

STRENGTHENING HUMAN RIGHTS MONITORING MISSIONS

**AN OPTIONS PAPER PREPARED FOR
THE OFFICE OF TRANSITION INITIATIVES
BUREAU FOR HUMANITARIAN RESPONSE
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT**

Stephen Golub

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STRENGTHENING HUMAN RIGHTS MONITORING MISSIONS

AN OPTIONS PAPER FOR THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Stephen Golub¹

Executive Summary

I. Background

How can the United States Agency for International Development (USAID)² help strengthen the capacity of the international community in general and the United Nations (UN) in particular to field teams of human rights monitors (HRMs) rapidly and effectively across the globe? This is the central question that the USAID Office of Transition Initiatives (OTI) asked me to address through the 1995 consulting assignment that has produced this options paper.

For the purposes of this report, I define a human rights monitoring mission (HRMM) based on the common characteristics of the most prominent missions to date. These basic characteristics of an HRMM are: that it be organized by an intergovernmental body such as the UN; that it be based in a country for at least several months, as opposed to visiting it for shorter periods; that its central functions at the very least include observing--and more typically include investigating, documenting and/or reporting on--human rights violations and situations likely to give rise to such violations; and that it be staffed by at least a dozen foreign monitors, and typically several dozen or more.

II. Main Findings

Human rights monitoring missions represent a worthwhile investment for the international community when they are properly organized, have clear and appropriate mandates, and, of greatest importance, enjoy sufficient political support from the international community and/or the host government of the country in which they are operating. It is important to bear in mind,

¹ Stephen Golub is an attorney and development consultant based near Berkeley, with a background in human rights, democratic development, legal systems development and refugee issues. Comments on this paper are welcome and may be forwarded to Mr. Golub via phone (510-559-8581) or fax (510-525-2941), or at 765 Taft Street, Suite A, Albany, California 94706.

² A glossary of acronyms and other terms used in this report constitutes Appendix 1.

however, that they cannot substitute for international or host government political will, nor for more forceful interventions. To date, HRMMs have not significantly undermined the impunity of human rights abusers. Finally, they cannot cure the structural inequities and inadequacies hampering the administration of justice in host countries.

Given these limitations, **what can we realistically expect HRMMs to accomplish?** Where political will is present, as in El Salvador, they can help generate the internal and external pressure to restrain violations. Even in the absence of such political will, anecdotal evidence from Haiti, Cambodia and Guatemala indicates that the arrival of such missions may have a short-lived and limited dissuasive effect on human rights violators. As in South Africa, the physical presence of monitors at sites of potential confrontations can deter violence. By virtue of visits to prisons and detention facilities, monitors in El Salvador, Cambodia and Haiti were to varying degrees able to help secure release of some detainees and prisoners and to improve prison conditions.

More generally, the presence of monitors can have an important attitudinal effect on citizens accustomed to no redress for human rights violations and no awareness of whether the international community cares about their plight. Under some circumstances, HRMMs may serve as objective sources of reporting that counteract the misinformation and disinformation that can fuel political or ethnic violence. Finally, as in Cambodia, perhaps the greatest long-term contribution that an inevitably transitional HRMM can make to the human rights situation in a country is to fortify indigenous NGOs that will work on justice issues long after the mission has departed. Unfortunately, HRMMs elsewhere have not made such support for indigenous NGOs as high a priority.

What are the gaps in the international system for fielding human rights monitoring missions? As a preliminary point, it may be more accurate to think in terms of a series of ad hoc institutional arrangements that vary greatly among missions, rather than an international system. The upshot is that while there is a growing body of literature regarding these operations, many of the needs and shortcomings listed below flow from the absence of systematic mechanisms for organizing, coordinating and evaluating HRMMs:

--a lack of donor coordination among agencies and governments concerned with HRMMs;

--inadequate training for monitors, particularly in that training has focused too much on legal formalities and too little on practical realities and the special problems facing women;

--UN bureaucratic procedures that include poor recruitment practices, counterproductive work rules and hand-to-mouth

financial arrangements;

--an absence of intra-UN cooperation, ranging from poor New York back-up for important equipment requests to inadequate support for human rights divisions of peace-keeping operations;

--delays in launching HRMMs, leading to loss of mission credibility and significant cuts in the effective operating durations of missions;

--constraints regarding availability of funds to assess needs and plan missions;

--the absence of institutional memory and a coordinating body for HRMMs, contributing to a failure to learn lessons and improve procedures from one mission to the next;

--the quality of mission leadership, which has not been a problem in most instances, but which remains a crucial consideration to bear in mind;

--the selection and nature of monitors, which has been mixed and which needs to rely more on practical country experience, activist human rights backgrounds and specialized skills (such as forensics) and less on academic legal training;

--rapid staff turnover among United Nations Volunteers acting as monitors;

--the selection and nature of police and military members of HRMMs by their home governments, which leads to some lacking appropriate orientations and skills;

--the lack of human rights training for peace-keeping personnel who are not HRMs; and

--inadequate debriefing procedures for monitors at the close of their service.

III. Main Recommendations

The main options I explored for OTI consisted of: various forms of direct support for the UN; launching a nongovernmental human rights monitoring entity that would work independently of the UN; adopting a hybrid approach under which NGOs would provide services to the UN; and OTI itself assuming functions that contribute to monitoring. The following recommendations flow from winnowing and refining these options.

In proposing these steps, I by no means assume that OTI has the resources to fund them unilaterally. **Thus, because of cost considerations and the need for multilateral political support, OTI may need to collaborate with other donors in order to implement certain of the following recommendations.** In discussing them with the UN and other donors, it is best to view the recommendations as mutually reinforcing, rather than as isolated proposals.

1. Support the Appointment of a Geneva-Based Field Operations Coordinator for the Human Rights Centre's Rwanda and the Burundi Field Operations. The coordinator would be a senior professional with human rights NGO experience, knowledge of the

UN and a considerable field background to take over from or within the Human Rights Centre the Geneva back-up functions for its current Rwanda and Burundi missions. Looking toward the longer term, s/he also would develop recommendations on whether and how the High Commissioner's office and/or the Centre could more generally be strengthened to undertake monitoring functions.

2. Help Create a UN Coordinating Unit for Human Rights Field Operations and Support the Hiring of an Appropriate Director for the Unit. This inter-agency Joint Unit for Human Rights Field Operations would put in place the appropriate procedures and relationships for a streamlined approach for launching and maintaining human rights monitoring missions. The unit should be headed by a coordinator with a strong NGO background, extensive contacts in the global human rights community, and knowledge of and experience regarding the UN system (ideally including human rights monitoring missions). Such an individual would work cooperatively with the Service and Standby NGOs proposed below.

3. Explore the Establishment of a Modest Contingency Fund for Preparatory Activity Pertaining to Human Rights Monitoring Missions. The Secretary-General could draw on the fund to field preparatory missions and undertake related activities in reasonable anticipation of receiving approval to launch an HRMM.

4. Support a "Service NGO" to Assist the UN and Regional Bodies. Such an NGO (or other independent body) would provide selected services to the UN and/or regional organizations regarding human rights monitoring. The NGO itself would not undertake such missions, but would instead manage a number of important related activities. These would include rostering, pre-certifying human rights monitors for service to the UN or other bodies, recruitment, preparation of orientation materials, debriefing monitors at the conclusion of their service to a mission, and becoming an institutional memory that transcends specific monitoring missions.

5. Support a "Standby NGO" to Develop the Capacity to Field Modest-sized OTI-funded Monitoring Teams on Short Notice. This NGO would have the capacity to field modest-sized international teams of up to 30 monitors in urgent situations where the UN or regional bodies cannot move quickly enough and where USAID is prepared to provide them with bilateral funding. Wherever possible, it would deploy those teams on a temporary basis under the auspices of an official body such as the UN.

Though the Service and Standby NGO functions preferably would be carried out by separate organizations because those functions call for different organizational strengths, as a fallback option OTI could support a single entity or consortium to take on both types of responsibilities.

IV. Other Recommendations

In addition to the above recommendations, OTI should also: investigate ways to strengthen and work with regional organizations, especially the Organization for Security and Cooperation in Europe; cooperate with international and sub-regional bodies that can promote conflict prevention in Africa; work on behalf of the USG providing continued financial and political support for the international tribunals regarding Rwanda and the former Yugoslavia; support organizations that work to bolster the international political will upon which the effectiveness of HRMMs depends; encourage current and future HRMMs to work closely with and bolster the capacities of indigenous human rights NGOs; and encourage the UN to establish modest follow-up operations in a country after an HRMM departs.

V. Recommended Course for Immediate and Subsequent Action

To implement the above recommendations, OTI should: convene a workshop designed to review this paper's findings and recommendations; consult and coordinate with Canada's Department of Foreign Affairs and International Trade regarding its planned review sessions of studies that it has commissioned and that overlap with this report; seek to convene a meeting of donors concerned with how to strengthen human rights monitoring operations; and, based on the outcomes of the above consultations and meetings, initiate discussions with appropriate UN agencies regarding this report and issue requests for proposals regarding the Service and Standby NGO recommended here.

I. Introduction

How can the United States Agency for International Development (USAID) help strengthen the capacity of the international community in general and the UN in particular to field teams of human rights monitors (HRMs) rapidly and effectively across the globe? This is the central question that the USAID Office of Transition Initiatives (OTI) asked me to address through the 1995 consulting assignment that has produced this paper. The assignment was conducted for the consulting firm Thunder & Associates, Inc., under a contract (No. AEP-5451-I-00-2050-00) that the firm has with USAID.

A. Focus of the Assignment

During my discussions with USAID regarding the nature and focus of the assignment, we considered a number of issues that I should scrutinize to the extent that time and resources permitted. The two most important were the gaps or shortcomings in the international system for fielding human rights monitors and the main options that I could identify and recommend for how USAID could help fill these gaps. As a result, a substantial portion of my interviews and other research concentrated on the main options that were apparent at the outset of the assignment. These options consisted of:

- direct support for the United Nations;
- launching an independent human rights monitoring entity;
- adopting a hybrid approach under which NGOs would provide services to the United Nations; and
- OTI itself assuming certain functions that contribute to monitoring.

A number of related issues also are considered in the report. Some, such as the relationship between conflict resolution and human rights monitoring, were suggested to me by USAID personnel. Others, such as how UN human rights monitoring efforts could fortify indigenous human rights monitoring capacities, arose during the course of the assignment. Without straying too far from the central question at the core of my work for USAID, I have tried to consider these issues in conducting my research because they pertain to how OTI in particular and USAID and the U.S. Government (USG) more generally should relate to current and future monitoring missions. Of equal and related importance, scrutiny of these issues illuminates what monitoring missions can and cannot accomplish.

B. Methodology

This study builds on a very brief prior assignment I undertook late last year for OTI, the Democracy Center of USAID's Global Bureau and Thunder and Associates, Inc. The resulting December 1994 Options Paper: Towards a Rapid Response Human Rights Mechanism (which constituted Delivery Order 12 under USAID Contract AEP-5451-I-00-2050-00) set in motion this more thorough review of gaps and options pertaining to human rights monitoring missions.

In preparing this report, I drew on:

--a review of literature pertinent to human rights monitoring, including reports prepared by or for the United Nations, Human Rights Watch, Amnesty International, the Lawyers Committee for Human Rights, African Rights, the Aspen Institute, the USAID Center for Development Information and Evaluation (CDIE) and the Canadian Department of Foreign Affairs and International Trade;³

-- approximately 300 meetings and telephone interviews with UN personnel in New York City, USG personnel in Washington, members of the U.S. human rights and NGO communities, and other persons in the United States and abroad who are familiar with monitoring missions and the issues relating to them;

--short but useful visits to South Africa (specifically, Capetown, Durban and Johannesburg), Cambodia (Phnom Penh and Siem Reap), Guatemala (Guatemala City and Escuintla), London and Geneva for interviews with current and former UN personnel, human rights advocates, USG personnel and other individuals familiar with human rights monitoring missions and related issues; and

-- periodic consultations during which Stephen Morrison and Johanna Mendelson of OTI provided very useful feedback, suggestions and direction regarding the assignment.

As the assignment progressed, I consulted individuals within and outside USAID regarding tentative conclusions and recommendations I was reaching. This process included a series of telephone discussions, meetings in Washington and submission of a series of memos to OTI. Three significant steps along the way were:

--a May 1995 workshop at which I presented interim findings to USG and NGO personnel concerned with human rights monitoring;

--a partial, preliminary draft of this paper, which I

³ A list of written sources constitutes Appendix 2.

submitted to OTI in August 1995 and regarding which Johanna Mendelson of provided very fruitful feedback; and

--a revised and expanded draft, which I submitted in September 1995 and which benefitted from useful feedback from Stephen Morrison, Johanna Mendelson and other USAID and State Department personnel.

II. An Overview of Human Rights Monitoring Missions

What is a human rights monitoring mission (HRMM)? Though the question and answer may seem obvious, different sources in fact characterize them differently, and no one model fits all such operations.

A. Common Characteristics

For the purposes of this report, I adopt basic criteria derived from the common characteristics of the most prominent missions identified below. These basic characteristics of an HRMM are:

--that it be organized by an intergovernmental body such as the UN;

--that it be based in a country for at least several months, as opposed to visiting it for shorter periods;

-- that its central functions at the very least include observing--and more typically include investigating, documenting and/or reporting on--human rights violations and situations likely to give rise to such violations; and

--that it be staffed by at least a dozen monitors, and typically several dozen or more.

These characteristics also serve to distinguish an HRMM, as defined for this paper, from short-term investigations mounted by international human rights groups and missions conducted by local human rights organizations.

B. A Basic Catalogue of Missions

The most prominent UN operations that have been regarded as HRMMs have been:

--the Human Rights Division of the United Nations Observer Mission in El Salvador (ONUSAL)⁴;

--the International Civilian Mission in Haiti (MICIVIH), a joint operation of the UN and the Organization of American States (OAS);

--the Human Rights Component of the United Nations

⁴ As is the case with ONUSAL, which derives its acronym from Spanish, the commonly used terms for certain UN operations are based on sources other than their English names.

Transitional Authority in Cambodia (UNTAC);

--the United Nations Human Rights Field Operation in Rwanda (HRFOR);

--the United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA); and

--the United Nations Observer Mission in South Africa (UNOMSA).⁵

While not characterized here or elsewhere as monitoring missions, several other UN operations have implicitly performed human rights monitoring on a more modest and/or informal level. These have included:

--the Cambodia Field Office of the Centre for Human Rights, to the extent that it has functioned in support of the Special Representative for Cambodia;

--the United Nations Transition Assistance Group (UNTAG) in Namibia, to the extent that its civilian police monitors observed the work of the South West African Police;

--the field offices of the Centre for Human Rights in the former Yugoslavia, in that they gather information and conduct investigations in support of the Special Rapporteur for the former Yugoslavia;

--the United Nations Relief and Works Agency (UNRWA), in that it recruited "refugee affairs officers" to monitor and report on clashes between Palestinians and Israeli security forces during the intifada in the West Bank and Gaza; and

--the United Nations High Commissioner for Refugees (UNHCR), through, for example, its assignment of field officers to monitor and intervene on behalf of the status of refugees and internally displaced persons whom it has assisted to return to their home

⁵ Some South Africans and other sources characterize UNOMSA as a political violence monitoring mission rather than as an HRMM because it mainly observed demonstrations, rallies, clashes and related situations involving contending political factions during South Africa's transition from minority rule. In this regard, its central focus was on the acts of private parties rather than the government (though even in this respect the existence of what is known as secretive "third force" cooperation by some state agents with perpetrators of certain acts of political violence should be noted). It nevertheless is included in the list of prominent human rights missions here because an important related function involved observing the conduct of security forces.

communities in Tajikistan.

In addition, the United Nations Centre for Human Rights reportedly plans on attaching human rights monitors to its current technical assistance mission in Burundi by the end of 1995.

C. The Nature of Missions

Though the focus of this report is monitoring and I accordingly refer to the operations in question as human rights monitoring missions, I should emphasize that most of these operations also have carried out related functions such as human rights education and technical assistance for legal systems development.⁶ Yet even in terms of monitoring, the nature of HRMMs varies greatly. Certain distinctions merit attention.

1. The Distinction Between Political Transition and Humanitarian/Human Rights Crisis Missions

One fundamental dividing line pertains to the situations to which HRMMs respond. These break down into two broad categories. One is the political transition best exemplified by El Salvador and South Africa, and by the ONUSAL and UNOMSA operations that have sought to help facilitate such negotiated changes. Under these circumstances, "the deployment of international civilian personnel is intended to lower levels of violence and create a climate of greater confidence to enable peace processes to go forward" (Clapham and Henry 1995, 137). As fragile and violent as such transitions can be, they nevertheless are relatively orderly processes compared to the other category of situations to which monitoring missions respond.

