

A detailed mandate is less important for the purely internal functioning of an HRO. Far more critical in this regard is the selection of the head of the HRO and senior HRO staff. They will effectively determine an HRO's vision and drive. Assuming proper selection and training, and this has not always been the case, HRO staff should know what needs to be done and how to go about it. Having said this, a detailed mandate is useful when an HRO finds it necessary to point to formal authorization in order to take high profile and politically sensitive action such as reporting publicly on senior human rights violators.

The HRO also has to deal with parties to the conflict, some of whom may actively subvert any human rights agreement. Clear human rights mandates that set out the operational obligations of the parties to the HRO, especially by the de facto government(s), help limit the potential for parties to adhere merely to the letter and not the spirit of the agreement. The difference between ONUSAL and MICIVIH is a case in point. The written operational powers of both HROs were substantially the same, but their practical application were dramatically different as the Haitian military worked consistently to defeat the spirit of the mandated powers. This ranged all the way from arresting or harassing those meeting with MICIVIH, to delaying the hook-up of telephone lines in order to hamper MICIVIH's communication capacity.

Recommendation #11

It is recommended that UN member states provide HROs with detailed mandates so as to provide full legitimacy and authorization for the various activities of the HRO, and signal clearly the political will of member states to support substantive human rights promotion and protection by all components of the larger UN field operation.

It should be noted though, that merely having a strong and detailed mandate, will not have much long term benefit if UN member states do not continue to provide political and resource backing. If the parties to the conflict perceive world pressure waning, then they will be emboldened in blocking the substantive work of an HRO. The conduct of the Haitian military regime, as best evidenced by the events leading up to the incident of the USS Harlan County, is a perfect example, for "much more serious than the deficiencies of the [MICIVIH] mandate itself was the failure of the Haitian military to comply with the mission's terms of reference. This was compounded by the apparent reluctance of UN headquarters in New York to give the mission its full support when problems of this sort arose."⁷⁶ Read 'UN headquarters' as including member states and senior UN officials.

It is essential that even strong human rights mandates be continually buttressed by member states' political pressure. It must be assumed that parties to a conflict will at one time or another be reluctant to comply with their human rights obligations. The UN and member states must have already thought about their possible response to such non-compliance, so that they have developed contingency plans on how they are going to quickly and effectively pressure

⁷⁶ p. 25, *Haiti: Learning the Hard Way*, Lawyers Committee 1995 op cit.