

### 4.3 The High Commissioner for Human Rights

As the senior UN human rights 'advocate', the High Commissioner for Human Rights<sup>78</sup> has a unique universal role that transcends the UN itself. As set out first and foremost in the High Commissioner's mandate, "the promotion and protection of all human rights is a legitimate concern of the international community" and the HCHR is mandated to "promote the universal respect for and observance of all human rights"<sup>79</sup>. With this universal role in mind, the HCHR can and must play two central roles vis-à-vis UN human rights operations.

The first consists of independently monitoring UN field operations, both human rights operation and others such as peace-keeping operations. This is a direct extension of the core role of the HCHR as the UN's conscience and primary advocate for human rights. The second role is as a senior advisor to, and facilitator of UN HROs. This role derives from the HCHR's and the Centre's role as a UN focus of excellence and expertise in human rights. No UN human rights activity, much less any UN HRO, should presume to move forward without having consulted the HCHR, the senior UN human rights advocate, for advice and expertise.

Neither of these two roles, monitoring HROs or advising HROs, implies any need to actually mount HROs. In fact, too close an involvement in the actual operational management of an HRO would present a conflict of interest and impede the High Commissioner's primary and critically important role in monitoring UN HROs.

It should be noted that the term HRO as defined at the beginning of this chapter, refers to relatively substantial field operations, so these comments would not apply to human rights missions by individuals or small teams to carry out a specific tasks, eg. an HCHR sponsored mission to monitor how a UN field operation deals with human rights violations. Similarly, these comments would not apply to missions by country specific or special rapporteurs (SRs) where the HCHR and the Centre for Human Rights provide them with substantive field support (eg. SR Tadeusz Mazowiecki in the former Yugoslavia<sup>80</sup>, or SR van der Stoep in Iraq).

#### 4.3.1 Monitoring UN field operations

It is useful to compare the HCHR's role in the international community, to the overarching monitoring and advocacy role of national human rights institutions<sup>81</sup> such as human rights

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<sup>78</sup> The study uses the term High Commissioner for Human Rights as a convenient umbrella for the UN Centre for Human Rights which reports directly to, and is an arm of, the HCHR.

<sup>79</sup> para. 3(a), GA Res. 48/141, 20 December 1993.

<sup>80</sup> For an excellent study on this and other recent developments by the Centre, see Karen E. Kenny, *Formal and informal Innovations in the United Nations Protection of Human Rights: The Special Rapporteur on the Former Yugoslavia*, *Austrian Journal of Public and International Law* 48, 19-77 (1995).

<sup>81</sup> For an examination of these principles and operating procedures, see *National Human Rights Institutions: Manual*, Human Rights Unit, Commonwealth Secretariat, January 1993, pp. 148, and also articles by Brian Burdekin and John Hatchard in *National Human Rights Institutions in the*