That other broad category of situations that prompt the launching of monitoring missions consists of recent or potential humanitarian/human rights crises, as most tragically represented by Rwanda and Burundi. HRFOR constitutes an effort, however problematic, to respond to such a crisis by lowering violence and restoring some level of normalcy and stability to Rwanda. The Human Rights Centre's planned monitoring mission in Burundi will attempt to do the same.

The fact that each UN HRMM casts monitoring in a different light is demonstrated by the fact that not all operations fall neatly within the two categories I have delineated. Though essentially facilitating political transitions, UNTAC and MICIVIH both entered societies that were far more decimated by repression

⁶ UNOMSA was for the most part an exception to this rule, by virtue of its limited mandate and the fact that it was building on the efforts of a broad array of indigenous organizations.

and corruption than were El Salvador and South Africa. MINUGUA, on the other hand, has been launched as a hopeful precursor to a negotiated transition, rather than as a part of such a process.

2. The Distinction Between Independent and Component Missions

Another type of distinction among HRMMs is that a mission may constitute a part of a larger peace-keeping operation, as did the Human Rights Component of UNTAC. Alternatively, it may stand alone, as does MINUGUA.

3. Terminology

Some sources use the terms "monitoring," "verification" and "observation" interchangeably in describing HRMMs. Sometimes, however, distinctions are drawn. By virtue of the letter of its mandate and the spirit with which it was implemented, UNOMSA confined itself mainly to establishing a physical presence at potential scenes of political violence in that country, without issuing regular public reports. Hence, its observation role did not flow into the more active investigation, documentation and reporting often associated with monitoring or verifying abuses.

Some sources also distinguish monitoring from verification. Once individual involved with MINUGUA emphasizes that its function is to verify compliance with the 1994 Comprehensive Agreement on Human Rights signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (RNG), as opposed to monitoring compliance with the human rights provisions of relevant international and domestic law.

A further distinction separates protection functions from those associated with the other three terms, in that the former implies a more active physical intervention on behalf of actual or potential victims, rather than simply chronicling their situations and experiences. Yet even "protection" can be clouded by ambiguity, as is sometimes the case with UNHCR operations.

Moreover, the Director of the Cambodia Office of the UN Centre for Human Rights correctly cites General Assembly resolutions in asserting a protective function for his unit, though the office mainly constitutes a technical assistance operation. Furthermore, a key function of the Centre is to support the work of the Special Representative of the Secretary-General in preparing and submitting regular reports to the Commission on Human Rights on the situation of human rights in Cambodia. In this regard, the Centre ironically is playing an important, de facto role akin to monitoring without being a monitoring operation.

Finally, it is important to note that human rights

monitoring often overlaps with combatting criminal activity or political violence. Though Guatemalan military officers' involvement in the narcotics trade is not itself a human rights violation, MINUGUA finds itself documenting violations that result from officers killing innocent civilians with impunity in order to protect the officers' criminal enterprises. And UNOMSA's presence at South African rallies and demonstrations aimed at discouraging violence by political parties' agents as well as by security forces.

The point here is not to split hairs regarding definitions of responsibilities, but rather to suggest that human rights monitoring flows as much from the practical realities of what a mission tackles as it does from the formal parameters of the mission's authority. The crucial question of the impact of various missions' activities is addressed in the next section of this report.

III. The Question of Impact

Why field a human rights monitoring mission? What impact can we expect it to have, and in what respects should we restrain our expectations? These questions are important for two reasons. First, they get to the heart of whether USAID should invest any resources in improving the quality of such missions. Second, they inform consideration of what activities and capacities OTI should and should not try to fortify.

Actually confirming that a monitoring mission has had a favorable impact on the national human rights climate or on specific incidents bumps up against the same types of problems that hamper evaluation of democratic development programs: it is extremely difficult or impossible to pin down causation when so many complex factors enter the equation. With human rights in particular, the challenge typically is the daunting one of demonstrating that a harm did not occur due to outside intervention.

Nevertheless, there are some specific ways in which HRMMs seem to have benefitted the societies in which they have operated. There also are a few respects in which they do not appear to have had much impact, and one respect in which the impact may be negative.

In order to grasp the parameters of what HRMMs can accomplish, it might be best to start with what they cannot achieve.

A. Limits on the Impact of Monitoring Missions

A number of considerations, discussed below, point to the fundamental fact that no HRMMs have comprehensively prevented human rights abuses. Nor can they be expected to do so, in and of themselves.

1. HRMMs Cannot Substitute for Political Will in Combating Human Rights Violations

One concern that implicitly permeates international reviews of human rights missions (by both international human rights organizations and those who led the missions), and that came up repeatedly during my own interviews, is that HRMMs may be seen as substitutes rather than adjuncts for the exercise of political will by the international community and host governments. The experiences of ONUSAL and MICIVIH are instructive in this regard. Though the former receives deserved credit for contributing to a better human rights climate in El Salvador, that climate reportedly began to improve even before ONUSAL was established in 1991. Of more general significance, the overriding factors in

controlling human rights violations there were a degree of commitment by some forces in a government exhausted by years of insurgency, a commitment sparked and reinforced by outside pressure and persuasion that increased when abuses temporarily surged.

In an even more dramatic vein, MICIVIH's experience in dealing with highly resistant Haitian military forces and political thugs made little headway until the eleventh hour deal prompted by the United States' threat of armed intervention imposed a new order on the country. MICIVIH's former Director for Human Rights persuasively argues that the international community and its member states failed to appreciate the Haitian military's resistance to genuine reform in part because it did not pay sufficient heed to MICIVIH's reporting (Martin 1995, 109).

B. HRMMs Are Not a Substitute for More Forceful Interventions

A related concern is that HRMMs may be seen as a panacea where the unfortunate reality of endemic human rights violations can only be addressed by more forceful interventions, be they military, economic, political or diplomatic. This is not to necessarily argue for inserting foreign forces, nor would I wish to attribute this argument to human rights advocates. But the Haitian experience indicates that there may be instances where human rights violators may only bow to military might. And without at this point delving into the problems that plague HRFOR or the potential for other foreign initiatives to help Rwanda back to its feet, it is hard to see how that country's ongoing agony will end as long as armed elements of its genocidal former regime remain harbored across the border in Zaire.

The upshot is that in the most dire situations the international community may face in the future--that is, another Rwanda, in which violence explodes beyond any previous proportions--the necessary rapid response to prevent massive loss of life may consist of armed intervention rather than foreign civilians. As demonstrated in Rwanda, foreigners' passive presence during bloodletting may do nothing to staunch the flow, and may simply force the foreigners into the ranks of the victims.

C. HRMMs Do Not Significantly Undermine Impunity

For the most part, monitoring missions do not dent human rights violators' impunity against prosecution, conviction and imprisonment. Except for a very few scattered incidences in El Salvador and Cambodia (in cases that in fact were not politically sensitive or linked to politically inspired human rights abuses), the track record of monitoring missions in this regard is nil. And even in the latter, despite UNTAC's vast powers and its Human

Rights Component's arrest and detention of a few military criminals, it was impossible to persuade any Cambodian judge to risk his life in order to try the cases.

D. HRMMs Cannot Cure Structural Inequities and Inadequacies in the Administration of Justice

The one respect in which I feel compelled to question some of the current thinking among those involved or otherwise familiar with HRMMs regards whether and to what extent such missions can usefully provide technical assistance and institution-building for a country's legal system. (In the context of an HRMM, a rationale for such initiatives as training judges and prosecutors and putting in place new systems to combat court delay is that such steps improve the legal system in general and thus indirectly improve the system's capacity to prevent and address human rights violations.)

In making this point, I want to distinguish long-term institution-building from worthwhile short-term interventions such as culling repressive or corrupt individuals from police forces, militaries or judiciaries and setting up triage operations to deal with particularly urgent situations such as Rwanda's desperately overcrowded prisons. Rather, the danger is that in taking on responsibility for programs that can only prove effective over the long haul, if at all, HRMMs risk diluting their resources and concentrating on the governmental side of legal systems reform. A focus on nongovernmental efforts may prove both more productive and more compatible with monitoring missions' other work.

A number of problems arise with respect to an HRMM carrying out such government-oriented programs effectively. One is the inevitably long-term nature of such work, while most monitoring missions are in place from one to two years. Another is the question of the host government's political will to really overcome the barriers hindering institutional reforms. The central importance of political will in this regard has most notably been emphasized in a CDIE report, Weighing in on the Scales of Justice: Strategic Approaches for Donor-Supported Rule of Law Programs (Blair and Hansen 1994). Other sources both within the Agency (Rule of Law Working Group 1994) and outside of it (Carothers 1995) have made similar points.

Of perhaps even greater importance, host government political will is only the tip of the iceberg in terms of obstacles to reform. Very often in developing societies, more fundamental constraints such as corruption, patronage, personalism, intimidation, political pressure and simple indifference may contribute to legal systems personnel making little or no use of additional resources, salaries, training and other assistance they may receive as a result of donor-sponsored

interventions.

What's more, such donor-sponsored interventions may even be counter-productive. Human rights training for security forces that have not been purged of abusive elements, for example, runs the risk of educating individuals whose violations flow from their ingrained attitudes and interests rather than from ignorance of the law. In a sense, MICIVIH experienced this through the de facto education inevitably provided to security forces by virtue of MICIVIH's successful interventions on behalf of individuals victimized by warrantless or otherwise groundless arrests: "Eventually the armed forces in some cases learned to claim that an arrest was in flagrant delit, requiring no warrant; or victims were beaten by attaches without being taken into custody to evade official responsibility" (Martin 1995, 99). The point is definitely not that MICIVIH's interventions were not beneficial, for they certainly were. Rather, in the absence of internal motivation to respect the law or external pressure to do so, state agents will not necessarily make appropriate use of donor-funded programs such as human rights education.

For this and other reasons, the aforementioned CDIE distillation of donor experience regarding rule of law (ROL) programs concludes that "a paradigm featuring a 'technical fix' or engineering approach to institutional change is inappropriate for understanding and prescribing the process of ROL reform" and that "an approach that leans heavily on the insights of political economy and emphasizes [NGO-oriented] constituency and coalition building would be more suitable for envisaging and designing ROL strategies" (Blair and Hansen 1994, 51). The irony is that, with the significant exception of UNTAC, to the extent that HRMMs have focused on legal systems development their work has been more along the lines of "technical fix" approaches associated with governmental bodies rather than the "constituency and coalition building" strategy that would flow from working with their natural NGO allies.

The broader point, with which some but by no means all sources I consulted agree, is that attempting to reform a legal system may not be well-suited to transitional bodies such as HRMMs.

Does this mean that HRMMs should abandon working with governmental bodies where there is questionable institutional commitment to reform? By no means. For one thing, such cooperation can be vitally important simply by virtue of facilitating their monitoring work, allowing the HRMMs to wield a carrot as well as a stick. But regardless, the goals perhaps should be more short-term and preparatory. A team of HRMM lawyers carrying out assessment activities and carefully targeted pilot projects that at least in part build on cases identified by HRMs may pave the way for other organizations to delve into

longer-term legal systems development.

B. Opportunities for Impact by Monitoring Missions

Despite the constraints on what monitoring missions can accomplish, their track records and potential justify their deployment under many circumstances. Though by no means comprehensive in terms of stopping abuses within a society, in several specific respects they have played useful roles.

1. HRMMs Can Help Generate Internal and External Pressure to Control Abuses

As already emphasized above, political will is crucial to the impact of HRMMs. This was evinced during ONUSAL's tenure in El Salvador, for example, when a sharp rise in human rights abuses in 1993 reportedly generated effective pressure from the Secretary General and other sources and a resulting decrease in violations (Garcia-Sayan 1995, 45). Unfortunately, as documented by Human Rights Watch (1993) and other sources, such pressure has tended to be the exception to the rule. But when used as a tool of rather than as a substitute for the exercise of political will, monitoring missions can help achieve substantial impact on a human rights situation.

2. The Physical Presence of Monitors Can Deter Violence

*deleg
violence*

The single greatest impact of the foreign monitors fielded by UNOMSA, the European Union, the Organization of African Unity (OAU), the British Commonwealth and nongovernmental organizations in South Africa was to discourage physical violence by security forces and political factions at rallies, demonstrations and marches. Though there is much general criticism by South Africans of the limited roles that UNOMSA and other official delegations played--by generally not monitoring the routes to and from these gatherings, for example--few question that violence was prevented by the foreign monitors' presence in brightly colored vests and other attire that highlighted their roles. South African human rights advocates I interviewed illustrated this point through oral and written documentation of incidents in which violence flared in the absence of foreign monitors or in which combustible situations did not explode while they were present. In a similar vein, opposition groups in Haiti often tried to ensure security for their demonstrations by arranging for a MICIVIH presence.

On the other hand, documented incidents in Haiti, the murder of foreigners in Rwanda and ongoing security concerns that thus far hinder the deployment of monitors throughout Burundi demonstrate that the presence of HRMs does not guarantee protection of locals or even the monitors themselves in some societies. Most recently, MINUGUA witnessed the kidnapping of

staff (soon released) by disgruntled Guatemalans who reportedly blamed the mission for assistance provided to returning refugees. Another MINUGUA staff member reported to me an implicit threat from a military officer who blamed MINUGUA for his being denied a promotion.

Nevertheless, under many circumstances the monitors' foreign faces and UN affiliation seem to afford protection to them and to those in their physical presence.

✓ 3. HRMMs Can Intercede to Some Effect Regarding Illegal Detentions and Prison Conditions

By virtue of visits to prisons and detention facilities, ONUSAL, MICIVIH and UNTAC were to varying degrees able to help secure release of some detainees and prisoners. UNTAC in particular made prison conditions a priority, and secured improvements in some facilities in Cambodia. But it is unclear whether most improvements have proven permanent and comprehensive, and they remain of concern to the Special Representative of the Secretary-General.

A more dramatic and specific benefit flowed from the efforts of the Cambodia Office of the Centre for Human Rights in early 1995 in support of the Special Representative for Cambodia. Its inquiries led to the termination in Battambang province of a secret prison run by high-ranking military officers. The facility had operated as detention/ransom operation, where prisoners were executed if they were unable to pay for their freedom.

✓ 4. HRMMs May Have a Temporary and Limited Dissuasive Effect Regarding Violations

Though useful, prison visits and monitoring of demonstrations really address just the tip of the iceberg of human rights violations, for most abuses occur well out of the presence of HRMM personnel. Does their very circulation in a city or region itself dissuade violations?

Anecdotal evidence from Haiti, Cambodia and Guatemala indicates that the answer is "yes," but that the effect is limited and perhaps temporary. Impact may stem from human rights violators' uncertainty regarding the consequences of abusive conduct as a new, foreign element enters the scene. But some sources argue that while the introduction of foreign monitors may initially discourage violations, perpetrators again become emboldened as they learn that their impunity remains despite the foreigners' presence. This seems to have been the case regarding MICIVIH and UNTAC.

In a few countries, it also appears that there may have been

instances of abusive military officers being transferred in response to HRMM reports regarding their conduct. But these instances are the exception to the rule and it is not absolutely clear that the transfers resulted from the reports of abusive actions.

5. Acting as an Objective Source of Reporting, HRMMs Can Alleviate Tensions Flowing from Disinformation and Misinformation

Rumors and intentional disinformation campaigns can fuel cycles of political violence where ethnic and other divisions are strong. HRMMs potentially can play an important role in defusing such situations, by being objective sources of information. In a related vein, trusted international intermediaries can help assure refugees and internally displaced populations that it is safe to return home, as UNHCR has done in Tajikistan.

✓ 6. HRMMs Can Provide a Psychological Boost to a Dispirited Population

In societies accustomed to repression or lawlessness, the presence of foreign monitors can have an important attitudinal effect on citizens accustomed to having no redress for human rights violations and no awareness of whether the international community cares about their plight. Thus, the arrival of UN monitors in Haiti provided a cause for hope, and their premature (albeit temporary) departure sparked despair.

In a related though anecdotal vein, a South African attorney informed me that the arrival of UNOMSA and other official delegations demonstrated to her that the world cared about her country--a fact of which she was relatively unaware, due to past censorship of the nation's media. And though the Cambodian human rights situation remains very problematic, a Khmer-speaking foreigner long involved with the nation related that prior to UNTAC he had never heard the rough translation of "human rights" uttered in the language, but that now it is fairly common.

This is not to say that rays of hope and glimmers of attitudinal and linguistic change are significant in the absence of effective human rights advocacy. But they can provide the context for indigenous human rights activism that HRMMs can nurture and support, as discussed below.

7. An Insufficiently Utilized Opportunity: HRMMs Can Help to Launch or Fortify an Indigenous Human Rights Community

Perhaps the greatest long-term contribution that an inevitably transitional monitoring mission can make to the human rights situation in a country is to fortify indigenous efforts that will work on justice issues long after the mission has

departed. A substantial consensus among foreigners and Cambodians alike holds that the most significant accomplishment of the Human Rights Component of UNTAC was to help build up such an indigenous human rights community in Cambodia through various kinds of encouragement and assistance. UNTAC played an important role in launching most Cambodian human rights NGOs. This work, which includes de facto political protection as well as administration of a trust fund that supports human rights efforts, is being continued by the Cambodia Office of Human Rights Centre.

