Study

Human Rights and Gender Components of UN and EU Peace Operations

Putting Human Rights and Gender Mandates into Practice

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Preface

The employment of a peace operation has become an option debated frequently as an instrument to alleviate conflicts, prevent human rights violations and enhance the willingness of warring parties to enter into peace negotiations. The interested public hardly ever learns though what exactly those operations do to reach their ambitious goals. Some aspects of military action may occasionally form part of the daily news, but the activities of civil components are hardly ever regarded as newsworthy. The German Institute for Human Rights examined human rights components and gender aspects of peace operations, starting from the question whether and under which circumstances these have an impact on the ground. Do they meet the needs of civilians? Do they enhance civilians´ perception of protection through justice and security? Do peace operations approach local society using a gender based approach? The present study allows an insight into functioning, challenges and achievements of human rights and gender components.

Berlin, October 2008

Prof. Dr. Heiner Bielefeldt
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Board of Directors

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Introduction

Peace operations carried out by international or regional organisations, such as the United Nations (UN) and the European Union (EU), have become key instruments of the international community for facilitating the settlement of inter-state and internal conflicts and promoting peace processes. One of the most active and experienced organisations implementing peace operations is the UN, which since the end of the Cold War has significantly expanded its activities in order to safeguard and strengthen international peace and security. Since the first generation of peace operations – limited to maintaining and observing ceasefires and to serving as a buffer between conflicting parties in order to stabilise the situation on the ground – the nature of peace operations has changed profoundly.[1] Today the UN conducts multidimensional missions, striving to address causes of conflict and to lay the foundations for sustainable peace. In this spirit, current missions involve a broad range of activities undertaken by a multitude of integrated mission components and are increasingly provided by the UN Security Council with a robust mandate under Chapter VII of the UN Charter,[2] and thus authorised to enforce peace by coercive means if necessary.[3] Moreover, facing such problems as fragile or non-existent statehood on the ground, the UN has conducted various peace operations that assumed functions of state institutions and substituted statehood, such as the United Nations Interim Administration Mission in Kosovo or the United Nations Transitional Administration in East-Timor.[4]

In contrast, the peace operations conducted by the EU are still a very young instrument of crisis response and the promotion of peace. Only a few years ago it seemed very unlikely that the EU would carry out such missions. EU peace operations come under the European Security and Defence Policy (ESDP), which constitutes the operative part of the Union's Common Foreign and Security Policy (CFSP), and became a reality when the very first ESDP crisis management operation, the EU Police Mission in Bosnia and Herzegovina, was launched in 2003. Since that time, the EU has implemented 23 military and civilian peace operations performing military and border assistance tasks, supporting the security sector and the rule of law, or monitoring peace processes. While the UN implements longer-term, multidimensional missions aimed at creating the conditions for lasting peace, the EU tends to deploy short-term peace operations providing expertise, assistance and/or support in a specific scope.[5] ESDP missions are deployed by a Council Joint Action adopted by the Council of the European Union establishing the mission mandate in

1 During the East-West conflict peace operations of the first generation were based on three general principles: the requirement of the consent of the parties; impartiality; and the limitation of the use of force to situations of self-defence. See Kühne, Winrich (2003): UN-Friedenseinsätze verbessern – Die Empfehlungen der Brahimi-Kommission. in: Sabine von Schorlemer (ed.): Praxis-Handbuch UNO, Berlin/Heidelberg, p. 716.

2 Usually, peace operations carried out by the United Nations are implemented under Chapter VI or VII of the UN Charter by a Resolution of the Security Council, which mandates a mission and thus provides the legal basis for a peace operation. While Chapter VI of the UN Charter regulates the peaceful settlement of disputes, Chapter VII defines enforcement actions. See Charter of the United Nations, http://www.un.org/aboutun/charter/ [date of access 04/05/2008].

3 The range of activities undertaken and supported by peace operations on the ground encompasses building sustainable institutions of governance; security sector reform; disarming, demobilising and reintegrating former combatants; supporting the rule of law; humanitarian coordination; and the promotion and protection of human rights. See Department of Peacekeeping Operations of the United Nations (DPKO), http://www.un.org/Depts/dpko/dpko/ [date of access 03/06/2008].

