

national legal system. In what Kenny refers to as subsidiarity²³⁰, there is a need to allow for, and facilitate, the local justice system's protection of human rights.

For example, an HRO might be alerted to a particular human rights abuse allegation. Quite apart from any internal HRO recording, investigating or reporting procedures, it is incumbent upon the HRO to attempt to ensure that the local officials are aware of the allegations, and that they have an opportunity to follow up the allegations. The strategies or guidelines for doing so can often be problematic, particularly where local authorities have been implicated in perpetrating or allowing violations in the past. Quite apart from a conscious strategy to involve the local justice system and facilitate its improvement through working, to "monitor the effectiveness of domestic remedies, in the light of international human rights law, training must impart knowledge of how the domestic legal system, institutions, procedures and remedies, are intended to work in practice, so that failings in that practice can be accurately identified, and recommendations made for their appropriate solution in consultation with local partners."²³¹

Any human rights operation training must concentrate on the practical or operational, as opposed to the legal or theoretical. However, this is particularly important for operation specific training. For example, the primary challenges for most human rights field investigations include getting the facts straight, assessing the credibility of witnesses, confirming information through third parties if possible, and documenting the investigation. Assessing how a rape, murder, or ethnic cleansing relates to the International Covenant on Civil and Political Rights is secondary at best. For this reason alone, human rights operations training must draw extensively from the experience of former or serving HRO personnel, and draw upon HRO lessons learned.

Recommendation #72

It is recommended that like military peace-keepers, that extensive operation specific training be provided to HRO staff both immediately prior to deployment, and in the field.

Recommendation #73

It is recommended that training for HROs be primarily focussed on the practical or operational, as opposed to the legal or theoretical.

There are two categories of people to train. One category includes core human rights experts, often present in the field in a distinct HRO. Less obvious and often ignored, is the second category which includes the UN human rights field partners such as civil affairs officers, the military, or CIVPOL. Failure to train these and other HRO partners will serve to minimise

²³⁰ Kenny borrows the term from the law of the EU in that matters not in the exclusive competence of the EU may be acted upon "only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by Member States". See discussion on HROs exhausting local remedies in Kenny, *ibid* pp.19-21.

²³¹ p. 20, Kenny, *ibid*.