In unfortunate contrast, cooperation between some HRMMs and local human rights groups in other countries has been limited. This has not solely been the responsibility of the missions, in that in some instances indigenous NGOs have reacted with suspicion to the HRMMs and/or have feared that the foreign monitors' presence would diminish the importance or profile of local human rights advocates' work. And in fairness, HRMMs sometimes do not want to be too closely associated with indigenous groups out of concern that the missions will be seen as biased.

Nevertheless, if UNTAC and the Centre for Human Rights can cooperate quite extensively with such groups in a hostile, still-repressive political climate, the opportunities to do so elsewhere may not be as constrained as some may fear. And on a more substantive level, as emphasized by the aforementioned USAID Weighing in on the Scales of Justice report, working with groups that have a concrete interest in and dedication to a fairer legal system--that thus comprise coalitions and constituencies for change--may be the best way of putting in motion the long-term process of bringing about such a system.

Furthermore, supporting local human rights NGOs and building up their capacities and those of like-minded individuals and organizations may help ensure that the impetus for such reform is internally generated and therefore more sustainable than that achieved by concentrating on imported advice and resources that governmental institutions may accept but not necessarily utilize in an effective way.

Particularly given the potential importance, then, of civil society in constraining still-repressive governments (as in Cambodia and Guatemala) and/or decreasing the chances of the revival of past horrors (as in Rwanda, Haiti and El Salvador), the UN accordingly should remain open to replicating its experience in supporting Cambodian human rights NGOs. Despite problems with both UNTAC and the Human Rights Centre's Field Office, and especially with the operational discontinuity between the former and the latter (discussed below), they represent an instructive model for working with indigenous NGOs. Where local human rights groups may require additional assistance and

especially political support after the HRMM (e.g., UNTAC) has departed, a smaller, successor UN operation (e.g., the Centre's Field Office) can provide this kind of crucial support.

A very useful tool employed in this regard is the Trust Fund for Education, Training and Monitoring, which was initiated under UNTAC, which the Centre now administers, and to which USAID contributed. In providing various types of grant support to indigenous and occasionally foreign initiatives, it represents a good model for a continuing function that a successor UN operation can carry out after the monitoring mission has departed.⁷

Though not a UN operation, another Cambodia-based model for work that might merit UN support in other contexts is the Human Rights Task Force, an International Human Rights Law Group effort that works with indigenous groups to build up their capacities. Rather than fielding short-term Western consultants, the Task Force bases Western and especially Asian human rights professionals in Cambodia to assist their less experienced Cambodian colleagues. The Task force's work is worth noting because the chances are that future monitoring missions (and their successor operations) may well operate in societies akin to Cambodia, in the sense that violence and repression have stymied the growth of indigenous human rights advocacy and documentation skills.

C. Negative Impact?

In view of continuing impunity for human rights violators despite the presence of HRMMs, one possible negative ramification is that a mission may raise too much hope regarding what it can accomplish. A few sources felt that citizen complaints to UNTAC tailed off toward the end of its tenure as it became clear that abusive Cambodian officers and officials were going unpunished.

The same could well happen in the case of MINUGUA. For example, in a strict sense its informational brochure provided to interested Guatemalans is accurate. Yet in explaining that MINUGUA "receives, considers and follows up complaints of possible human rights violations" and verifies the commitments of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca "to take firm action against impunity," (MINUGUA 1995) the brochure could well raise popular expectations that perpetrators of abuse actually will be punished.

A far more serious type of negative impact would take place

⁷ A structurally similar Trust Fund for the Peace Process in Guatemala also has been launched, but the bulk of its funding is directed at institution-building for government departments.

if citizens suffer as a result of contacting an HRMM. Yet as MICIVIH's former Director for Human Rights points out, though it is impossible to calculate the mission's impact in terms of harm and benefits experienced by those who contacted it, "the greatest weight should be given to the judgment of the Haitians themselves, most of whom believed that the presence of the Mission had some protective effect and many of whom continued to seek individual contact" (Martin 1995, 97).

D. Evaluating Impact

In view of the former MICIVIH official's aforementioned comment, is there any way of evaluating an HRMM's effectiveness in terms of improving a human rights situation? As already noted, the central importance of political will means that the most crucial factor lies beyond the control of the mission itself. Furthermore it is impossible to know for sure that a violation did not take place because of the mission.

Nevertheless, there may be certain crude and by no means comprehensive indicators that could be taken into account. These could include the extent to which illegally detained or imprisoned individuals are released due to the HRMM's intervention. Of a more fundamental though imprecise nature in societies that have unsophisticated human rights communities is the degree to which the HRMM helped strengthen them.

The most useful information would go the question of whether the HRMM actually had a dissuasive effect--whether it discouraged abusive conduct in any way. To even begin to determine this, it would be necessary study the course of events in a series of communities in order to try to understand whether the conduct of actual or would-be violators was affected at all by the presence of monitors in the area. This would involve a number of interviews, some very indirectly aimed at gathering information, with persons in a position to know whether violators actually suffered any transfers or other forms of rebuke for committing abuses, or whether they perceived (correctly or not) the possibility of such undesired consequences. The results, if in fact they could be obtained, would not lead to absolute certainty regarding whether the monitors had a dissuasive effect. But if enough data from enough societies could be collected, it could inform future strategies for whether and where to field HRMMs, and how to maximize any dissuasive effect that might exist.

IV. General Considerations and Issues Regarding Human Rights Monitoring

A. The Long-term Nature of Transitions

Political transitions and recoveries from humanitarian crises by no means end when an election is held, emergencies pass or UN peace-keeping forces depart. Recommendations flowing from the Aspen Institute's 1994 meetings on "Human Rights and UN Peacekeeping" accordingly emphasized the long-term nature of human rights operations (Henkin 1995, 27).

As already noted, one way in which the extended nature of transitions can be taken into account regarding human rights monitoring is through the deployment of a much smaller successor mission after the original HRMM has departed. Another device is the kind of international NGO operation represented by the Human Rights Task Force in Cambodia.

B. The International Committee of the Red Cross

A natural but insufficiently utilized partner for HRMMs is the International Committee of the Red Cross (ICRC), which, by virtue of the 1949 Geneva Conventions and their 1977 Additional Protocols, has the right to carry out relief activities for victims of armed conflicts and to intervene on behalf of prisoners of war, wounded persons and civilians in conflict areas. Yet HRMM cooperation with the ICRC has been sporadic. In Rwanda, for example, there has been little coordination of prison visits and interventions on behalf of prisoners.

The exact nature of what HRMM-ICRC cooperation should be will vary from situation to situation. One possibility is a coordinated "carrot and stick" approach. Through this, the ICRC would exercise its traditional private approach to seeking contending forces' compliance with international humanitarian law and the monitoring mission would regularly go public with its reporting.

C. The Role of Cooperative Community-Level Initiatives

Though it was not a central focus of my assignment, the interest among some USAID personnel in community-level initiatives that might dovetail with human rights monitoring, particularly in societies plagued by ethnic tension, prompted me to explore conflict resolution and community development efforts. Community-level conflict resolution, in fact, was one focus of my research in South Africa, which has vibrant and overlapping human rights and conflict resolution communities. In addition to a plethora of longstanding and recent nongovernmental initiatives regarding conflict resolution, the 1991 National Peace Accord

signed by major political parties established regional and local peace committees nationwide in an effort to reduce political violence.

Without attempting to suggest anything more than tentative impressions regarding the interface between human rights work and such community-level initiatives, that interface merits at least brief consideration. Examining it can illuminate how these strategies may relate to human rights monitoring and/or future OTI efforts.

1. Conflict Resolution

Perhaps the best summary of the general relationship between human rights monitoring and conflict resolution was offered by a South African activist with experience regarding both: "You can't hold hands and point fingers at the same time." Human rights work ultimately aims at assigning responsibility and combatting impunity of those who commit or tolerate abuses, whereas conflict resolution seeks to suspend judgment regarding right and wrong in searching for ways of peacefully addressing disputes. Thus, while it might be useful for HRMs to have mediation skills, this cannot and should not be their central focus.

Nevertheless, the diversity of situations with which human rights monitors contend does not preclude their playing de facto conflict resolution roles under certain circumstances. Given that disinformation and lack of information can help ignite ethnic strife, a monitor can constitute a crucial and credible source of objectivity that defuses potentially explosive developments. He or she also may play a mediating role regarding land disputes and the human rights violations they sometimes spawn. Where a local military officer or government official is not himself abusive but has subordinates who are, establishing a cooperative relationship with that individual can improve the human rights climate. More problematic but no less real is a situation in which the monitor may face the fact of an abusive official's impunity and try to wean that person from those ways.

Of course, whether and to what extent a monitor can play both human rights and conflict resolution roles inevitably hinges on the dynamics of a given society and monitoring mission. But while it might be possible to continue to blend these functions under some circumstances, under many others a monitor's reporting may sooner or later have to point a finger at the ethnic leader, landowner, military officer or government official with whom he or she has been trying to cooperate.

The tentative conclusion I reached regarding potential OTI funding is that community-level conflict resolution is an inevitably long-term endeavor that may well merit donor support aimed at overcoming deeply ingrained attitudes. But in terms of

ramifications for OTI, such support probably should not come from an office that funds activities designed to ease transitions and certainly not in the context of supporting efforts to improve the international community's ability to field monitoring missions.

Viewing the issue more broadly, it may be possible under some circumstances for HRMs to work in tandem with conflict resolution practitioners. The latter could constitute a separate component of a peace-keeping operation or could work for an international NGO. In either event, quiet cooperation between human rights monitors and conflict resolution practitioners could help the former assess problems and the latter prevent them.

2. Community Development

The tentative lessons I draw from community development initiatives in sensitive human rights situations are the same that OTI apparently has drawn in the course of its own work funding community development initiatives in Haiti: creating positive incentives for hostile forces to cooperate can help improve the human rights climate.

The efforts of the UN High Commissioner for Refugees (UNHCR) to reintegrate returned refugees and internally displaced populations in parts of Tajikistan reportedly constitutes a good example of this approach. At the same time that its field officers and their superiors have intervened with local and even national officials to try to ensure protection for these persons, the agency also has organized a series of activities geared toward facilitating their integration. These have included providing them with roof-building materials and other types of support. But of greater interest for this report are those Quick Impact Projects designed to provide income-generating opportunities that benefit a community as a whole, as well as support for rebuilding damaged or destroyed schools, public health centers and other common facilities. Through these devices, UNHCR reportedly creates common interests among returnees and populations previously hostile to them, and demonstrates to the latter the concrete benefits of accepting the returnees' reintegration.

Of course, the vitally important factor of political will has been crucial in facilitating UNHCR's monitoring and reintegration work. Without the cooperation of national leadership and some local officials, the scores of murders, disappearances and other types of violence that took place during the first stages of reintegration in 1993 would have continued, destroying UNHCR's program in the process. In addition, it should be noted that UNHCR's strategy emphasizes cooperation with rather than criticism of the government, reaffirming the aforementioned fact that it is difficult or impossible to blend the two.

A different and far more modest variation on the community development theme occurred in Cambodia, where in at least one province the UNTAC human rights officer helped the local branch of a human rights NGO establish links with international development NGOs and the UN's World Food Programme. For local officials, this may have provided the Cambodian NGO with the added political protection of being associated with outside resources being brought into their jurisdiction.

The aforementioned experiences in Haiti, Tajikistan, Cambodia and elsewhere suggests that some human rights monitoring missions might benefit from the participation of individuals with community development experience. Under some circumstances, linking monitoring missions and/or their local NGO partners to development efforts can contribute to their effectiveness.

D. The Role of National-Level Conflict Prevention Initiatives

A number of sources contacted in the course of this assignment made the emphatic point that, at least as it applies to humanitarian crises, less expensive initiatives launched before crises unfold could obviate the need for subsequent human rights monitoring missions. They argue that such activities constitute an ounce of prevention, as opposed to HRMMs' pound of cure. A few types of initiatives merit attention in this regard.

1. Early Warning Systems

A number of efforts are afloat regarding the possibility of establishing systems by which information gathered from diverse sources would help defuse crises before they start in states that otherwise may receive insufficient attention from the world community. Responding to an initiative by the Conflict Management Group, for example, the London-based NGO International Alert is exploring the possibility of setting up an early warning network in the former Soviet Union (Pallinder 1995).

I cannot offer any firm conclusions regarding the feasibility of early warning mechanisms. But a few words of caution are in order. One criticism I encountered regarding this approach holds that the world often knows all that it needs about unfolding crises, but that it is a lack of political will rather than information that hinders a response. Bosnia is the most enduring example of this argument.

The other argument is that indicators of imminent instability are of little value in predicting which societies will and will not actually erupt. For example, one review of certain African transitions notes that there were dismal predictions for South Africa, but upbeat assessments of Rwanda and Burundi just short periods before they both took murderous turns for the worse (LeMarchand 1993).

My point here is not that early warning systems and analyses cannot prove prescient, but only that they may not represent the highest priorities for investment by OTI.

2. Preventive Diplomacy

A related, broader strategy involves preventive diplomacy aimed at stopping conflicts before they start or even defusing them before they get totally out of hand. Again, my own research did not focus on this issue. Still, further investigation may reveal that it is a worthwhile focus of investment for OTI or another branch of USAID.

I suggest this based on the experience of South Africa, which seems to indicate that while both top-level intervention to convince leaders to abandon violence and grassroots interventions to promote inter-ethnic peace are complementary and in fact both necessary, the former constitutes a more effective short-term initiative. That is, it was only after Inkatha Freedom Party was persuaded to join rather than obstruct the country's April 1994 elections that political violence dropped dramatically in its stronghold region of Natal. In a much more specific vein in the Transvaal region, a member of an African National Congress self-defense unit (the equivalent of a street militia) in a township outside Johannesburg related to me that he joined the local peace committee after hearing Nelson Mandela and other party leaders instruct him to do so.

The potential ramifications for OTI are to consider investing in both intergovernmental and NGO capacities to bring together feuding or warring leaderships of ethnic and other factions.

3. International Tribunals

It almost goes without saying, but nevertheless bears emphasizing, that episodes of massive human rights violations are likely to continue unless those who perpetrated them in the past are punished in a highly publicized manner. Trial and punishment of those most responsible for international crimes of this nature (e.g., violations of the laws and customs of war, genocide and crimes against humanity) are not just a matter of justice--they can deter those who later would commit similar abuses. To the extent that the USG provides continued financial and political support for the International Criminal Tribunal for Rwanda and the International Tribunal for the former Yugoslavia, then, it may help avert a disaster elsewhere.

E. The Relationship With Election Monitoring

Should human rights monitors become election monitors? That is in effect what took place with UNOMSA. Nevertheless, while

the issue merits more attention than I was able to give it in the course of my research, it would seem that there are good reasons for keeping the two functions operationally separate.

Basically, election monitoring involves a different set of skills, rules, relationships and institutions than does human rights monitoring. There of course is some overlap, in that a violent violation of election law can constitute a human rights abuse. But such violence may be political without being government-supported or government-condoned, and therefore not a human rights violation. In this regard, it was relatively simple for UNOMSA's political violence monitoring to evolve into election monitoring. More straightforward human rights monitoring missions might encounter a more difficult adjustment. In addition, election monitoring may involve a set of technical issues that are vitally important but that do not imply human rights abuses.

This is not to say that human rights monitors cannot handle election monitoring if necessary. But if given the luxury of separating the two functions, it would seem preferable to do so.

V. Operational Needs and Gaps Regarding Human Rights Monitoring

What are the gaps in the international system for fielding human rights monitoring missions? This was one of the central questions I was asked to address at the outset of this consulting assignment.

An initial answer is that there is no international system for fielding human rights monitoring missions. Rather, each HRMM has been put together in a somewhat ad hoc manner that responds, for example, to how quickly the head of a given UN body has taken the initiative in involving his organization in a situation (as was the case with HRFOR) or the politics of funding an operation (as was the case with MINUGUA). As discussed below, it also remains unclear which if any UN agency will consistently play the lead role in such missions, which is a fundamental obstacle to constructing a coherent system for fielding them.

Nevertheless, the absence of a coherent system does not mean that no progress has been made in fielding missions, or that there are no specific issues that can be addressed by the UN and donors such as USAID. This section identifies some of the operational issues that will affect how well the international community will field missions that address the human rights implications of future transitions and crises. While there is a growing body of literature regarding these operations, many of the needs and shortcomings discussed below flow from the absence of systematic mechanisms for organizing, coordinating and evaluating HRMMs.

A. Donor Coordination

Various donors are involved with efforts to build up human rights monitoring capacities of the UN. For example, an advisor to the High Commissioner for Human Rights is discussing with Scandinavian donors the establishment of a standby logistical capacity for fielding missions. European donors are supporting a Price Waterhouse study undertaken for the High Commissioner for Human Rights (HCHR) of the structure of the Centre for Human Rights.

