNAMA), Cote D'Ivoire (UNOCI), Guinea-Bissau (UNOGBIS), Somalia (UNPOS), Haiti (MINUSTAH), and Iraq (UNAMI). In several of these operations, the human rights component is the largest civilian unit in the mission.

- New OHCHR regional offices have been established in West Africa (Dakar 2008), Pacific (Suva, 2005), Europe (Brussels, 2009), Central America (Panama, 2007), Doha, and Latin America (Chile, 2009).
- New Human Rights Advisor posts with UN Country Teams have been established in Guinea, Kenya, Niger, Rwanda, Papua New Guinea, Russia, FYR Macedonia, Moldova, Serbia, Tajikistan, Ecuador and Nicaragua. Regional and sub-regional HRA posts have been established in Southern Caucasus and the Great Lakes (Africa), and West Africa.

In addition, as a result of the strategic focus of the 2005 reform on more proactive and field-oriented protection, the work of the many field operations that were already in place in 2005 has also evolved. These changes will also be assessed in this study.

Objectives of the study

This project aims to assess the impact and lessons of these five years (2005-2010) of operational expansion, using a series of case studies. It will take into account the quantitative factors of the expansion, including the increased deployment of field offices and human rights field officers, the increased number of activities, cases investigated, reports produced and used for advocacy. In addition we will look into the qualitative changes in the nature of the work of human rights field offices, large and small. In particular, the OHCHR 2005 Plan of Action and subsequent strategic plans call for a more active role in protection advocacy in the field, and some of the larger field operations have initiated new and creative techniques for pursuing human rights protection for civilians.

Under each of the specific objectives below, the proposed assessment will examine the effectiveness of field strategies in producing a protective impact on the ground. It will also examine the cost-benefit relationship of different strategies, each of which requires a different scale of investment of resources and personnel.

Identify/assess new tools for protective impact being developed in larger field operations

Expanded human rights field operation have the potential to develop a wider range of strategies for affecting human rights dynamics on the ground. Not only does greater staffing allow for greater flexibility in terms of available skill sets and geographic projection, but the expansion gives these field operations an added political impact and access to influence. Large field operations are often only short or medium term and their innovative ideas and effective tactics are not systematically recorded for institutional learning. This project will document how larger field operations have taken advantage of their field projection, how they have increased the impact of classic human rights tools, and what new approaches they have developed to respond to the specific contexts they have encountered.

Identify/assess protection strategies for smaller human rights presences

Human rights field presences cannot all be large. The study will also address the new tools being developed within the constraints of limited mandates, smaller offices, regional offices and human rights advisors within UN Country teams. Human Rights Advisors – a role that is expanding rapidly around the world – are developing strategies to address protection challenges that require collaboration with – and persuasion of - other key partners in order to have an impact. The distinct strategies and optimal partnerships of these different kinds of field presences will each be assessed.

Assess the relevance/effectiveness of different tools and strategies in diverse political contexts, including conflict situations, lack of political will, limited state capacity to design and implement HR policies, high levels of corruption, and cultures of impunity. Tools and strategies do not all work the same way under these different circumstances. At the same time, though, the strengths of effective strategies can sometimes be adapted for substantially different contexts. Although a study of this modest scale cannot do a systematic or exhaustive comparative assessment of all of these different contexts, case studies will be chosen to ensure a range of political contexts, and additional research will be included to allow for a reasonable level of comparative analysis of the diverse application of different tools and strategies.

Assessing the linkages and synergies between the technical cooperation efforts and monitoring/protection work. Different human rights operations have diverse mandates, some allowing for a full monitoring and reporting role, others limited to technical assistance and advisory roles. The study will look at the relationships between these different activities, and their potential strategic synergies.

Assess efforts to encourage increased protection activities by other stakeholders.

Human rights field presences are expected to promote and encourage a range of other stakeholders to carry out human rights activities and to mainstream human rights into their operations. These stakeholders or partners include the host governments, civil society organizations, the UN Country Team, international financial institutions and others. The study will need to compare the efficacy and protective impact of diverse modes of partnership and capacity-building, as compared with the more direct monitoring/protection activities of the field operation itself.

Identify and assess political strategies for opening and sustaining field presence

Host countries are sometimes resistant to active international monitoring of their human rights conditions, and thus human rights field operations frequently face political obstacles to their work, sometimes threatening their very presence in a country, or preventing their entrance in the first place. If the expansion of human rights field operations is to have the desired protective impact in these settings, they must also be developing political strategies and alliances to protect and support the field presence, and to persuade host states of the added value of such monitoring.

