

Achieving the very authorization of a HRO could benefit immensely from a High Commissioner who is sufficiently apart from the system to pressure various entities such as member states, DPA, or the Secretary-General, to take action. As Rwanda has so clearly shown, there often is no lack of early warning. The major failings of the UN often stem from a lack of political will on the part of member states to respond to early warnings. The High Commissioner unencumbered by the burden of seeking resources for, and the mounting of HROs, can more effectively advocate for HROs with genuine mandates. HCHR pressure on member states to create stronger HROs would not be weakened by any perception that the HCHR or the Centre stands to gain resources or profile.

Once created, HROs would continue to benefit from an active and independent High Commissioner for Human Rights. There will be times when an HRO is not capable of taking, or not willing to take, strong action. This may be because they have not been given the mandate or the resources to do so. Or, there will be times when senior staff in an HRO are overly conservative in implementing their mandate, or are being overruled by their UN operation colleagues and superiors, eg. the SRSB. At those times the UN needs a 'higher authority' that can take issue with how the HRO is functioning, and advocate for re-focussed or increased activity. Such a higher UN authority needs to have independent stature and resources, and perforce, the HCHR has been given that very mandate and is uniquely placed to carry it out.

Recommendation #13

It is recommended that the High Commissioner for Human Rights actively advocate for the inclusion of human rights into the mandate and structure of all UN field operations, eg. peacekeeping operations. In particular the HCHR should press for the creation an HRO and comprehensive mandates for that HRO. The HCHR would subsequently, and independently, monitor HROs and other UN field operations and advocate for re-focussed or increased human rights activity where necessary.

4.3.2 Senior advisor and facilitator for HROs

The expertise and contacts of the HCHR and the Centre for Human Rights makes it imperative that they play key roles as advisors and facilitators to DPA or others mounting human rights operations. This consultative role for the HCHR should be both mandatory and fixed operational procedure.

At the political/strategic level, the HCHR should be brought in to advise on negotiations leading to the creation of UN field operations. In particular, the HCHR must be part of internal UN debate concerning the human rights mandate of a UN field operation generally, as well as the the advisability of, and mandate for, an HRO component. The High Commissioner should be part of task forces or other groupings that gather to strategize on these issues.