Of more immediate relevance, the Canadian Department of Financial Affairs and International Trade (DFAIT) is supporting the preparation of studies that overlap with this report, though the focus of the two efforts is not exactly the same. Their consultant will suggest that Canada fund the creation of a roster of mainly Canadian human rights monitors, with perhaps 15 to 20 percent of the total of approximately 300 monitors hailing from the developing world. Under some circumstances, they would be funded specifically by Canada to participate in human rights monitoring missions. He also will recommend other steps that

DFAIT could take regarding working with the UN on peace-keeping and human right missions.

In view of these diverse but potentially complementary initiatives, there is a need for donors to coordinate their efforts better.

B. Orientation and Training

A common experience of human rights missions has been that monitors often arrive at their field assignments without adequate knowledge of country conditions and the challenges that they are likely to face. Perhaps the most extreme example of this was UNTAC, where there was apparently no structured initial training and the training that did occur focused far too much on international norms as opposed to practical realities. A recent CDIE report on Rwanda found that HRFOR training focused on preparing field officers to work in foreign environment, and offered "too little emphasis on the operational aspects of a field officers' work" (Manikas 1995, 22).

The training conducted by the more recent MINUGUA operation has tended to be too legalistic regarding international human rights norms and the mission's mandate, and not sufficiently practically grounded in the realities of the Guatemalan human rights situation. Having undergone his initial training session five months after arriving in-country, one monitor reported that it had little to do with the reality that he had experienced on the ground. Specific manifestations of this reality are, for example, the ways that perpetrators tend to try to mask their human rights violations by making them appear to be common crimes, so as to elude MINUGUA's scrutiny.

UN training pays little attention to the particular problems that women face in situations where human rights abuses are common, or to the practical and psychological difficulties that women may encounter in describing the abuses they have suffered. It also overlooks the cultural factors that may contribute to such violations and that may frustrate detecting and correcting them.

C. The Burden of Bureaucracy

The UN bureaucracy rears its head in various ways that undercut missions' effectiveness. MINUGUA staff, for example, cannot use mission vehicles after 6 p.m. unless they take personal responsibility for any damage done to the cars after that hour. The upshot is that they must either take on this financial risk themselves in order to do their jobs well or adopt a "nine to six" mentality toward their work.

The MINUGUA experience also resonates in a curious manner

regarding continuity of personnel. UN Volunteers--so named because they are recruited at modest salaries for periods of limited duration by the UN Volunteers programme (UNV) to work for UN agencies as the very rough equivalent of Peace Corps volunteers--apparently cannot be replaced until after their total compensated time, including vacation time, has expired. The typical pattern is that a Volunteer may take his/her vacation after leaving the assignment. The result is that there is no overlap between the Volunteer leaving a slot and the replacement arriving, and frequently there is a gap during which the slot is empty. Because the Volunteers occupy the entire non-supervisory civilian staff of MINUGUA and because their turnover rate is quite high, this constitutes a serious obstacle to effective performance. It also reflects a broader UN problem, in that this difficulty is cropping up even though MINUGUA is the most recent version of the UN's (hopefully evolving) approach to human rights monitoring.

Similarly, the UN Angola Verification Mission III has encountered problems working with UN headquarters in New York. And the Human Rights Centre's Cambodia Field Office faced having its budget slashed by the Advisory Committee on Financial and Budgetary Questions in New York, and continues to operate on a monthly, hand-to-mouth financial basis under which its Geneva headquarters must approve most expenditures.

D. Lack of Intra-UN Cooperation

The fact that lack of cooperation and coordination among UN units undercuts their effectiveness will come as no surprise to OTI. It has had some specific and negative ramifications regarding human rights monitoring, however. A lack of back-up from UN headquarters in New York has frustrated MICIVIH's requests for important equipment and logistical support, for example.

Furthermore, the ONUSAL Human Rights Division and the UNTAC Human Rights Component both experienced extensive problems obtaining cooperation from other units of these Department of Peace-keeping Operations missions. In the case of the former, these took the form of the ONUSAL Police Division conducting parallel investigations and many of its personnel displaying rather sympathetic attitudes toward Salvadoran colleagues suspected of committing abuses. Fortunately, however, the relationship became much more productive as operational lines were more clearly drawn and as the better Police Division personnel remained in El Salvador while the more obstructive individuals departed.

For the UNTAC Human Rights Component, the difficulties included the reluctance of UNTAC to allocate to the Component's provincial officers any of the thousands of vehicles it had

imported to the Component's. On a more substantive level, UNTAC resisted many of the Component's initiatives, such as the launching of a Special Prosecutor's office that was fully within UNTAC's mandate. Hindrances such as these continued throughout the life of the mission.

A few sources I interviewed suggested that one of the problems afflicting the Human Rights Centre in Rwanda was a deliberate lack of cooperation by other UN agencies. On the other hand, the Centre reportedly did not take advantage of UNHCR offers of assistance. Much more generally, some elements within DPKO and the Department of Humanitarian Affairs (DHA) appear resistant to human rights concerns, partly on the grounds that pursuing such concerns interferes with other UN responsibilities and operations.

As for the Human Rights Centre's internal divisions, these are discussed in greater detail later in this report.

Finally, intra-agency competition has a geographic as well as a bureaucratic basis. While the New York/Geneva divide may constitute more of a rationalization than a real reason for poor coordination, a good number of UN personnel cited this as a reason why the High Commissioner for Human Rights is often outside the loop of UN deliberations, and suggested that this could be addressed if his office were to move to New York.

E. Delays in Setting Up Operations

Slow start-ups, partly attributable to delays in recruitment, have characterized most monitoring missions. These can have numerous negative ramifications. Missions may lose credibility with human rights violators and indigenous human rights NGOs alike. One source suggested that delays in deploying MINUGUA were exploited by security forces in Guatemala.

In the case of UNTAC, such delays cut short the effective operating time of the Human Rights Component by up to six months. What's more, stories are legion about individuals hearing nothing from the UN for many months after applying for UNTAC and MICIVIH, only to be told they were needed immediately when contact finally was made.

Delay also flowed from significant lack of coordination between UNTAC Human Rights Component and its successor, the Cambodia Field Office of the Centre for Human Rights. Attributing this to the Centre's "extensive delay in taking the necessary steps to establish its presence in Cambodia," the Component's Director concluded that the Centre "suffered a considerable loss of credibility, as well as losing some experienced UN staff who would have been willing to provide essential continuity had more prompt action been taken" (McNamara

1995, 79-80).

Regardless of whether this attribution of responsibility to the Centre is accurate, materials and equipment were forfeited in the gap of several months between when UNTAC wound down and the Centre's office fully started up. During the interim, the UNTAC radio station--which was and could have continued to be very valuable for human rights and other purposes--simply was handed over to the Cambodian government without any negotiations regarding subsequent uses of the station. It is noteworthy that these problems took place despite the fact that the Centre received authorization to open the Field Office six months before UNTAC's mandate expired and took several additional months to identify a director for the office.

In the case of MINUGUA, the delay may well have been more a matter of politics than bureaucracy, as debates about whether this would be a DPA or DPKO operation mandated by the General Assembly or the Security Council probably played a role. More broadly, delay may be beneficial if it involves resolving important political (as opposed to bureaucratic issues) and if it advances important operational priorities. For example, though the OAS moved more quickly than the UN in fielding monitors for MICIVIH in Haiti, the quality of the UN-selected monitors was generally higher.

The MINUGUA mission head estimates that it only took 45 days for his operation to gear up. Even accepting the estimate as accurate, much of this stems from the fact that ONUSAL was drawing to a close while MINUGUA was being launched, providing the latter with a pool of experienced supervisory talent. An additional consideration regarding delays is that most future monitoring missions may well respond to messy humanitarian emergencies rather than negotiated political transitions. The fact that MINUGUA's experience compares favorably with its predecessors does not negate the possibility that the capability to mount missions as rapidly as may be needed does not necessarily exist.

F. Constraints Regarding Availability of Funds

One factor that may contribute to delays in mounting future HRMMs is that "Secretary-General cannot expend any resources on a [peace-keeping] mission until it is mandated by the Security Council," which means that the UN must engage in "fiscal juggling" (LaRose-Edwards 1995, 20) to get around the fact that there are no funds available for assessment and planning for such operations until they are formally approved. The upshot is that the organization must engage in potentially time-consuming scrounging for funds to take vitally important preparatory steps for launching HRMMs (as well as for other types of missions).

Conceivably, a useful model for assessing needs and for planning and launching future monitoring missions might be found in the authority of the High Commissioner for Refugees to draw on up to \$1 million per mission from an emergency fund, without any strings attached in terms of UN approval. But for this model to be translated into reality with respect to HRMMs, there would have to be a designated lead agency for such operations within the UN and it would have to enjoy so much confidence among member states that it could initiate monitoring missions on its own initiative. Neither development is imminent.

Once operations are approved, the Secretary-General ostensibly can draw on the Central Emergency Revolving Fund, the Special Account Fund, the Working Capital Fund and the Peace-keeping Reserve Fund for peace-keeping missions (including, presumably HRMMs). But the first really is for humanitarian activities, the next two are for general internal financing, and the last appears to be chronically under-funded.

The relatively modest size of HRMMs compared to general peace-keeping missions makes the larger issue of the financial constraints on the Peace-keeping Reserve Fund of less significance for the purposes of this report. Nevertheless, the issue is worth raising because it reflects a larger, growing problem of UN budget shortfalls, both with respect to its general budget and to its Peace-keeping Reserve Fund (which could cover the cost of some monitoring missions). Members generally provide the UN with their mandated contributions to peace-keeping operations from 90 to 180 days after such contributions are assessed, rather than the required 30 days.

More specifically, a few of the sources I consulted suggested that the best step the USG could take to support the UN's capacity to field HRMMs would be to catch up on its arrears to the UN.

G. The Absence of Institutional Memory and a Coordinating Body for HRMMs

A reflection of the bureaucratic divisions within the UN is the fact that DPA, DPKO and the Human Rights Centre all have mounted monitoring missions. While there doubtless has been a sharing of information, this division of labor nevertheless has ramifications in terms of the failure to improve bureaucratic procedures from one operation to the next. An external 1995 review of impediments to fielding peace-keeping operations (LaRose-Edwards 1995, 34) accordingly echoed a 1994 internal UN finding that no management system has been organized for fielding human rights monitoring missions (United Nations 1994, paras. 52-54).

Moreover, personnel records are not ordinarily shared,

decreasing the chances that high quality monitors will be retained from mission to mission, and that low quality performers will not be. Again, the fact that there was a good carry-over from ONUSAL (and to some extent MICIVIH) to MINUGUA is as much fortuitous as it is a product of design: the chronological and geographical proximity of the missions contributed substantially to this phenomenon. A Waste of Hope, the African Rights critique of HRFOR, notes for example that one of the more problematic monitors in Rwanda ended up being selected for MICIVIH (17). MINUGUA staff also reported that some poor quality personnel had been recruited from previous missions.

H. The Quality of Mission Leadership

A number of individuals selected to head HRMMs are highly regarded in the international human rights community and in fact themselves have significant human rights backgrounds. The issue of mission leadership accordingly is not a systemic problem or gap, but nevertheless merits emphasis. To the extent that OTI in particular and the USG in general can solicit American human rights NGOs' opinions of potential mission directors and act on that knowledge in affecting UN decisions, the quality of mission performance is likely to increase.

I. The Selection and Nature of Civilian Human Rights Monitors

A significant factor affecting the quality of a mission's work is the quality of the personnel it recruits to be human rights monitors. The quality of what are known as "mission hire professional staff" (as opposed to permanent UN staff and UN Volunteers) recruited specifically for monitoring operations has been generally adequate, though by no means uniform. The negative exceptions to this rule apparently have cropped up most frequently in HRFOR and UNOMSA. The quality of UN Volunteers has been more mixed, according to MINUGUA professional staff, which is particularly noteworthy given the Volunteers' prominent role in the MINUGUA operation and perhaps future missions.

What factors contribute to making a good monitor? Interviews with current and former monitors as well as with human rights activists in South Africa and Cambodia suggest that country-specific knowledge is most important, with knowledge of the local language of course very helpful. Barring country experience, a background in the region is useful. In a more substantive vein, it is important for the monitor to have concrete grassroots experience in human rights, development, refugee affairs, humanitarian assistance or some related field.

More specialized skills can also prove useful. HRMMs sometimes need persons with forensics training. When imbued with the proper human rights orientation, police possessing investigative skills have been tremendously valuable in South

Africa, Cambodia, El Salvador and Guatemala. They also offer the advantage of being able to gain the confidence of local police officers. Community development backgrounds and strategies can be beneficial, as has been the case in Cambodia and Tajikistan. Sensitivity to gender issues as they intersect with human rights monitoring is vital. Despite the tension between human rights and conflict resolution orientations, the latter can be important under some circumstances.

On another level, a monitor should blend a devotion to human rights concerns with the diplomatic skills necessary to work in a community and avoid alienating government officials wherever possible. Finally, it seems imperative that an effort be made to recruit women, given that many human rights abuses are directed at women (particularly in war-torn situations) who may feel more comfortable describing their trauma to a woman than to a man. MINUGUA accordingly has a good number of women serving as monitors.

HRMMS can pay a high price for recruiting the wrong kinds of monitors. Arriving in Haiti before UN personnel, the youth and inexperience of many OAS recruits for MICIVIH started the entire UN/OAS operation off on the wrong foot in terms of contacts and credibility with the population.

In view of these qualifications, it is unfortunate that the UN has sometimes erred in favor of recruiting lawyers and officials who may know international law and UN protocol, but who lack a grasp of field reality and a devotion to advancing human rights. This is the common South African critique of UNOMSA, which was mainly staffed by UN personnel from the body's New York headquarters. It also applies to many HRFOR personnel. Knowledge of human rights per se means little if the expertise has been primarily acquired or sharpened in the corridors of Geneva or New York. Yet that often is the orientation of the UN and perhaps the Human Rights Centre in particular regarding human rights. In one instance, for example, the Centre passed over hiring for its Cambodia field operation a knowledgeable former UNTAC monitor with extensive prior experience in Cambodia, in favor of a lawyer with no such experience. (Ironically, despite a lack of experience in Rwanda or even in Africa, the former UNTAC monitor was recruited by the Centre for HRFOR.)

The UN also has erred in selecting individuals with inadequate experience of any kind--most notably in HRFOR in Rwanda. There are several allegations of patronage afflicting the recruitment process for HRFOR, (according to African Rights) the civilian police component of the United Nations Operation in Mozambique (though it should be noted that the operation was not a human rights monitoring mission) and elsewhere.

The erratic quality of UN Volunteers does not seem to spring

from a lack of dedication on the part of the UN Volunteers programme. At least in my meeting with its Geneva staff, they seemed serious and not bureaucratic in their approach. But the programme suffers from the fact that it historically has selected individuals for particular internships, rather than scores of recruits for a UN mission. As a result, it lacks the contacts and knowledge of human rights to enable it to make uniformly good selections. It also seems to suffer from the levels of bureaucracy within which it operates in order to try to assist HRMMs, and that field requests for individuals with specialized skills may lose clarity as they pass through that bureaucracy.

More generally, problems with recruitment spring from the absence of a roster specifically designed for HRMMs and the number of individuals and entities involved in the recruitment and screening process. The relatively well-organized assembly of MINUGUA staff, for example, involved DPA, the Field Administration and Logistics Division (FALD) of DPKO, the Office of Human Resources Management (OHRM) of the Department of Administration and Management (DAM), UNV and the Director of the mission. The mission benefitted, however from the fact that ONUSAL was drawing to a close as MINUGUA was being organized, and the ability of the Director to screen UNV applications while he coincidentally in Geneva.

Future missions may not have these luxuries of time and circumstance. And while there reportedly have been attempts to create rosters of pre-screened candidates for peace-keeping missions, my own interviews verify another external review's conclusions that "it is far from clear where responsibility for this lies in the UN" (LaRose-Edwards 1995, 25) and the UN Joint Inspection Unit's findings regarding deficiencies in quality and speed of recruitment (1993, 28). Moreover, even if these general problems regarding peace-keeping rostering and recruitment should be addressed, the difficult task of compiling and maintaining a specific human rights monitor roster could easily get lost in the shuffle of the myriad other responsibilities of FALD or OHRM if either were assigned this task.

J. Staff Turnover

Another issue regarding the UN Volunteers in MINUGUA (which has the largest contingent of Volunteers of any field mission) is rapid turnover. A number of professional staff members noted that many Volunteers had come and gone since the mission started, contributing to a kind of "human rights tourism." It is not totally clear why this is happening, though it may relate to the fact that in a few months they acquire the necessary qualifications that could help secure future UN employment. An additional factor relates to the aforementioned lack of institutional memory--a Volunteer need not be concerned that his or her abbreviated stay on the job will hamper future prospects

with the UN. Because the Volunteers completely constitute MINUGUA's non-supervisory civilian monitoring staff, their departure undermines the continuity so essential to understanding human rights dynamics on local and national levels.