4 See Kühne, Winrich (2003), p. 718.

5 See European Union, http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=268&lang=DE&mode=g [date of access 19/02/2008].

accordance with the relevant provisions of the Treaty on European Union (TEU).[6]

While in recent years a number of publications have addressed legal, institutional and political issues with respect to the integration of human rights and gender perspectives into different areas, phases and levels of peace operations implemented by the UN and the EU,[7] only a few reports have dealt with the question of how human rights and gender components actually put their mandates into practice and what the impact of particular measures was. In this regard, the Aspen Institute has already made valuable contributions emphasising the centrality of human rights when securing just and lasting solutions to violent conflict as well as outlining troubling issues when implementing human rights mandates.[8] While arguing that violations of human rights often provoke conflict and that their protection often is a condition for moving towards peaceful settlement, the Aspen publications drew lessons for future decisions on the integration and functioning of human rights components by analysing the implementation of human rights mandates in the context of various peace operations, such as the missions in El Salvador, Cambodia, Haiti or the Balkan operations. Literature on the practical functioning of human rights and/or gender components at the micro level is scarce – regrettably, as a detailed description is the only way to convincingly demonstrate their usefulness and elucidate successful strategies to implement such mandates on the ground.

The present study intends to contribute to filling these gaps and to provide practical insights into the functioning of human rights and gender components by describing how they are put into practice, drawing on best practice examples. The best practice examples included in this study are programmes, projects, and activities that have immediately contributed to the promotion and protection of human rights in host countries or facilitated the integration of gender perspectives into activities undertaken by peace operations aimed at supporting and strengthening peace processes. In this spirit, the instances described encompass approaches to implementing human rights and gender mandates which, depending on prevailing circumstances on the ground, may also serve as appropriate strategies for future missions but do not represent a general impact assessment of particular functions, components, or missions. The present study neither provides an analysis of legal obligations and/or implications for the integration of human rights and gender perspectives into different areas, phases and levels of peace operations nor does it refer to disappointing examples of poor functioning of human rights and gender components which may also be a reality. As regards the methodology, the study is mainly based on a number of expert interviews, conducted with practitioners who have served in peace operations and/or at headquarters of implementing organisations. The interviews were conducted face-to-face, by telephone or by email. Where possible statements made by interviewees were cross-checked by analysing primary and secondary literature.

The understanding that "human rights violations are often a cause, and not merely a consequence of insecurity and instability, and that addressing them is a pre-condition for peace" led to the increased assignment of human rights functions to peace operations of the UN and the EU.[9] This shift in policy is clearly illustrated by resolutions adopted by the UN Security Council considering massive human rights violations as a threat to peace. And the European Council, in approving the European Security Strategy, states that "[…] establishing the rule of law and protecting human rights" in combination with other instruments "are the best means of strengthening the international order".[10] Thus, both organisations have reinforced their commitment to address human rights issues when implementing peace operations in order to support peace and security and thus incorporate human rights components

6 Article 11.1 of the TEU defines the CFSP, which is aimed at safeguarding common values of the Union, strengthening the security of the Union and international security and developing key values such as democracy, the rule of law and human rights. The main features relevant for the CFSP are outlined in Art. 17.1 and 2 of the TEU describing peace operations as means of the CFSP.

7 White, Nigel D./Dirk Klaasen (ed.) (2005): The UN, human rights and post-conflict situations, Manchester. Murphy, Ray/Katarina Mansson (ed.) (2008): Peace operations and human rights, London. Secretary-General (2002): Women, Peace and Security. Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000), New York. Olsson, Louise/Torunn L. Tryggestad (ed.) (2001): Women and International Peacekeeping, London. Arloth, Jana/Frauke Seidensticker (2007): The ESDP Crisis Management Operations of the European Union and Human Rights, Berlin.

