

commissions and ombuds. As with such national mechanisms, it is inherent in the HCHR's operating principles that he "should be vigorous and fearless in his investigations and genuinely independent from the institutions of government he is investigating" for this "is as vital and fundamental to a sophisticated and mature system of justice as the principle of judicial independence."⁸²

Continuing that analogy and the operating principles underlying it, effective national human rights commissions or ombuds are funded by government, but are at arms length from government. They can thus play a role that would be highly flawed if they were intimately involved in the functioning of that government's human rights protection mechanisms such as the judiciary or the police. The United Nations' High Commissioner for Human Rights, by not actually managing the HRO component of a UN field operation, can retain the independence required to play that critical oversight role on how the HRO and the larger UN field operation are dealing with human rights.

Such judicial independence normally would require an arms-length relationship from the Security Council, the General Assembly, and the UN Secretariat. This is clearly not the case, for the HCHR and the Centre for Human Rights are an integral part of the UN bureaucracy and ultimately report to some of the very entities (eg. HRC, ECOSOC, GA) and the countries, they are tasked with monitoring. This poses a fundamental contradiction which may never be resolved but which if handled properly, can result in a creative tension.

As an 'in-house' player, the HCHR has access to countries and senior UN staff that might otherwise be denied. Therefore the HCHR has a privileged platform from which to lobby for human rights. However, there are real dangers if the HCHR becomes too enmeshed into aspects of the UN bureaucracy and unnecessarily hostage to member states. For example, if the HCHR and the Centre attempt to play a major field operation role by running HROs, they will have to seek dramatically increased funding from within the UN or from member states⁸³, and do so on a regular basis.

Traditionally the best and easiest way for various member states to restrict UN human rights action is to deny funding, and of course this was but one of the reasons for some of the failures of HRFOR (Human Rights Field Operation Rwanda). The less the High Commissioner and the Centre for Human Rights need to mount field operations, the less they have to beg for funding. The less they have to beg for funding, the more they can resist unwarranted influence over their core activities and primary advocacy role, including advocating for HROs in the first place.

Commonwealth: Directory, Survey, and Analysis, Human Rights Unit, Commonwealth Secretariat, February 1992 pp. 126.

⁸² Ridges, Jim, Papua New Guinea Ombudsman, *Political Realities of Setting Up and Maintaining A Viable National Institution*, in *National Human Rights Institutions: Manual*, op.cit., p.116.

⁸³ As they are presently seeking a reported \$25 million voluntary fund for field operations.