K. Quality Versus Quantity Regarding Civilian Staff

Given the problems with some UN Volunteers, should future HRMMs rely on more professional and experienced individuals for monitoring positions? Not necessarily. If support is provided to the Service NGO recommended later in this paper, it might be able to help the UNV programme identify and screen appropriate candidates. However, such cooperation will only prove useful if the programme or the Service NGO creates incentives and deterrents that preclude Volunteers from abandoning their commitments.

An argument for retaining use of Volunteers is that they are substantially less expensive than staff recruited for "professional" HRMM positions--about a third of the cost. This consideration may become more salient in the future. But in the process of reviewing whether to continue employing Volunteers, it would be useful for the UN to review a salary structure that features such gaping disparities in compensation for individuals performing similar monitoring functions.

L. The Selection and Nature of Police and Military Human Rights Monitors

Experience ranging from South Africa to Guatemala is indicating that appropriate police and military personnel can be tremendously valuable as human rights monitors, in terms of the skills they bring to the job, the credibility they carry with local colleagues and the civilian-military understanding they can help cultivate on a number of levels. However, unlike civilian monitors, police and military monitors are selected by their home countries. This raises difficulties on at least four levels.

1. Improper Human Rights Orientation

First, there is the sensitive issue of the fact that security personnel from certain nations do not themselves have the best human rights backgrounds. There are of course exceptions to this rule in any country, but the experience of human rights missions generally has been that personnel from Western nations tend to be better able to act as models and instill appropriate attitudes in host country counterparts. Some persons I interviewed even raised the concern that police from inappropriate countries might be more inclined to instruct the local police regarding how to skillfully evade the law in mistreating citizens rather than how to obey it.

2. Lack of Appreciation of Local Realities

Even where the police monitors may be relatively professional and disciplined, they may lack sensitivity to local realities. In Cambodia, for example, one former civilian monitor commended the excellent reports prepared by his UNTAC police colleagues on the eviction of alleged squatters. But he lamented their overlooking the fact that the evicted persons had lived on the land for over a decade and that in the context of Cambodia's previously lawless society they might have legitimate claims on the land or for compensation of some sort.

3. Inadequate Skill Level

An overlapping concern is that the police may lack the investigative skills that justify their being included in human rights missions. One MINUGUA supervisor dismissed many police staff members as "just traffic cops."

4. Lack of Control by Supervisors

A related problem is that inappropriate police and military staff members cannot be dismissed by their mission supervisors, since they were selected by their home country governments to begin with.

M. Human Rights Training for Peace-keeping Personnel

Particularly in the context of UNTAC's massive foreign presence (of which the Human Rights Component was the smallest part) in Cambodia, but also with respect to other UN human rights and peace-keeping operations, there has been little attention paid to human rights training for personnel other than HRMs. In certain instances, such training for police and military personnel has been blocked by their home governments. At least one country, for example, barred briefings on the Geneva Conventions for the personnel it dispatched to UNTAC.

A number of sources have identified the importance of such training. It can discourage the kinds of misconduct that occurred among some police and military personnel in UNTAC and other missions. It can educate them regarding the work of HRMMs and therefore make them better able and more willing to cooperate with such work. This can be particularly significant because in peace-keeping operations the police and military are a far greater presence than are civilian HRMs. Depending on the nature of the situation, they could intercede where human rights violations are occurring. And if educated regarding human rights, they could informally act as "eyes and ears" of HRMMs.

N. Inadequate Debriefing Procedures

With the partial exception of ONUSAL and possibly MICIVIH, there appears to be no set procedure for learning lessons from monitors at the end of their stints. Even with respect to the former, the procedures have not been very in-depth. With respect to UNTAC and HRFOR, scheduling and resource constraints have precluded interviews that could guide subsequent operations.

Debriefings are vital because the departing monitors possess some of the most concrete knowledge of a mission's triumphs, failures and lessons. Much is rightfully made of the Aspen Institute's publication, Honoring Human Rights and Keeping the Peace (Henkin 1995). But even my relatively limited contact with monitors indicates that, as valuable as the perspectives of the mission leaders and their papers for that publication may be, it is the monitors themselves who are best placed and most willing to assess some of the operational constraints that frustrate impact and suggest how to overcome them.

V. Main Recommendations

This section considers and recommends which avenues OTI in particular and the U.S. Government in general should pursue in seeking to improve the rapidity and effectiveness with which HRMMs are fielded. In proposing these steps, I by no means assume that OTI has the resources to fund them unilaterally. Thus, because of cost considerations and the need for multilateral political support, OTI may need to collaborate with other donors in seeking to implement certain of the following recommendations.

A. Provide Selected Types of Direct Support to the United Nations

In very selective, limited ways described below, OTI should help the United Nations build up its own capacity to conduct human rights monitoring.

General Considerations

One key factor that limits direct support to the UN to a very targeted approach is that it remains unclear which UN agency will play the lead role in future HRMMs. This raises the specter of USAID today assisting a branch that will have responsibility for only some or perhaps even none of the monitoring missions down the line. A more sweeping argument against working with the UN directly at all is that the bureaucracy and internal competition that affect the organization's operations will undercut effective use of USAID assistance.

On the other hand, despite all of its problems the UN retains credibility that exceeds that of other international organizations and NGOs. This credibility allows it to field and keep in place monitoring teams that host governments otherwise would reject, and fortifies their physical security. In addition, the fact that human rights monitoring missions have only been launched over the past few years, and therefore represent a new and evolving type of operation for the UN, mitigates against judging the organization too harshly or abandoning hope that it can adapt to the demands of such operations.

1. Support the Appointment of a Geneva-Based Field Operations Coordinator for HRFOR and the Burundi Field Office

This step would involve OTI supporting the hiring of a senior professional with human rights NGO experience, knowledge of the UN and a considerable field background. This person would take over from or within the Human Rights Centre the Geneva back-

up functions for the current Rwanda and Burundi missions. The combination of qualifications desired for the field coordinator would make it preferable that s/he should be recruited from the international human rights community, rather than seconded from the U.S. Government, another donor or a UN agency.

Looking toward the longer term and working in coordination with the USG-supported Special Counsel to the High Commissioner, this field coordinator would develop recommendations on whether and how the High Commissioner's office and/or the Centre could more generally be strengthened to undertake monitoring functions. Thus, the coordinator could help build on previous and current USG-funded efforts to strengthen the High Commissioner and the Human Rights Centre. One matter which s/he might address (but which it would be premature to advocate at this point) would be the possibility of creating within the Centre a separate unit that would focus exclusively on HRMMs and closely related activities.

Pro and Con Arguments Regarding This Option

This option has the considerable virtue of potentially offering concrete impact with respect to pressing priorities, since many of the problems afflicting HRFOR are generated in Geneva. In the short run, it represents a way in which OTI can provide additional modest, useful support for the HCHR and/or the Centre. Looking toward the longer haul, it represents a gradual approach upon which the HCHR, USAID and other donors can build in the future. That is, based on the recommendations of the current HCHR Special Counsel and the field coordinator proposed here, and taking into account the process that apparently will be set in motion by the results of the Price Waterhouse study, OTI could make future decisions about whether and how to contribute to a stronger human rights monitoring capacity on the part of the Centre and the HCHR.

Whether the High Commissioner would agree to this and whether he could transfer relevant responsibilities from where they currently reside in the Centre are two important questions. But his very willingness and ability to bring about this change would help indicate how and whether USAID should try to work with him in the future.

Recommendation

OTI should seek to persuade the High Commissioner for Human Rights to appoint a Geneva-based coordinator for the Rwanda and Burundi field operations, should ensure that the appointee have the appropriate human rights experience and field experience, and should provide financial support for the position if necessary.

2. Help Create Within the UN a Joint Unit for Human Rights Field Operations and Support the Hiring of an Appropriate Director for the Unit

The U.S. Government should strongly encourage the UN to establish an inter-agency Joint Unit for Human Rights Field Operations that would put in place the appropriate procedures and relationships for a streamlined approach for launching and maintaining human rights monitoring missions. The Joint Unit would coordinate its work with broader peace-keeping efforts of which a human rights monitoring mission might be a part.

The work of the unit would pertain to logistics, finance, administration, personnel, evaluation and other aspects of field missions. Its membership would include representatives of the Departments of Peace-keeping Operations (including its Field Administration and Logistics Division), Political Affairs, Humanitarian Affairs, and Administration and Management (including its Office of Human Resources Management), as well as of the Offices of the High Commissioner for Human Rights, the High Commissioner for Refugees and the Secretary-General.

The unit ideally would be headed by a coordinator with a strong NGO background, extensive contacts in the global human rights community, and knowledge of and experience regarding the UN system (ideally including human rights monitoring missions). This combination of qualifications makes it far preferable that s/he should be recruited from the international human rights community, rather than seconded from the U.S. Government, another donor or a UN agency. To assure proper access and to facilitate this coordinating function, s/he should report directly to the Secretary-General rather than to any of the individual UN bodies that participate in the unit. If necessary, OTI and possibly other donors might support the initial salary of the coordinator and other start-up costs for the unit.

The appointment of an appropriate coordinator also is important because s/he will help assure cooperation with the Service NGO and Standby NGO proposed below. Furthermore, given the importance that most future missions should assign to cooperation with indigenous NGOs, a coordinator with a strong human rights background could also play a useful role in ensuring that such cooperation takes place.

The unit would have a flexible structure that would allow a core membership and staff to be expanded at times when there are greater demands on it. The nature of the unit's coordinating work would hinge on such factors as whether DPA, DPKO or the HCHR plays the lead role in a given monitoring mission.

Pro and Con Arguments Regarding This Option

This option is basically derived from findings and recommendations of the 1994 Aspen Institute meetings (Henkin 1995, 28), the Lawyers Committee for Human Rights (149), the UN's Joint Inspection Unit (6) and other sources regarding the need for enhanced intra-UN coordination. There is a need for a coordinating entity that would concentrate specifically on human rights because, inter alia: some future field operations may have this as their main or exclusive focus (as have MINUGUA and HRFOR, for example); such a coordinating body would prevent repetition of the logistical isolation and bottlenecks respectively suffered by UNTAC's Human Rights Component and MICIVIH; and the Unit could begin to build an institutional memory that transcends intra-UN organizational boundaries.

There might be concern about the unit conceivably adding another layer of bureaucracy to field operations. But any concern about this should be obviated by the fact that the Unit would be a small operation that would facilitate rather than frustrate cooperation.

Recommendation

OTI should work with other donors and the international human rights community to persuade the UN to launch a coordinating unit for human rights field operations, and should (perhaps in collaboration with other donors) provide any initial funding that might be necessary.

3. Explore the Establishment of a Modest Contingency Fund for Preparatory Activity Pertaining to Human Rights Monitoring Missions

OTI should consider contributing to the establishment and support of a fund upon which the Secretary-General could draw to launch assessment and planning missions and to undertake other preparatory activity in reasonable anticipation of receiving approval to launch an HRMM. This contingency fund would compensate for the fact that the UN has no set mechanism in place for undertaking such preparatory work. OTI would undertake this initiative in coordination with other donors.

Pro and Con Arguments Regarding This Option

The main positive argument is that it would facilitate the crucial stage of preparing for missions before they are launched and before the Secretary-General receives the necessary authorization for undertaking them. The very existence of the contingency fund might obviate political and bureaucratic obstacles to rapidly preparing for a mission.

One possible argument against this step is that some member states might well view with suspicion any Western-sponsored initiative that even makes it possible to assess the need for a mission and to undertake subsequent preparatory steps without elaborate consultations taking place within the UN. But exploring this possibility would be a good means of determining how much opposition to the idea exists.

Another possible objection is that the UN has in some instances managed to field assessment and planning activities thus far using ad hoc procedures, so a special contingency fund might not be necessary. But given the importance of gathering useful information as quickly and comprehensively as possible before fielding a mission, a fund that would facilitate this process could well improve the quality of subsequent monitoring missions.

Recommendation

OTI should explore first with the UN and subsequently with other donors how open the UN would be to establishing and utilizing a contingency fund for preparatory activity pertaining to human rights monitoring missions.

B. Adopt a Hybrid Approach Under Which One or More NGOs Would Work with the United Nations and Possibly Other Bodies

OTI should consider supporting one or more NGOs to work with the UN to increase the capacity of HRMMs to swing into action rapidly and effectively.

General Considerations

The overall rationale for such an approach is that the UN's status and legitimacy make it highly advantageous for it to have a role regarding human rights monitoring, but its highly bureaucratic nature weighs in favor of its delegating certain responsibilities to smaller and more flexible organizations.

More specifically, entrusting functions relating to monitoring to outside groups could improve the speed with which monitors are recruited for specific situations, the quality of those monitors, the training they receive, and the evaluation of such missions and the personnel involved. One such organization could also develop an institutional memory of lessons learned across a spectrum of regions and UN missions.

As detailed in subsection B2 below (regarding a Standby NGO), this hybrid approach also offers USAID the opportunity to support a specific team of monitors that could be recruited

quickly by an NGO in emergency situations.⁸ Such support would consist of covering their salaries and related costs, though the unit would still operate as part of a UN mission. Providing such funding would ensure that USAID and the NGO have final say over the unit's composition, and would make it possible to put the unit in place more rapidly than if it were processed through the UN's more elaborate personnel procedures.

One complicating factor regarding a hybrid approach is that it would involve a series of discussions with relevant UN departments to ensure that they would avail of the NGO services. Depending on the precise course USAID were to take, it probably would be necessary to coordinate with HCHR, DPA, DPKO, the Department of Humanitarian Affairs (DHA), the Secretary-General, UNDP (of which the UN Volunteers Program is a part) and possibly other UN bodies such as UNHCR and the Department of Administration and Management (DAM). This would not necessarily be an obstacle, however, for reasons discussed below.

Given that OTI does not provide long-term institutional support, the nature of its assistance for one or more NGOs would be transitional in nature--perhaps three years--and would be provided in coordination with other donors if possible. Whether the NGOs would require funding beyond three years (and whether such funding should be reduced or expanded from initial levels) would depend on the extent to which crises and transitions around the globe fuel a need for their services, the extent to which the UN and regional organizations access the services, and the extent to which the UN and regional bodies respond well to future crises and transitions.

1. Support a "Service NGO" to Assist the UN and Regional Bodies

This approach involves funding an NGO or other independent body to provide selected services to the UN and/or regional bodies regarding human rights monitoring. This "Service NGO" would not undertake such missions itself, but would instead manage a number of important related activities. At a minimum, they would involve rostering, pre-certifying human rights monitors (HRMs) for service to the UN or other bodies, recruitment, preparation of orientation materials, debriefing

⁸ The European Union has provided such a team to HRFOR in Rwanda, though the timing of its deployment might preclude it from being considered part of a "rapid response" to that crisis. More generally and looking toward the future, both Canada and Ireland reportedly are considering putting together rosters that would constitute the bases of monitoring teams that those countries could field and fund bilaterally in responding to future transitions or humanitarian emergencies.

HRMs at the conclusion of their service to a mission, and becoming an institutional memory that transcends specific monitoring missions. In carrying out these functions, it would work in cooperation with the Joint Unit for Human Rights Field Operations proposed above.

What services, more specifically, would the NGO provide? Depending on the situation, it would not necessarily undertake all of the activities listed below with respect to any given monitoring mission. But it would possess these capabilities:

a. Compile and maintain an international roster of individuals with a wide range of appropriate backgrounds and skills, including human rights, forensics, criminal investigation, conflict resolution and community development. The roster would be very diverse in terms of country experience, national origin and language skills. It also should include individuals who are familiar with the specifics of abuses against women and who are skilled in investigating such violations.

b. Pre-certify those persons with the UN and any other appropriate organizations, so that they could be put into place with relatively short notice.

c. Drawing on that roster, have the capability to field small assessment teams to determine whether human rights monitors might prove useful in a given situation, and how they should be deployed. Under many circumstances, this function could be carried out by the UN without the assistance of the NGO. But it is conceivable that in urgent situations the UN or another body might draw on the NGO, perhaps with the help of OTI funds, to jump-start the assessment process.

d. Assemble general orientation materials for persons on the roster, regarding human rights law, relevant UN procedures and especially the experiences of persons who served in previous missions. The materials should include information specifically pertinent to addressing the abuses women suffer and the factors that may frustrate detecting and correcting such violations.

e. Drawing on its roster, recruit monitors when they are needed by the UN or other bodies.

f. Undertake training activities and prepare manuals and other materials for monitors, particularly at the outset of missions when the UN's own training capacities may be stretched thin or not yet geared up for the immediate tasks at hand. Again, special attention should be paid to the issues particular to women in problematic human rights environments.

g. Where necessary, draw on its contacts to facilitate cooperation between human rights monitoring mission personnel and

indigenous human rights advocates, both for general coordination and because under some circumstances the local advocates could help train newly arrived monitors.

h. Conduct training sessions for Americans who might serve in bilaterally funded teams that would be fielded by the Standby NGO proposed below.

i. Debrief monitors at the conclusion of their assignments regarding lessons learned for the future.

j. Through these debriefings and other mechanisms, act as an institutional memory that spans various UN human rights monitoring operations.

k. Perhaps informally, or on a more formal level if the UN granted permission, act as an institutional memory regarding the performances of individual human rights monitors.

l. Other institutional memory mechanisms would include studies that involve the Service NGO, UN personnel and an outside body (such as the Refugee Policy Group) in reviews of the operational problems and accomplishments of monitoring missions. These studies would be organized in coordination with the aforementioned Joint Unit for Human Rights Field Operations.