8 Henkin, Alice H. (ed.) (1995): Honoring Human Rights and Keeping the Peace: Lessons from El Salvador, Cambodia, and Haiti, Washington D.C.; Henkin, Alice H. (ed.) (1998): Honoring Human Rights: From Peace to Justice, Washington D.C.; Henkin, Alice H. (ed.) (2003): Honoring Human Rights under International Mandates: Lessons from Bosnia, Kosovo, and East Timor, Washington D.C.

9 Kenny, Karen (1996): Towards Effective Training for Field Human Rights Tasks: Recommending an On-going International Process to Codify Best Human Rights Field Practice, Dublin, p. 2.

10 European Council (2003): A Secure Europe in a Better World: European Security Strategy.

explicitly mandated to contribute to the promotion and protection of human rights on the ground as well as to facilitate in-mission human rights sensitisation.

Another recent development with respect to the implementation of peace operations carried out by the UN and the EU is the integration of gender components mandated to facilitate the incorporation of gender perspectives into mission activities. As stated in the Windhoek Declaration, "[in] order to ensure the effectiveness of peace support operations, the principles of gender equality must permeate the entire mission, at all levels, thus ensuring the participation of women and men as equal partners and beneficiaries in all aspects of the peace process".[11] This includes peacekeeping, reconciliation and peace-building activities aiming to create a situation of political stability in which women and men play an equal part in the political, economic and social development of their country.[12] In Resolution 1325 the Security Council emphasised the urgent need to mainstream a gender perspective into peacekeeping operations and in this regard called for the incorporation of gender components into peace operations.[13] Similarly, the EU has reinforced its commitment to integrate gender perspectives into ESDP missions and underlined the importance of promoting gender equality and gender mainstreaming in the context of peace operations at all levels.[14]

However, in practice human rights and gender issues have often played a marginal role when implementing peace operations, which has significantly limited the scope and hampered the functioning of human rights and gender components on the ground.[15] Many peace operations are conceptualised, staffed, financed and implemented without reference to international human rights law and without meeting the requirements of gender equality.[16]

This lack of prioritisation for human rights and gender frameworks and/or mainstreaming when implementing peace operations is most significantly illustrated by the mission mandates, which provide the legal basis for peace operations and determine their nature, scope, goals, functions, structure and other basic details. Although implementing organisations may condemn human rights violations, call on parties to adhere to human rights, and decide that a peace operation should contribute to the promotion and protection of human rights, they usually fail to refer to international human rights law per se when mandating missions and do not demand that peace operations and/or contributing member states comply with international human rights law when implementing mandates.[17]

Similarly, a glance at the most recent mandates authorising a hybrid UN/EU peace operation in the Central African Republic and Chad shows that commitments on mainstreaming gender perspectives were poor or non-existent.[18] Although Security Council Resolution 1778 mandating the UN Mission in the Central African Republic and Chad reaffirms Resolution 1325 and instructs the mission to contribute to the monitoring and protection of human rights with particular attention to sexual and gender-based violence, the Council Joint Action and Council Decision which mandated and launched EUFOR Chad/CAR make no direct reference to gender issues.[19] Thus, none of the relevant docu-

11 The Windhoek Declaration and the Namibia Plan of Action were adopted on 31 May 2000, the 10th anniversary of the United Nations Transitional Assistance Group in Windhoek, Namibia. United Nations (2000): Windhoek Declaration and Namibia Plan of Action, http://www.reliefweb.int/library/GHARkit/FilesFeb2001/windhoek_declaration.htm [date of access 18/03/2008].
12 Ibid.
13 Security Council Resolution 1325 was passed unanimously on 31 October 2000 and was the first resolution ever passed by the Security Council that specifically addressed the impact of war on women, and women's contributions to conflict resolution and sustainable peace. Security Council (2000): S/RES/1325.
14 General Affairs and External Relations Council (GAERC): Conclusions on promoting gender equality and gender mainstreaming in crisis management (14884/1/06 Rev1).
15 See Howland, Todd (2006): Peacekeeping and Conformity with Human Rights Law: How MINUSTAH Falls Short in Haiti, in: International Peacekeeping Vol. 13, No. 4, pp. 462-476.
16 See Howland, Todd (2006).
17 See Mansson, Katarina (2008): UN Peace Operations and Security Council Resolutions: A Tool for Measuring the Status of International Human Rights Law? in: Netherlands Quarterly of Human Rights Vol. 26, No. 1, p. 83. Mansson argues that human rights are still accorded a lower status than other bodies of international law and international humanitarian law and thus appear to constitute a convenient "smorgasbord à la carte" from which the permanent members of the Security Council may pick and choose according to political interests, allowing them to shy away from legal responsibilities.
18 The hybrid peace operation is composed of the United Nations Mission in the Central African Republic and Chad (MINURCAT) and EUFOR Chad/CAR and is intended to help create security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons in Chad and the Central African Republic. See http://www.un.org/Depts/dpko/missions/minurcat/ [date of access 12/04/2008].
19 Council Joint Action 2007/677/CFSP and Council Decision 2008/101/CFSP.