Maximize internal learning and cross-pollination of human rights protection strategies

A major goal of the project will be to assist OHCHR (and DPKO/DPA Human Rights components) to maximize the internal learning and cross-pollination across the system about these strategic advances. In particular, it is clear that larger field operations with broad mandates have greater space and resources to explore and develop new approaches to human rights problems. Some of this creativity, especially in the large operations in Colombia, Nepal and DRC, has already been studied. But these lessons need to be shared across all field operations in a way that they can be applied in different settings. In particular, the lessons of these creative advances need to be translated where possible, to expand the range of options for smaller presences with more limited mandates, such as Human Rights Advisors and Regional offices.

Methodology

The study will be carried out through a series of case studies. Each case study will involve a field visit to an active human rights mission on the ground, during which interviews will be carried out with the human rights operation officers themselves as well as with other key local and international stakeholders (government, civil society, other UN partners and INGOs). These case studies will be complemented by additional interviews at OHCHR in Geneva and with other knowledgeable and interested parties at the global level, including other UN and INGO organizations.

A key feature of the field research will involve interviews with individuals in communities and organizations who can give feedback on the impact on the ground of these increased activities. All

too often, the success of an expansion is measured by its procedural and logistical achievements alone – by counting activities and processes. But far more important is to measure the level to which citizens suffering from human rights abuses have been tangibly served by the effort.

The case studies will be diverse, in terms of geography, political context and organization features. The current plan will be to look at the OHCHR operations in Nepal, Uganda, and Guatemala, as well as the DPKO Human Rights Mission in the Democratic Republic of Congo, among others. Shorter field visits to the smaller regional or Human Rights Advisor offices in nearby countries will be combined with these longer case study visits to larger missions. Additional inputs will be collected from other large and small missions as well as UNCT Human Rights Advisors.

Project outputs

Preliminary outputs: September 2009 – February 2010

- Based on initial documentary and interview research in late 2009, Fieldview Solutions will produce a background paper for the planned February 2010 meeting of Heads of Field operations in Geneva.
- Fieldview Solutions will design and deliver a workshop to heads of field operations and human rights advisors in February 2010. This workshop will be designed based on the results of the research, in collaboration with the OHCHR Director of Field Operations and Technical Support. The methodology of the workshop will be constructed in order to take the fullest possible advantage of the accumulated experience of the participants, and focus on best practices in both large and small operational settings.

Final Project outputs

- The final report from this research will be aimed at a diverse audience of institutions and individuals interested in effective protection on the ground. A detailed study will include all results and complete field studies, written concisely and in a manner intended to provide lessons for future fieldwork.
- A shorter summary report of key findings will be produced for broader distribution.
- Fieldview Solutions will also be actively promoting the desired sharing of lessons learned while the research proceeds, through workshops and informal consultation with different parts of OHCHR.

Who will this project serve?

OHCHR itself and all Human Rights Field Operations: This study will provide an outside, objective assessment of a crucial aspect of OHCHR's current strategic approach to human rights protection, pointing out areas of positive effectiveness that can be further developed, as well as weaknesses that can be corrected or improved. In addition, it will document best practices in a way that can be integrated into ongoing OHCHR planning and training of human rights field officers. The February 2010 workshop with Heads of Field Operations will serve to launch this internal learning process even as the rest of the research process continues. The overall process will contribute to refining and strengthening OHCHR's strategic vision of its work in the field. It will also strengthen internal comprehension within the institution of its greater field potential.

The rest of the UN system –The OHCHR operational presence is little known within the UN, and not effectively disseminated. The overall UN system would benefit from a better understanding of the protective impact of both the stand-alone OHCHR offices and the human rights components of integrated missions.

The diplomatic and donor community – These partners need to know the impact of the support that OHCHR has needed to fund this expansion, as well as whether additional support is needed. In addition, as supportive member states more fully grasp the protective potential of these operations, they will be better able to strategize the necessary political support for the work on the ground. The donor and diplomatic community can also be key persuasive actors in pushing for institutional improvement in those areas where weaknesses are identified.

The global human rights community – The 2005 Plan of Action was greeted with considerable support and hope by other human rights actors around the world, and there will be great interest in an objective assessment of its progress in the area of field-based protection.

Other institutions working in the field – Humanitarian, conflict prevention and other organizations working on the ground in conflict and in situations of substantial abuses need to understand better the role and impact of the growing UN human rights presence.

Timing and scale of the project

The preliminary stage of research is completed, with direct funding from OHCHR, and an initial workshop with heads of field presences will be carried out in February 2010 in Geneva. The calendar for completion of the remainder of the project will depend upon receipt of sufficient external funding. Once funding is committed, the remaining research can be completed within 6-8 months, including field trips to case study countries. An additional 2-3 months will be required for the writing, editing and publication of the final reports. Dissemination events would be carried out during the ensuing 2 months. The total timeline for the project is 12-14 months.

Three Fieldview Solutions consultants, supervised by Liam Mahony, will be engaged to gather the data and implement the field studies, starting in the second quarter of 2010, followed by the editing of final results.