By involving UN personnel, the studies would contribute to greater awareness of lessons learned within the organization. In this respect the Service NGO reports would differ from the series of external reviews of monitoring missions initiated by the Lawyers Committee for Human Rights in its excellent study of MICIVIH (1995) and the equally valuable reports on human rights field operations prepared by Amnesty International (1994a), Human Rights Watch (1993) and African Watch (1995). Its reports also would depart from these human rights groups' studies in that while the latter quite properly address questions of political will, the Service NGO reviews would focus more on operational issues. A few examples of such issues include the delay MICIVIH experienced in receiving crucial communications equipment, the restrictions on MINUGUA personnel utilizing UN vehicles after 6 p.m., the rapid turnover in UN Volunteers staffing MINUGUA and the myriad problems afflicting HRFOR.

By involving non-UN personnel, the studies hopefully would scrutinize operational problems more carefully and objectively than purely internal UN reviews can. Given that such problems have cropped up in MINUGUA despite lessons that perhaps should have been learned from previous monitoring operations, such external involvement might prove useful.

Pro and Con Arguments Regarding This Option

The notion behind the Service NGO proposed here is that an appropriate organization with the correct human rights orientation, contacts and credentials could make the work of the United Nations (or a regional organization) easier as it tackles the challenges of launching and maintaining a HRMM or a larger peace-keeping operation that includes a human rights monitoring component. UN personnel often are stretched to the limit by these challenges. While many possess the requisite dedication to doing a good job in fielding an HRMM, they may be pulled in myriad other directions by competing priorities. Whatever their other strengths, for example, UNV and DPKO's Field Administration and Logistics Division cover a very broad spectrum of responsibilities that extend far beyond human rights. Far from competing with UN personnel, then, the Service NGO would make their work easier and more effective.

In this same vein, a virtue of a Service NGO is that it potentially can strengthen UN bodies while working with them. That is, it can acquaint two key agencies involved with HRMM recruitment, UNV and FALD, with international and local NGOs whose personnel and expertise can be useful regarding rostering and recruiting human rights monitors. Similarly, such personnel could be useful for training monitors, particularly if they were active in societies to which monitors were dispatched.

Furthermore, investing in this approach enables the NGO to be of service regardless of which UN agency plays a lead role in a given monitoring operation. For that matter, the NGO also could service international bodies other than the UN--e.g., the OSCE, the Organization of African Unity (OAU) and the Organization of American States (OAS). Should the UN be unable or unwilling to field monitoring teams, these alternatives might be available.

Of equal importance, the Service NGO could undertake key functions more effectively and rapidly than can any UN body. With respect to rostering and recruitment, for example, such an NGO would be in touch with a far better network of human rights advocates and other pertinent professionals around the globe. Its relative absence of bureaucracy would allow it to focus on maintaining such a roster over time, and to more easily contact recruits for a given mission. In fact, a variation on this theme has been proposed by the former head of UNTAC's Human Rights Component (McNamara 1994), who now heads UNHCR's Division of International Protection.

The NGO would bring related strengths to the institutional memory function. Again, its human rights orientation would aid it in understanding the successes and failures of missions in ways that UN staff members sitting in New York or Geneva might

not. The small size of the NGO or a unit within it would allow it to keep much better track of information that crosses UN departmental boundaries. As an outside group, it could assess such information more critically. And as a body that is involved with rostering, recruiting and possibly training, it could learn lessons for its own future operations.

In addition, the feedback I have received from UN officials, current and former monitors, and Western and foreign human rights advocates has generally been positive and has contrasted favorably with the alternative options of relying exclusively on the UN or launching a completely independent monitoring entity. Senior officials within DPA and the Office of the High Commissioner for Human Rights also have responded favorably, as have other UN personnel. In addition to the former UNTAC official cited above, the current head of MINUGUA has expressed interest in the idea.

Finally, a great advantage of this option is that it is flexible. To the extent that the UN streamlines and concentrates the various processes involved in monitoring and eliminates bureaucratic turf battles, the NGO function might gradually be turned over to one or more agencies there. In the alternative, if the UN benefits from working with the NGO, it might well want to retain the relationship with this outside group. And in the unfortunate event that the quality of future monitoring operations veer more in the tragic direction of HRFOR than the more successful one of ONUSAL, the option still exists to use this facility to work more exclusively with regional organizations.

Flexibility also is of crucial importance because of the very unpredictability of the situations to which human rights monitoring missions might have to respond and the fact that such missions are a relatively new phenomenon. With our understanding of the challenges presented by unstable and transitional societies still evolving (as are the international community's institutions that could address such challenges), it is best that USAID-supported vehicles for responding to future crises and transitions be as flexible as possible.

The principal argument against this option is that the UN would not buy into this approach, preferring to keep all operations under its own departmental roofs. In addition, it is possible that the UN is evolving sufficiently on its own to make this idea superfluous. There is the possibility that this proposal would merely create another level of bureaucracy regarding recruitment, rostering and whatever other activities the NGO would take on.

Another concern would be whether any existing NGOs could take on the range of activities listed above.

Regarding these arguments against this approach, my initial inquiries suggest (as indicated above) that the UN might be receptive to at least some parts of this hybrid approach. In addition, USAID is not without leeway regarding this matter. Above and beyond whatever general influence the U.S. Government could bring to bear, other potentially persuasive resources could be available, such as coordinating with other donors. In addition, USAID and the NGO in question actually could help the UN could make the best of the situation presented by internal UN divisions regarding monitoring responsibilities. As already suggested, given that such responsibilities could shift depending on the nature of the transition or crisis to which the UN responds, the NGO could be of service and be ready to respond quickly regardless of which UN agency plays the lead role in mounting an HRMM.

As for the other arguments against the option, the evolution of the UN's approach to monitoring by no means guarantees that monitoring operations will not benefit from NGO rostering, recruiting and training capabilities that could address some of the problems experienced by MINUGUA, the latest monitoring effort. And it is more likely that an NGO could cut through layers of UN bureaucracy, rather than add to them.

Finally, while there is no organization ideally suited to undertake this work, the fact that it does not involve the logistical end of human rights monitoring (in terms of moving vehicles, equipment and other materials and setting up offices) quite possibly places it within the operational grasp of human rights NGOs and certainly within that of other types of NGOs, as discussed below.

Recommendation

OTI should pursue support for a Service NGO that would work with the UN and possibly regional organizations. In pursuing this option, OTI should undertake a series of interrelated steps consisting of the following:

a. In the context of broader discussions regarding the range of options recommended in this section, OTI should determine how open appropriate UN officials would be to working with such an NGO. These officials should include representatives of the HCHR, DPA and DPKO, the bodies most likely to mount monitoring missions in the future. They also should include representatives of the Secretary General, DEA and DAM.

b. OTI also should consider a similar array of discussions with the OSCE, the OAS and the OAU, to determine whether and how they might work with such an NGO.

c. OTI should solicit proposals from NGOs experienced with human rights to launch a unit that could service the UN and regional bodies in a variety of ways pertaining to human rights monitoring missions. The very process of soliciting and receiving proposals would itself be useful in provoking useful outside input into what the Service NGO can and should do.

While there is no ideally suited organization that could take on such work, those with human rights experience would seem best equipped because of their contacts, orientation, familiarity with human rights problems and skills (such as documentation), and general knowledge of the field. Examples of such NGOs include the International Human Rights Law Group and Minnesota Advocates for Human Rights.

If the proposals and capacities of human rights organizations that respond to OTI prove inadequate, it also should consider whether organizations with humanitarian relief and election monitoring experience also might qualify for USAID support. Such groups have the advantage of considerable logistical experience with field operations in politically challenging environments, and some are sympathetic to human rights concerns.

Nevertheless, I put working with such groups in a fallback category because the whole point of building up an NGO capacity is to draw on the substantial strengths that adhere to an organization that focuses exclusively on human rights, as opposed to election assistance or humanitarian relief. In addition, humanitarian assistance agencies may bump up against the issue of whether the neutrality they often adopt in order to provide relief services during violent conflict interferes with their capacity to take a stand against human rights abusers--a concern articulated by a recent African Rights paper, Humanitarianism Unbound? (1994).

This is by no means to suggest that certain humanitarian relief organizations are not rethinking their mandates in ways that would permit them to advance human rights priorities--a few have in fact been in touch with international human rights NGOs in this regard. But OTI should first seek to work with human rights organizations.

OTI should not solicit proposals from consulting firms regarding this activity. Whatever their technical strengths in terms of handling USAID funds, the caliber of personnel they bring to bear regarding certain USAID-supported projects and the quality of their work in other fields, they lack the contacts, credibility, orientation and experience which justify supporting an outside group to work with the UN regarding monitoring missions. And both as a matter of substance and appearance, human rights monitoring services should not be seen as a profit

center.

d. OTI should engage in discussions with other donors regarding whether and to what extent they also might be interested in supporting this idea.

2. Support a "Standby NGO" to Develop the Capacity to Field Modest-Sized OTI-Funded Monitoring Teams on Short Notice

Under this approach, OTI would support the development of an "Standby NGO" capacity to field modest-sized international teams of up to 30 monitors in urgent situations where the UN or regional bodies cannot move quickly enough and where USAID is prepared to provide them with bilateral funding. Wherever possible, it would deploy those teams on a temporary basis under the auspices of an official body such as the UN. Of course, the substantial expenditures relating to actually fielding a team of monitors would take place only if and when the need arose. But as a preparatory step, the NGO would receive OTI support to put in place the necessary staffing and logistical arrangements to organize and deploy the team quickly.

In fielding a team, the Standby NGO could draw on the aforementioned Service NGO to undertake recruitment, training and other activities in the same way that the Service NGO would directly support the UN under other circumstances. If the matter were particularly urgent and if the politics of the situation permitted it, the Standby NGO could instead field a team of Americans drawn from the Service NGO's roster or from the data base of an organization such as the National Peace Corps Association.

The up-front funding of the Standby NGO would be considerably less than for the Service NGO, in that the former would simply be putting in place arrangements geared toward an eventuality that may only occasionally occur, if ever. In contrast, some of the latter's functions (such as maintaining a roster) would more immediately involve an investment of funding for personnel and equipment.

One potentially costly factor that could affect this approach would be training for personnel on the roster before they are selected for any mission, to better prepare them if the need should arise on short notice. Clearly, it would be prohibitively expensive to undertake such training for the many foreign individuals on the Service NGO's roster.

Training only Americans on the roster would be more manageable and would certainly contribute to putting together the capacity to field a well-prepared team quickly. It offers the further advantage of informally ascertaining through the training which individuals might make the best monitors. Finally, the

pre-training would provide the Service and Standby NGOs, which would collaborate in this activity, the opportunity to assess and adjust the approach that the Service NGO subsequently would use in preparing monitors for actual missions.

Reportedly, Canada, Ireland and possibly other European nations are considering support for the kind of bilaterally-funded team discussed here.

Pro and Con Arguments Regarding This Option

At least two sets of conceivable circumstances might justify OTI support for rapidly deploying a modest-sized team of monitors. One is where only a relatively limited number of monitors is necessary due to the nature of the challenge, the small size of the country in question or the possibility that instability mainly is confined to one part of the nation. Another is where larger deployments are needed, but where OTI could work in coordination with other donors to put substantial numbers of monitors in place quickly. In either event, rapid deployment could help stabilize a combustible situation and provide support for new and/or threatened indigenous human rights groups.

Because OTI itself would fund such a team, USAID and the Standby NGO would have the advantage of final say regarding selection of monitors, their training and how they are deployed. This would make it easier to ensure the quality of the personnel and their work. This advantage could also function if the team were integrated into a larger UN effort, in that USAID could contribute to that effort while having more confidence regarding the impact of its support.

The Standby NGO selected by OTI either would have the logistical capacity to field teams itself or would negotiate an arrangement under which a third party (probably a private firm) would supply and transport necessary vehicles, equipment and other materials on short notice.

As with the Service NGO, flexibility is an important feature of supporting an Standby NGO. To the extent that the UN and regional bodies become more adept at fielding teams quickly, the need for bilaterally-funded teams will fade with USAID having made only a modest investment in building up a relevant NGO capacity. But the Standby NGO's role and the size of its teams could grow if the UN performs poorly in the future or if the UN comes to comfortably rely on such an NGO.

One possible argument against this approach is that other donors may pursue this approach, so why should the USG? Another is that the same obstacles that delay a more general UN deployment of monitors may block it from even endorsing the

Standby NGO's monitoring operation.

But the fact that other donors may pursue this option does not weigh against the United States doing so. In fact, it becomes more feasible by virtue of the fact that a multilateral effort (composed of bilaterally funded teams) might be able to put a good number of monitors in place more quickly than can the United Nations. And while UN endorsement is important, there may be circumstances where a temporary multilateral effort that does not occur under UN auspices is better than no deployment at all, either because of the extreme urgency of the situation or because a regional organization will authorize the Standby NGO to deploy a team on its behalf.

Recommendation

OTI should provide support for a Standby NGO to prepare for the deployment of modest-sized monitoring teams, consulting and coordinating with other donors in doing so.

Human rights groups should be considered for this Standby NGO role as well as the Service NGO role, which means that one and the same organization conceivably could take on both functions. But because of the larger logistical tasks involved with the Standby NGO's responsibilities--tasks that possibly exceed the experience and capacities of human rights NGOs--OTI also should consider humanitarian relief and election monitoring organizations for this role.

As with the Service NGO idea, OTI should engage in discussions with the UN to determine how amenable it would be to utilizing the Standby NGO. Given the fact that the team fielded by the NGO would be bilaterally funded, however, it is quite possible that the UN would be open to such assistance.

Again, as with the Service NGO, OTI should use the process of soliciting and receiving proposals to flesh out the possible dimensions of the Standby NGO functions.

3. Consider Combining the Service NGO and Standby NGO Functions

Under this option, OTI would award a single grant or contract to support one or more organizations to integrate the Service NGO and Standby NGO functions. If more than one organization were involved, they would form a consortium for the purposes of these activities.

Pro and Con Arguments Regarding This Option

One of the main arguments against combining the two functions has already been suggested: the Service NGO function

seems best suited for a human rights group, whereas election monitoring or humanitarian relief organizations appear to have the greatest strengths for carrying out the Standby NGO responsibilities pertaining to logistics and personnel deployment. Furthermore, USAID's experience with constructing consortia has been problematic, so asking two organizations with different orientations to formally combine efforts could prove to be something of a forced marriage. Informal cooperation between Service and Standby NGOs could constitute a better relationship.

On the other hand, there is no guarantee that OTI will identify two organizations ideally suited for separate Service and Standby NGO functions. Furthermore, it might be administratively easier for USAID to work through a single entity, be it an NGO or a consortium. Despite, then, the advantages of separate contracts or grants, OTI may need to place the Service and Standby NGOs' activities under a single roof.

Recommendation

As a fallback option, OTI should consider supporting one NGO or consortium to carry out both Service and Standby NGO functions.

VI. Other Recommendations

A. Investigate Ways to Strengthen and Work with Regional Organizations

As already noted, this paper's recommendations regarding an NGO that could service the UN also applies to the Organization for Security and Cooperation in Europe (OSCE), the Organization of African Unity (OAU) and the Organization of American States (OAS), in that the NGO could be of use to monitoring missions they might undertake. But it also would be worthwhile to look into ways of supporting one or more of these regional bodies more directly. It has been beyond the reach of this consulting assignment to undertake the in-depth scrutiny that would constitute the basis of recommendations regarding whether and how to strengthen these organizations. But I can offer some preliminary thoughts on this matter.⁹

1. Organization for Security and Cooperation in Europe

Of the three regional institutions identified above, the Vienna-based OSCE constitutes the most promising focus for OTI support. It embraces Europe and the former Soviet Union, which together constitute one of the two regions (the other being Africa) where human rights missions might prove most necessary in the future. Of equal importance, the organization's flexible structure allows it to employ a variety of mechanisms to constructively engage in preventing or resolving disputes.

An overview of the OSCE's component structures and institutions can only scratch the surface of their roles and how they relate to each other. Nevertheless, some of the key components are identified here:

The OSCE Council is the central governing body of the organization. Its members, who are the foreign ministers of the OSCE's participating states, meet at least once a year.