ments providing the legal basis for this hybrid mission, heed the Secretary-General's demand to make explicit commitments to gender equality, the principles of gender mainstreaming and gender balance, and the human rights framework (including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)) when defining mission mandates.[20]

On the ground, failure to integrate human rights and gender aspects into mission mandates might result in insufficient attention being paid to these issues and/or to the burden of integrating human rights and gender perspectives resting on the shoulders of individual staff members. The reason for non-integration of human rights and gender aspects into mission mandates and failure to address these issues when implementing peace operations is often a lack of political will on the part of implementing organisations, contributing member states, and host countries. This reservation can be traced back both to the supposed irrelevance of human rights and gender issues to the operational side of missions and to the fact that efforts to address human rights and gender issues are challenging and can be fraught with tensions on the ground.[21] As this study strives to substantiate, respect for human rights and the equal participation of both genders contribute enormously to the establishment of lasting peace. The best practice examples described in this study will hopefully encourage implementing organisations, contributing member states, and leaders to further strengthen human rights and gender components. Moreover, the strategies presented may also inspire practitioners with creative approaches to put their mandates into practice.

20 Secretary-General (2002): Women, Peace and Security: Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000), New York, p. 74.

21 Interviewees repeatedly claimed that human rights and in particular gender issues are still marginalised and not given enough priority and/or relevance when implementing peace operations due to a lack of political will and understanding on part of implementing organisations, contributing member states, and individuals serving in leadership positions of peace operations as well as due to a lack of political will on the part of host countries, which for various reasons may not comply with their international human rights obligations.

1 Human Rights and Gender Components within Peace Operations of the United Nations and European Union

Today, many missions carried out by the United Nations (UN) and the European Union (EU) incorporate formal human rights and gender components (units, advisers, focal points). Regardless of their size, institutional design or structural integration, which in practice has taken multiple forms, these components are explicitly and (apart from human rights and gender focal points) also exclusively mandated to perform human rights and gender functions.[22] Before best practice examples are examined, the following chapter provides a descriptive overview of the most common models for integrating human rights and gender components into peace operations of the United Nations and the European Union and outlines their tasks and duties.

1.1 Human Rights Components

During the early 1990s human rights moved onto the global agenda. International and regional organisations no longer considered massive human rights violations exclusively as a domestic matter essentially falling under the jurisdiction of their member states, but as a threat to international peace and security. In this spirit, the United Nations and the European Union have incorporated human rights components into their peace operations in order to contribute to the promotion and protection of human rights on the ground. Varying significantly with regard to their tasks, operational set-up, structural integration and resources, the common models for integrating human rights components into UN and EU peace operations are:

- the deployment of full-time human rights advisers;
- the deployment of human rights units (also called sections, divisions and/or offices), including national and international human rights officers/experts; and
- the appointment of part-time human rights focal points.[23]