The Committee of Senior Officials, which is composed of representatives from participating states' capitals or their Vienna-based Heads of Delegations, has more direct responsibility for overview, management and coordination of OSCE activities, especially regarding early warning, conflict prevention, crisis management and peaceful settlement of disputes. It meets four

⁹ I do not address the possibility of working with regional bodies in South Asia and Southeast Asia because the geopolitics of those areas and the situations of their member states make it unlikely that regional organizations there would mount human rights monitoring missions in the foreseeable future.

times a year.

The Permanent Committee meets on a weekly basis and is responsible for the daily operations of the OSCE. Its members are the Heads of Delegations of the OSCE participating states. The Permanent Committee makes decisions for the OSCE when the Committee of Senior Officials is not in session.

The Chairman-in-Office acts on behalf of the OSCE Council and the Committee of Senior Officials to coordinate current OSCE business. S/he is the foreign minister of the state that organized the most recent Council session. The Chairman-in-Office may be assisted by the preceding and succeeding Chairman (who, with the current Chairman, constitute what is known as the Troika), ad hoc steering groups established to provide assistance regarding conflict prevention and crisis management, and personnel representatives whom the Chairman may appoint to deal with a crisis or conflict.

The Secretary General is the chief administrative officer for the OSCE, and acts in support of the Chairman-in-Office. S/he is appointed by the OSCE Council to a term of three years.

The Hague-based High Commissioner for National Minorities (HCNM) is responsible for responding as early as possible to ethnic tensions that could explode into conflict in the OSCE region. The HCNM has a very small staff of six,¹⁰ but has expanded his resources by launching a nongovernmental Foundation for Inter-ethnic Relations.

The Secretariat, which operates under the Secretary General's direction, has four departments. Three are mainly administrative in nature, but the fourth, the Conflict Prevention Centre (CPC), has responsibility for overall support for OSCE functions regarding conflict prevention, early warning and crisis management. The Secretariat has approximately 65 employees.

Staffed by 18 employees, the Warsaw-based Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE body responsible for advancing human rights, democracy and the rule of law. Among other functions, it coordinates election monitoring, provides the forum for meetings addressing states' implementation of OSCE commitments, and offers expertise and training on constitutional and legal matters.

The nature of OSCE long-term missions varies, but they generally act in support of conflict prevention and crisis management by seeking to facilitate dialogue between parties

¹⁰ OSCE institutions' staff sizes provided here are as of October 1994.

involved; undertaking fact-finding; and monitoring elections, agreements between parties in conflict and third-party peace-keeping activities. In addition to the "regular" long-term missions, OSCE Sanctions Assistance Missions are based in the countries bordering the former Yugoslavia and oversee the implementation of sanctions against Serbia/Montenegro and the arms embargo against all of the Republics of the former Yugoslavia.

Sources in the State Department and elsewhere speak highly of the OSCE and its constituent bodies. Other sources, most notably Amnesty International, also praise the organization, but question its credibility and effectiveness regarding human rights (Amnesty International 1994b). One factor to bear in mind in assessing these contrasting perspectives, of course, is that the OSCE is an institution very much in flux as it takes on new challenges and responsibilities in the wake of the Cold War. In addition, I should note that it has not yet launched any large-scale human rights monitoring operations.

With these considerations in mind, OTI should undertake a thorough examination of the OSCE's various constituent bodies and selected field operations, to verify if the organization merits the praise it has received and the support OTI might be able to offer. The outcome would be a decision on whether and how to build up the OSCE's ability to mount human rights monitoring missions and undertake related activities that could involve conflict prevention, resolution and amelioration.

This inquiry would involve determining the needs and potential of OSCE component institutions that are in the process of defining their missions, including the HCNM, ODIHR and CPC. It also could involve scrutiny of at least two field operations that the organization has mounted, to determine from those most familiar with those operations how they are faring. Several possibilities present themselves in this regard, including long-term missions in Georgia, Latvia, the (former Yugoslav) Republic of Macedonia, and most recently, Tajikistan, where the OSCE is taking over certain aspects of UNHCR's reportedly successful operation.

2. Organization of American States

Under relatively new leadership, the OAS constitutes a potentially promising institutional partner or leader for human rights monitoring missions. It has extensive election monitoring experience, which to a limited extent can translate into human rights monitoring efforts. It reportedly has begun to expand its array of potential election (and perhaps human rights) monitors, including more women and seeking to draw in a wider collection of national and professional backgrounds. The OAS wins praise for fielding monitors for MCIVIH more quickly than did the UN.

On the other hand, there has been criticism of the quality the monitors the OAS selected for MICIVIH. Similarly, the reviews it receives from human rights groups are mixed, in terms of its ability to field human rights monitoring teams that would be critical of a member government.

These criticisms do not preclude the possibility of OTI providing support for the OAS to build up its human rights monitoring capacities if the above concerns can be addressed. The greater question, though, is whether doing so will be a priority in Latin America. For all of the region's enduring problems, it is not clear that it will generate a need for more ONUSALs or MINUGUAs. And to the extent that it does so, future monitoring missions may respond more to political transitions rather than more urgent humanitarian emergencies. Many sources I consulted feel that Latin America today represents a relatively stable part of the globe.

While I would defer to those who know Latin America far better than I do, at this point I would recommend confining discussion of USAID assistance to whether the OAS might be willing to draw on the assistance that the aforementioned Service and Standby NGOs could provide. If OTI does decide to pursue the possibility of direct support to the OAS, it should consult U.S.-based and indigenous human rights NGOs in assessing whether and how to structure such support.

3. The Organization of African Unity

A key consideration weighing in favor of building up the OAU's capacity to field missions is that it operates in the region which has the most disastrous recent history regarding human rights. Unfortunately, there is the distinct possibility that Africa may witness yet more crises that explode into human rights tragedies. In launching a "Mechanism for Conflict Prevention, Management and Resolution" in 1993, the OAU took a potentially important step toward playing a larger role in defusing such crises.

Nevertheless, other factors mitigate against placing too much faith or investing too many resources in any OAU human rights monitoring capacity at this time. Foremost among these is the continuing emphasis that the organization places on state sovereignty and non-interference in members' internal affairs, principles most recently reaffirmed by the OAU's Cairo Declaration establishing the aforementioned conflict resolution mechanism (OAU 1993). Adherence to these principles translates into reluctance to criticize members' conduct regarding human rights or other matters, which in turn has powerful implications for whether the organization would ever mount effective monitoring missions.

In addition, while I would be reluctant to extrapolate from the OAU experience in one country to its potential efforts in others, it is worth noting that the numerous human rights and conflict resolutions advocates I interviewed in South Africa took a fairly dim view of the efforts of the international observers dispatched by the OAU and other official international bodies (the UN, the Commonwealth and the European Union) to monitor the transition and campaign period leading up to that country's 1994 elections. While praising the dissuasive effect on violence of those observers' presence at political demonstrations and rallies, South Africans criticized them for a rather passive approach that precluded the observers' being present or active during many other situations where they could have prevented hostilities or police brutality from erupting.

The OAU is further hamstrung by much less experience than the OAS in mounting large election monitoring operations. In addition, it has a smaller pool than the OAS and the OSCE of skilled human rights advocates from within its region upon which it could draw to staff monitoring missions.

As with the OAS, I would defer to those who know the region better than I do, but nevertheless advise OTI to concentrate mainly on exploring whether the OAU might be interested in utilizing the assistance of the aforementioned Service and Standby NGOs if the appropriate circumstances arise. Adapting a suggestion provided to the Canadian Department of Foreign Affairs and International Trade regarding peacekeeping operations (LaRose-Edwards 1984, 29), another modest step OTI could encourage would be for the OAU to second staff to future UN HRMMs around the globe. Particularly if these individuals in turn trained their colleagues upon returning to OAU headquarters, this would help build up the organization's long-term capacity to field monitoring missions.

B. Work with International and Sub-Regional Bodies that Can Promote Conflict Prevention in Africa

Given the OAU's weakness and the distinct possibility of future African crises that might require HRMMs, OTI should explore whether any international organizations or sub-regional bodies in Africa might constitute a good resource in which to invest regarding national-level conflict prevention on the continent. One possibility are South African bodies, such as the Durban-based African Centre for the Constructive Resolution of Disputes, an NGO, and South Africans as a Conflict Resolution Resource to Africa, an NGO coalition. Another potential option is the London-based NGO, International Alert, which is seeking funding for preventive diplomacy initiatives and which claims that it carried out a useful intervention in Liberia. A good source of institutional contacts regarding conflict prevention in Africa would be the Ford Foundation.

In offering this suggestion, I emphasize that for OTI's purposes it should seek to work with partners that would mainly undertake national-level conflict prevention by working with leaders of contending forces. While community-level efforts are potentially important, the long-term nature of such activities may mitigate against their being a focus of OTI support.

C. Continue Support for the International Tribunals

OTI should work on behalf of the USG providing continued financial and political support for the International Criminal Tribunal for Rwanda and the International Tribunal for the former Yugoslavia. The rationale for doing so embraces both justice for past crimes and deterrence of future ones.

D. Consider Support for Mechanisms That Will Bolster International Political Will

Given that international political will to uphold human rights norms is one of the most crucial factors in both the effectiveness of any monitoring mission and the international community's more general response to a transition or crisis, OTI should consider support for organizations geared toward mobilizing that political will. One example of this, though I am not in a position to assess its actual potential, is the International Crisis Group launched by the Carnegie Endowment for International Peace.

In making this recommendation, I realize that I am in effect suggesting that OTI fund an organization that could well generate pressure on the USG, in the process of the organization mobilizing international political will more generally. I also realize that many groups already are heavily involved with trying to generate such pressure. But given the fundamental importance of political will, the fact remains that new ideas aimed at mobilizing it merit support if human rights monitoring missions and other international responses to crises are to operate most effectively.

E. Encourage Efforts to Work With and Fortify Indigenous Human Rights NGOs

Building on the Cambodia experience, OTI should encourage current and future HRMMs to work closely with and bolster the capacities of local human rights NGOs. This should include pushing for the establishment of human rights trusts, contributing to such trust funds and/or encouraging the local USAID office to do so. In a related vein, it also should support any international NGO efforts to build the capacities of local partners.

F. Support a Subsequent UN Presence After a Monitoring Mission Has Departed

The Cambodia experience of UNTAC and the Centre for Human Rights also testifies to the value of the UN maintaining a modest follow-up presence that can work with and if necessary provide political support for local NGOs. OTI should encourage the UN to pursue this regarding current and future HRMMs.

VII. Options That OTI Should Not Currently Pursue

At the outset of this consulting assignment, I was asked to consider a broad array of options that OTI might pursue in building up the international community's capacity to field human rights monitoring missions rapidly and effectively. This section discusses those potential courses of action that OTI should not pursue at this time.

A. Do Not Invest Substantial Resources in Building Up the Capacities of the Centre for Human Rights at This Time

One option that OTI conceivably could pursue would be to build up key HRMM capacities of the Centre for Human Rights, working in close coordination with the High Commissioner for Human Rights.

Pro and Con Arguments Regarding This Option

USAID and the international community have a strong interest in strengthening the UN and the Centre for Human Rights, which is the UN entity most directly engaged in human rights concerns. Because the Centre's difficulties regarding HRFOR stem in part from a lack of resources and operational experience, building up its capacities pertaining to training, rostering, logistics and other functions could address some of the problems it faces. In addition, the Centre does have some good staff who already are involved in potentially positive training activities--drawing, for example, on a highly regarded member of its Cambodia Field Office to conduct training for United Nations Protection Force (UNPROFOR) personnel working in the former Yugoslavia.

In fairness to the Centre, we should recall that the Rwanda crisis exploded during the very week that the High Commissioner assumed office, and that in seeking to respond to the genocide he made a well-intentioned series of commitments and decisions which the Centre was not operationally prepared to implement. For any organization, the challenge of responding to and then operating in the wake of a crisis of epic proportions would be daunting. For an organization historically oriented toward carrying out secretariat, research and training functions, it would be understandably overwhelming.

Nevertheless, while it undoubtedly is true that the Centre labors under severe external constraints regarding human rights monitoring, a diversity of sources suggest that its problems transcend those of lack of funds and experience. Its advisory services and technical assistance program reportedly has been regarded negatively by the nongovernmental human rights community (Hammarberg 1995, 4). A review of the Rwanda crisis commissioned by the Canadian Department of Foreign Affairs and International

Trade found the Centre characterized by an "apparent complacency" regarding its Rwanda mission (LaRose-Edwards 1994, 47), suggested that "it does not appear that the Centre is learning much from the Rwanda crisis" (50), and more generally concluded that "inside turf battles" and "arcane bureaucratic procedures" consistently plague the Centre's overall operations (49). Other critical reviews of HRFOR that imply deeply ingrained problems at the Centre include the African Rights report, A Waste of Hope, (1995) and a recent USAID paper (Manikas 1995, 13-25).

My interviews in the United States, London, South Africa and Cambodia with human rights advocates and others familiar with the Centre's operations consistently revealed criticism that matches the aforementioned Canadian report's conclusions. What is the nature of this criticism? It pertains partly to the fact that the Centre historically has been a legal research unit and secretariat to the Commission on Human Rights and other UN bodies. While this accounts for its lack of operational experience, many feel that this Geneva-based orientation generates an emphasis on UN procedures, international law and internal bureaucratic concerns rather than the concrete challenges of protecting human rights.

This orientation has surfaced most dramatically in Rwanda and Cambodia. In the former, HRFOR remained beset by lack of support from Geneva and internal wrangles there nearly a year after being launched. Reportedly, disputes over authority and responsibility regarding Rwanda led to lack of cooperation among the HCHR, the Deputy to the High Commissioner, the Special Rapporteur of the Commission on Human Rights, the Special Procedures Branch and the Technical Cooperation Branch.

Analogous problems have surfaced in Cambodia, though it should be emphasized that on balance the Centre's office there is making a positive contribution to the human rights situation. Nevertheless, the consensus among many in Phnom Penh is that the Centre's personnel there who have prior Cambodia experience are making this contribution despite the Geneva headquarters, rather than because of it. That is, they signed on and remain with the operation despite the Centre's recruitment practices, inflexible hand-to-mouth funding arrangements and other procedures.

Of course, it is conceivable that a current HCHR-commissioned study by Price Waterhouse of the Centre's overall operations may set in motion a process that generates smooth working relationships in Geneva and a capacity to field monitoring missions rapidly and effectively. But it remains open to question whether an organization that features an orientation and skills that are mainly bureaucratic and academic can adopt a fundamentally different operational focus, even if it is provided with additional resources, training and personnel.

Recommendation

It would at the very least be premature for OTI to provide extensive support for building up the capacities of the Centre for Human Rights at this time. However, it should of course remain in contact with the Centre and with the donors (such as the United Kingdom's Foreign and Commonwealth Office) funding the Price Waterhouse study and other initiatives. Based on the outcome of these steps, as well as current and potential USG-supported activities regarding the Centre, it might want to reassess its level of support down the line.

B. Do Not Support the High Commissioner for Human Rights to Establish a New Field Operations Capacity at This Time

The High Commissioner conceivably could be assisted in a manner that builds up a field operations capacity separate from the existing branches of the Centre for Human Rights. One variation on this theme, suggested by the Congressional Hunger Center (CHC), would involve support for CHC to help the HCHR to launch a unit that reports to the High Commissioner but that is independent of the Centre. Another possibility would be to establish the capacity within the Centre for Human Rights, but in the form of a new unit that would have the main responsibility for field operations such as HRFOR (which currently is coordinated by the Centre's Special Procedures Branch) and the Cambodia Field Office (which is coordinated by the Technical Cooperation Branch).

Whether established within or outside the Centre, the unit would by no means be a full-fledged replica of the extensive structures of UNHCR, WFP or DPKO. It would instead have a small staff with backgrounds in human rights monitoring, logistics, UN financial and administrative procedures and other fields. The staff would draw on other UN agencies' resources to mount monitoring operations. For example, the logistics expert(s) on the unit's staff would be familiar with the UN system and would work with UNHCR, DPKO or WFP to obtain vehicles and other equipment that might be necessary to mount human rights monitoring missions.

Pro and Con Arguments Regarding This Option

The main argument in favor of this option centers on what the High Commissioner for Human Rights can and should be: the focal point within the UN for human rights advocacy and protection. The rationale for setting up a new, independent unit is that it would be free of the institutional baggage of the Centre for Human Rights in terms of orientation and administrative tasks. Under this scenario, the Centre's existing branches would revert to their secretariat and administrative functions, with all responsibilities for human rights missions

taken on by the new field operations unit.

Another factor weighing in favor of this option is the fact that the High Commissioner has a protection mandate, whereas DPA and DPKO do not. In addition, some in the international human rights community favor support for his office because of the long-term benefits of putting in place structures that can evolve over time as the current High Commissioner and his successors achieve a greater role in the UN system. Finally, it should be noted that the High Commissioner's office is not simply waiting for outside help to come to its assistance. A senior advisor to the HCHR reports that it is negotiating with Scandinavian donors to set up a logistical capability that it could draw on if the need arises.