1.1.1 Core Functions of Human Rights Components

Integrated human rights components perform a broad range of activities. The human rights components of multi-dimensional peace operations carried out by the United Nations have been mandated to undertake monitoring, reporting and advocacy measures, to build capacities and institutions, to support transitional justice, and to facilitate in-mission human rights sensitisation. One focus of their work is inward, as they try to mainstream human rights throughout the mission, in particular by providing training, advice, and expertise on human rights issues.[24] Other activities are directed to the field, supporting the promotion and protection of human rights in host countries, which means that they support, assist and further the state in fulfilling its obligations and press for the respect, protection and fulfilment of human rights. Under special mandates they may even replace executive state functions such as prosecution. Additionally, human rights components strengthen local stakeholders in

22 The examples provided in this chapter serve to illustrate the various models of human rights and gender components.
23 In addition to these structures, civilian police components may also play an important role in promoting and protecting human rights on the ground. They may explicitly be mandated to perform human rights functions, such as monitoring respect for human rights. For example, the United Nations Observer Mission in Mozambique (UNOMOZ), which did not encompass human rights officers, incorporated a civilian police component mandated to monitor respect for political and civil rights as part of its responsibility to ensure the holding of free and fair elections. As this study focuses on the functioning of formal human rights and gender components, civilian police components are not elaborated in detail. See Mansson, Katarina (2006): Integration of Human Rights in Peace Operations: Is There an Ideal Model? in: International Peacekeeping Vol. 13, No. 4, p. 556.
24 The report of the panel on United Nations peace operations (Brahimi Report) emphasised the need for a mission wide approach to upholding the rule of law and respect for human rights and described the human rights component of a peace operation as indeed critical to effective peacebuilding. See Report of the Panel on United Nations Peace Operations (A/55/305-S/2000/809).

holding the state accountable. In doing so, human rights components address and deal with the current, future and past human rights situation and/or human rights violations on the ground.

In contrast to multi-dimensional UN peace operations, peace operations carried out by the EU are more likely to be short-term instruments, and most of the human rights activities in ESDP operations are also short-term or flanking measures to support the promotion and protection of human rights and the rule of law.[25] Although human rights tasks have not been defined as a separate category of tasks within ESDP crisis management activities, the EU has integrated human rights components into its missions which have, in particular, been involved in monitoring and capacity-building activities as well as in-mission human rights sensitisation.[26] However, depending on their mandates and resources, they might also exercise other core human rights functions such as integrated human rights components of UN missions.[27]

1.1.2 Common Models for Integrating Human Rights Components

Human Rights Advisers

The UN and the EU increasingly deploy full-time human rights advisers in their peace operations. The main function of human rights advisers is to further human rights mainstreaming within a mission from top to bottom and to deepen human rights awareness by providing advice, expertise and support on the issue.[28] For the purpose of facilitating the incorporation of human rights aspects into mission activities and ensuring policy coherence and an integrated, coordinated mission-wide approach to human rights, human rights advisers usually cooperate directly with the mission leadership and its senior management team, serving as multiplier on the issue. In this regard, the deployment of full-time human rights advisers is the most common model for integrating human rights aspects into European Union peace operations.[29]

Human Rights Advisers in ESDP Operations

Responsibilities and activities of human rights advisers in ESDP operations may include:

- supporting, coordinating and monitoring in-mission human rights mainstreaming and/or sensitisation;
- advice to the head of mission on the integration of human rights aspects into their work;
- collecting information on human rights issues and reporting on the human rights situation; but also
- cooperation with local human rights defenders and with other international actors in the field of human rights.[30]

Human Rights Units

While the incorporation of human rights units into EU peace operations is the exception rather than the rule,[31] human rights units are the most common model for integrating a human rights component into UN peace operations.[32] Human rights units perform core human rights functions such as monitoring, reporting, and capacity- and institution-building and are aimed at bringing about an improvement in the human rights situation on the ground.[33] In practice, human rights units differ significantly from one another with regard to their authorisation defined in the mission mandate, their operational set-up and structural integration, and their resources and supplies. Thus, each human rights unit operates in its own very unique circumstances. However, they usually incorporate between ten and one