On the other hand, several sources I consulted expressed strong reservations about investing in the High Commissioner until he demonstrates a firm commitment to assertive advocacy of human rights priorities within the United Nations and beyond, as reflected in staffing and other decisions. In a related vein, some countered the argument in favor of a long-term investment in the office by asserting that such an investment must be earned-- in other words, it should not automatically accrue to the office. Furthermore, others do not absolve him from responsibility for the continuing problems of HRFOR, including the ongoing refusal of that mission (unlike other monitoring operations) to issue regular public reports and the weak excuses for that precedent-setting shortcoming. More generally, there also is concern that those decisions the High Commissioner thus far has made do not reflect any great engagement with the very international human rights community that was the moving force behind the establishment of his position in 1993.

Another argument finds it illogical to set up a field operations division that reports to the High Commissioner but is separate from the very entity (i.e., the Centre) that he heads, or that is at least separate from existing Centre branches.

In addition, as noted above, the UN still seems divided about whether the High Commissioner will in fact play the lead role in any or all monitoring operations in the future. While they represent very different types of situations, the Western hemisphere monitoring operations run by DA and DPKO have fared better than the Rwanda imbroglio for reasons that include the relative competence with which they have been organized.

Finally, the High Commissioner might best advance human rights by confining his office to an advocacy role over the long term. Such a function, which would see the High Commissioner as the internal conscience and watchdog for the UN, would be inconsistent with the operational role of organizing HRMMs.

Recommendation

At this point, OTI should confine its support for building up the High Commissioner's capacities to the steps it already has taken (such as funding the position of the Special Counsel to the High Commissioner) and one additional step proposed above (supporting a Geneva-based field coordinator for the Rwanda and Burundi operations). Depending how these unfold and the recommendations of the aforementioned Price Waterhouse study, OTI might want to consider other steps, such as the Congressional Hunger Center's suggestion that it be brought in to help strengthen the High Commissioner's office.

If and when the UN does assign the lead role regarding all future HRMMs to the High Commissioner, OTI should consider pressing for the creation of a separate HRMM coordinating unit within the Centre or the High Commissioner's office, and provide appropriate support for that unit.

C. Do Not Provide Support for Another UN Agency to Play the Lead Role Regarding Monitoring

Under this option, the USG would take account of the problems that might block the HCHR and the Human Rights Centre from playing the lead role regarding monitoring, and put its political and financial support behind another UN agency to do so. This alternative would most logically be the Department of Political Affairs (DPA) or the Department of Peace-keeping Operations (DPKO).

Pro and Con Arguments Regarding This Option

The main argument in favor of this approach is that the DPA and DPKO have proven more adept at coordinating field operations than have the High Commissioner and the Centre, and are likely to remain so for the foreseeable future. In addition, the DPKO has the logistical capacity to mount such missions. Furthermore, the fact that these organs are based in New York makes it easier for them to coordinate their work with each other and with other UN branches.

One central concern on the other side of the ledger relates to the problems that the UN in general encounters in terms of the ways in which its bureaucracy can dilute the effectiveness of its operations, regardless of which is the lead agency. This weighs against OTI providing substantial assistance to any UN agency, and to instead concentrate on improving the operations and coordination of UN agencies generally (which is addressed above). In a related vein, the fact that other UN bodies have performed relatively effectively compared to the Centre for Human Rights does not testify to their effectiveness in an absolute sense. Certainly, MICIVIH and UNTAC have been far from problem-free

operations. In addition, there is concern that some elements in DPKO see human rights monitoring as an intrusion on its other functions.

On a political level, the USG probably has more important bureaucratic battles to fight than that regarding which UN agency will play the lead role regarding monitoring.

Recommendation

At this point, OTI should not focus a great deal of support on any one UN agency, but should explore other options. It should, however, remain in touch with other donors regarding any actions they might take in this regard.

D. Do Not Launch an Independent Human Rights Monitoring Entity

This approach would involve OTI support for a new or existing organization to undertake human rights monitoring operations independently of the United Nations or regional intergovernmental bodies. The recipient of USAID funding could well be an NGO (and will be referred to as an NGO in this draft), but conceivably could be a body with more official international status, such as the International Organization for Migration. It would field its own monitoring teams, which would require strong capacities regarding logistics, rostering, recruiting and administration.

Pro and Con Arguments Regarding This Option

Given the highly bureaucratic nature of the UN, an independent outfit that has good contacts in the international human rights community would offer several advantages in terms of monitoring work. It most likely would mobilize more rapidly, operate more flexibly, recruit a higher quality staff, have lower overhead costs and advocate human rights more assertively.

Such an organization, for example, would likely be able to avoid the delays that MICIVIH encountered in obtaining important communications equipment--delays that hamstrung that monitoring operation's effectiveness. It also would have a much more flexible and rational compensation system than the current MINUGUA system which divides responsibilities between "professionals" receiving \$7,000 or more per month and "volunteers" receiving slightly more than \$2,000 per month.

Nevertheless, for better or worse, even those who are quite critical of the United Nations argue that the credibility and legitimacy of the UN (or conceivably of a regional body such as the OAS, OAU or OSCE) usually is of tremendous value in introducing a foreign group of human rights monitors into a suspicious and even hostile environment. One consideration is

safety: in many societies, the UN carries a certain weight among local and national officials, making them more reluctant to harm its personnel.

Of course, there are conceivable exceptions to this rule, situations in which a monitoring presence would be useful, but where that of the UN or a regional organization is not necessary. But for the most part the UN's legitimacy with national and local officials helps open the door to monitoring activity.

It also is easier for a UN operation to remain in a country than it would be for another organization. This reality was demonstrated earlier this year, when Cambodia's government moved to have Human Rights Centre's field office closed at the expiration of its current mandate. The UN interceded to reverse this policy. It would have been much easier for the government to terminate an NGO's presence in the country--and perhaps easier for the UN (if it were so inclined) to abide such a decision.

In addition, political interference might come from sources other than the host government. Donors that directly fund such a non-UN operation might want to exert undue control over its reporting. And even if they did not, United States funding might taint the perception of the outfit on the part of other donors and local persons and institutions, given the history of U.S. involvement in certain countries. Persons familiar with UN operations in Latin America and southern Africa argue that this would be the case in those regions (though this might be less of a hindrance in other parts of Africa and as Cold War memories fade).

Furthermore, launching such an entity could be a tremendously ambitious, expensive undertaking that would involve establishing an ongoing body that might only be called on sporadically, if at all.

On an operational level, such an approach would bump up against the reality that no such organization now exists. This raises the considerable challenge of creating a comprehensive new capability or integrating organizations with expertise regarding logistics, human rights, etc. into a cohesive unit. Either choice would constitute an expensive undertaking that might not work well, particularly since, in the opinion of some within USAID, the Agency has a problematic track record in terms of creating entirely new organizations and putting together complex consortia.

Finally, a very important consideration is that the arena of human rights monitoring is a new one still in the process of refinement. While the UN's track record with deploying such missions is mixed, its experience in other nations has not proven as problematic as that of HRFOR in Rwanda. Accordingly, it would

be premature to make a large investment in a comprehensive, independent monitoring capacity, particularly since other donors are investigating ways of working with the UN.

Recommendation

Do not pursue the creation of a completely independent monitoring entity at this time. This option should be kept in mind, though, if future UN HRMMs fare as poorly as HRFOR has in Rwanda.

E. Do Not Fund an NGO That Would Work Comprehensively with the UN on All Aspects of Human Rights Monitoring

This approach would involve setting up an NGO, or a unit within an NGO, with which the UN or a regional body such as the Organization for Security and Cooperation in Europe could contract to undertake human rights monitoring operations. That is, such an NGO would operate with the imprimatur of one or more of these international organizations, but would organize all aspects of the mission itself, including logistics, financial management, rostering, training and recruitment of all personnel (up to and including the chief of party, though with the approval of the UN or the relevant regional body).

Unlike the completely independent NGO discussed above, under this option the NGO would operate under the auspices of the UN or a regional organization, rather than independently of them. And unlike the Service and Standby NGOs proposed in this report, under this option the NGO would carry out every aspect of human rights monitoring and not simply contribute to a UN operation.

Pro and Con Arguments Regarding This Option

This approach conceivably would combine the best of both worlds, in that the UN's legitimacy would attach to human rights monitoring missions without the missions carrying the baggage of UN bureaucracy.

Recruitment would place a premium on practical experience as opposed to mainly academic knowledge of human rights. By virtue of focusing on rostering, recruiting, training and other functions as they specifically pertain to human rights monitoring, the NGO would be more likely than the UN to effectively focus on the specific needs and skills that attach to various functions within a mission.

With respect to personnel, there also might be significant financial savings that accrue to such an approach, in that an NGO could have a much more modest and flexible approach to compensation than does the UN. As noted above, at this time professional staff recruited for specific missions are paid at

least \$7,000 per month (which includes extremely generous housing allowances), approximately \$5,000 per month more than UN Volunteers earn for work that is in many respects similar. It may not be necessary to peg compensation at such high levels for human rights work in often inexpensive locales. The issue has significant implications, in that one of the factors that could limit the number and size of future missions is their cost.

In addition, one director of an HRMM points out that there is some precedent for such an approach, in that UNHCR, for example, contracts out certain services to NGOs.

A central argument against this approach is that the UN simply will not accept such a wholesale turnover of authority to an outside body. A related issue is whether such a relationship could even carry the authority of the UN, or whether the NGO would be perceived as such and therefore would be easier for human rights abusers to threaten or ignore. The aforementioned UNHCR precedent is for more limited relief responsibilities, rather than a comprehensive protection role.

As with an NGO that would work completely independently of the UN, building up this sort of NGO capacity could be a very ambitious, expensive undertaking that would involve establishing an ongoing body that might only be called on sporadically, if at all. Assuming it had its own logistical capacity (e.g., vehicles and equipment, and the capacity to deploy them) to mount an operation that might include 300 field personnel, its costs would be very high. If not, it likely would depend on the UN and would be that much less independent in terms of mounting field operations quickly.

Finally, it is important to return to the point that many of the problems with deploying human rights monitoring missions rapidly and effectively are beyond the UN's control and would not be cured by establishing a comprehensive NGO monitoring capacity. In Burundi, for example, funding difficulties and ongoing security problems outside Bujumbura have hampered the HCHR's plans to send monitors. The funding problem might well have arisen even if an NGO were to undertake monitoring there, and the security problems certainly would have.

Recommendation

Do not invest in a comprehensive NGO monitoring capacity at this time, but keep it in mind if the UN does not make progress in upgrading its capacity to deploy missions quickly and effectively.

F. OTI Should Not Itself Assume Functions That Contribute to Monitoring

Under this option, OTI would compile a roster of potential human rights monitors and conceivably take on selected other functions that would contribute to fielding monitors quickly and effectively.

Pro and Con Arguments Regarding This Option

The main positive argument is that an in-house function could most easily and directly allow OTI to ensure that rosters of potential monitors contain persons with the appropriate backgrounds, and that they could be mobilized quickly.

On the other hand, even constructing and maintaining a roster is far from a simple task, and OTI already has myriad other demands on its personnel and other resources. There are definite constraints on this office's staff and time, particularly in view of the need for it to respond quickly to emerging challenges and opportunities around the globe. For it to become "operational" in the sense of maintaining a roster would seriously detract from its urgent central responsibilities.

A second negative factor is that the best roster would be compiled by an organization that has staff members with a diverse array of human rights contacts and experience. Though OTI staff are quite knowledgeable regarding human rights, many development issues and various parts of the world, human rights is not the main focus of their expertise.

Recommendation

Do not pursue the option of OTI itself taking on selected functions relating to human rights monitoring.

VIII. Recommended Course for Immediate and Subsequent Action

A. Immediate Action

1. Workshop to Review This Paper

OTI should convene a workshop designed to review and critique this paper's findings and recommendations. It would include representatives of USAID, the State Department and NGOs concerned with human rights, development and humanitarian assistance, as well as former HRMs and other persons familiar with the various human rights monitoring operations that have been launched in recent years. OTI might want to include representatives of other donors, such as Canada, that are concerned with human rights monitoring issues.

The workshop could be seen as a follow-up to the two meetings organized by the Aspen Institute in 1994, but would differ in that it would focus on this paper and would be more operational in nature. That is, it would scrutinize how rostering, recruiting, training and other activities could be improved, and would seek to identify ways in which bureaucratic obstacles to launching and managing human rights field operations could be overcome. In addition, composition of the participants would depart somewhat from that of the Aspen meetings. More specifically, the conference would include a number of HRMs who could offer field level perspectives on these matters that would differ from the perspectives of those who headed those missions.

Finally, especially because reports on human rights monitoring have not focused on gender considerations, the workshop would provide a useful opportunity to air the issue and to examine how the USG could support greater attention to the special threats that women face and that monitoring missions could try to address.

Ideally, support for the workshop would include travel costs of bringing selected individuals to Washington from abroad and elsewhere in the United States. But if this were too ambitious, there likely would be a sufficient pool of appropriate personnel upon which to draw in the Washington area.

2. Coordination with Other Donors

a. Consultation with Canada

OTI should consult and coordinate with Canada's Department of Foreign Affairs and International Trade regarding its own review session of studies that a Canadian consultant is preparing regarding issues pertaining to human rights monitoring. Perhaps the two events could be combined or be made complementary. At

the very least, consultation could prevent unnecessary duplication of subject matter. In addition, the two agencies should share the results of these sessions.

b. Donors' Meeting

OTI should seek to convene a meeting of donors concerned with how to strengthen human rights monitoring operations. Though the meeting would take place in late 1995, planning for the activity should begin now. It would draw on this report, the Canadian studies and the findings of the review sessions that focus on the these documents, as well as on the aforementioned Price Waterhouse study (funded by the United Kingdom's Foreign and Commonwealth Office, as well as other donors) that the HCHR has commissioned regarding restructuring the Centre for Human Rights. It also would include discussion of specific initiatives, such as that of the HCHR to develop a stand-by logistical capacity through support of Scandinavian donors.

The meeting would yield at least three results. First, the donors would learn about and better understand the respective findings and efforts of their various recent initiatives. Second, such consultation would obviate potential overlap and minimize the chances of working at cross-purposes. Finally, the meeting might facilitate the process of concerned governments working together to address the institutional and operational problems that currently affect human rights monitoring operations.

B. Subsequent Action

Taking into account whatever modifications or additions may spring from the meetings and consultations discussed above, OTI should undertake the following series of activities. It should coordinate with other donors and other USG entities where appropriate.

1. Discussions with Appropriate UN Agencies

OTI should initiate discussions with the UN to determine how open it would be to the combination of recommendations in this paper, as well as any other initiatives that might flow from the aforementioned workshop and consultations with other donors.

The recommendations should be viewed as a package, since, for example, it might be more palatable to UN agencies to work with a Service NGO if the UN also is receiving more direct support from OTI.

2. Based on the Above Discussions, Issue Requests for Proposals Regarding the Service and Standby NGO Initiatives and Award Contracts Based on the Results

As note above, NGOs involved with human rights, election monitoring and humanitarian relief might be appropriate to carry out these functions, with any interested human rights NGOs perhaps best suited for the Service NGO role and the other two categories of NGOs a good match with the Implementing NGO functions.

3. Investigate the Potential for Providing Assistance on a Regional and Sub-regional Level

The best potential for such work probably consists of cooperation with the OSCE, as previously discussed, so investigating ways of both providing direct support and working through the Service and Implementing NGO functions should be pursued. The OAS and the OAU should by no means be overlooked, however, nor should international and regional NGOs that might be able to carry out conflict prevention activities, particularly in Africa.

Appendix 1: Glossary

CDIE: USAID Center for Development Information and Evaluation
CHC: Congressional Hunger Center
DAM: UN Department of Administration and Management
DFAIT: Canada Department of Foreign Affairs and International Trade
DHA: UN Department of Humanitarian Affairs
DPA: UN Department of Political Affairs
DPKO: UN Department of Peace-keeping Operations
FALD: DPKO Field Administration and Logistics Division
HRFOR: UN Human Rights Field Operation in Rwanda
HRM: Human Rights Monitor
HRMM: Human Rights Monitoring Mission
MICIVIH: International Civilian Mission in Haiti
MINUGUA: UN Mission for the Verification of Human Rights in Guatemala
NGO: nongovernmental organization
OAS: Organization of American States
OAU: Organization of African Unity
OHRM: DAM Office of Human Resources Management
ONUSAL: United Nations Observer Mission in El Salvador
OSCE: Organization for Security and Cooperation in Europe
OTI: USAID Office of Transition Initiatives
ROL: Rule of Law
UNHCR: UN High Commissioner for Refugees
UNOMSA: UN Observer Mission in South Africa
UNPROFOR: UN Protection Force in the former Yugoslavia
UNRWA: UN Relief and Works Agency
UNTAC: UN Transitional Authority in Cambodia
UNTAG: UN Transition Assistance Group in Namibia
UNV: UN Volunteers programme
USAID: United States Agency for International Development
USG: United States Government
WFP: UN World Food Programme

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