25 According to Jana Arloth and Frauke Seidensticker who explored the extent to which human rights issues have thus far been integrated into EU crisis management operations "[...] human rights aspects within the missions and the entire operations may, however, contribute to stability for sustainable conflict prevention work to take root, particularly if embedded in a long-term strategy involving other civilian actors including those employed by the European Commission". Arloth, Jana / Frauke Seidensticker (2007): The ESDP Crisis Management Operations of the European Union and Human Rights, Berlin, p. 52.
26 Council of the European Union (2004): Civilian Headline Goal 2008 (15863/04).
27 See Arloth / Seidensticker (2007), pp. 34-51.
28 See Mansson, Katarina (2006): Integration of Human Rights in Peace Operations: Is There an Ideal Model? in: International Peacekeeping Vol. 13, No. 4, p. 557.
29 See Arloth / Seidensticker (2007), pp. 34-51.
30 Ibid., p. 54.
31 In the EU context, the largest human rights unit was integrated into the ESDP Aceh Monitoring Mission (AMM), explicitly mandated to monitor the human rights situation on the ground and to provide assistance with respect to the demobilisation and reintegration processes, as well as the relocation of non-organic military forces and non-organic police troops. See chapter 2.1.1.
32 Human rights units are also called sections, divisions, departments and/or offices.
33 On core human rights functions see chapter 1.1.1.

hundred national and international human rights officers serving both at the headquarters level of a mission and within its regional offices and are led by a chief or head who might also serve as a representative of the High Commissioner for Human Rights and/or as a senior adviser on human rights to the mission leadership.[34]

The Human Rights Division of the UN Mission in the Democratic Republic of the Congo

One of the biggest human rights units deployed to date is the Human Rights Division (HRD) of the United Nations Mission in the Democratic Republic of the Congo (MONUC) which incorporates 110 posts and is located at the mission's headquarters and in eleven regional offices and seven sub-offices. MONUC's human rights component is mandated:

- to assist the government in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons; and
- to investigate human rights violations and put an end to impunity, working in close cooperation with the relevant agencies of the United Nations.[35]

In order to implement this mandate the HRD incorporates four specialised units which provide advice and assistance concerning essential human rights legislation and fundamental freedoms; monitor, document, and report on human rights violations across the country (including investigations into gross human rights violations); and facilitate the protection of individuals under imminent threat of physical violence.[36]

Apart from the HRD, MONUC also incorporates a separate Child Protection Component to identify relevant priority protection concerns through monitoring; to advocate, both inside MONUC and also with the authorities, for those needs to be addressed; and to recommend ways that this can be done. It also carries out facilitation, capacity-building and awareness-raising activities.[37]

In addition to their link to and subordination under the mission leadership, human rights units are linked to and supported by the Office of the High Commissioner for Human Rights (OHCHR), which directly provides technical guidance and advice to human rights units. In November 1999, the OHCHR and the UN Department for Peacekeeping Operations (DPKO) signed a Memorandum of Understanding in order to "increase the effectiveness of United Nations peace-keeping and human rights activities" by strengthening the cooperation between these institutions.[38] The document outlined seven areas of cooperation relating to the planning, design and establishment of human rights components; institutional arrangements for human rights components of peacekeeping operations; reporting and public statements; administration and funding; information alert and exchange; and joint initiatives.[39] In practice this agreement has been useful in several ways. It firstly facilitates the incorporation of human rights aspects at an early stage in the planning and implementation of peace operations. Secondly, it authorises the OHCHR to select and recruit experts serving as human rights personnel for peace operations. Thirdly, it enabled the establishment of a double reporting line between the OHCHR and human rights components, which means that the OHCHR directly receives unfiltered human rights reports from the ground and can use this information in order to initiate further action.

Human Rights Focal Points

In addition to full-time human rights advisers, the European Union also appoints part-time human rights focal points to their peace operations, particularly supporting and facilitating the in-mission human rights sensitisation and providing legal advice.

Human Rights Focal Points within EUFOR RD Congo

Two Legal Advisers, serving at the Operations Headquarters (Potsdam, Germany) and Force Headquarters (Kinshasa, DRC) of the ESDP EUFOR RD Congo mission were assigned to also be the mission's

34 On structural integration of human rights components see organisation charts included in the reports on the budgets of peace operations published by the General Assembly, http://www.un.org/ga/62/agenda/admin.shtml [date of access 14/12/2007]. Usually they are not in the same pillar as the mission's gender component.
35 Security Council (2004): S/RES/1565.
36 MONUC/Human Rights Division, http://www.monuc.org/news.aspx?newsID=761&menuOpened=Activities [date of access 05/06/2008].
37 MONUC/Child Protection Component, http://www.monuc.org/news.aspx?newsID=806 [date of access 05/06/2008].
38 Memorandum of Understanding between the Office of the High Commissioner for Human Rights and the Department of Peacekeeping Operations, http://www.unhchr.ch/html/menu2/4/mou_dpko.htm [date of access 29/04/2008].
39 Ibid.

Human Rights Focal Points.[40] They were responsible for all operational legal issues, including the law of armed conflict, human rights law, and the interpretation and application of UN Security Council resolutions, international treaties and customary international law in all operational settings.[41] In addition the human rights focal point at the operational headquarters level conducted several human rights training events during the mission's preparation phase, addressing senior operations staff and EUFOR RD Congo personnel in order to make them qualified multipliers on the ground.[42]

1.2 Gender Components

In October 2000 the United Nations Security Council passed Resolution 1325 calling on all involved parties to adopt a gender perspective when negotiating and implementing peace agreements and urged the Secretary-General to ensure the inclusion of a gender component in field operations. Common models for integrating gender components into peace operations implemented by the United Nations and the European Union are:

- the deployment of full-time gender advisers;
- the deployment of gender units (also called sections, divisions and/or offices), including national and international gender officers/experts; and
- the appointment of part-time gender focal points.

1.2.1 Core Functions of Gender Components

The aim of gender components is to further gender mainstreaming and/or the integration of gender perspectives into peace operations. In the context of UN peace operations the ultimate goal of a gender mainstreaming strategy is to achieve gender equality, meaning that people's rights, responsibilities and opportunities will not depend on whether they are born male or female.[43] This implies that the interests, needs and priorities of both women and men are taken into consideration when conducting peace operations. The ultimate goal of the gender mainstreaming strategy implemented by the EU, "[...] is to increase the EU's crisis management capacity by mobilising additional resources and exploiting the full potential of the human resources available and to make the missions more effective in establishing peace and security and strengthening democratic values".[44]

Gender components serve as a catalyst for mainstreaming gender aspects into peace operations by providing essential technical advice, guidance and support on this process and in particular on developing, implementing, monitoring and evaluating the mission's strategy on mainstreaming gender as well as on the inclusion of gender perspectives into relevant mission policies, programmes and activities. Furthermore, a gender component may direct and oversee the development of operational tools, guidelines, resources, capacity-building, and mechanisms for gender mainstreaming within a mission. In this way, the focus of a gender component's work is predominantly inward but may also include coordination, cooperation and liaison with local and international NGOs, government departments and national structures on gender issues.

1.2.2 Common Models for Integrating Gender Components

Gender Advisers

Similar to human rights advisers, the integration of gender advisers into UN and EU peace operations is also a common model for promoting, facilitating and supporting

40 While the Force Headquarters (FHQ) of EUFOR RD Congo was located in Kinshasa at N'Dolo Airfield and in the neighbouring country of Gabon, the planning and coordinating of the whole operation took place in Europe, at Operation Headquarters (OHQ) in Potsdam (Germany). The OHQ was the strategic level for the operation, while the FHQ was on the tactical level and was subordinated to the OHQ. See http://www.consilium.europa.eu/uedocs/cmsUpload/The_mission.pdf [date of access 10/02/2008].
41 Arloth / Seidensticker (2007), p. 38.
42 Ibid.
43 See Secretary-General's report on gender mainstreaming in peacekeeping activities (A/57/731). The UN defines gender mainstreaming as "the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes in all areas and at all levels. It is a strategy for making the concerns and experiences of women and men an integral dimension of design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated". Conclusions of the Economic and Social Council, 1997/2. The Department of Peacekeeping Operations also refers to this definition. See DPKO (2004), p. 3.
44 Council Secretariat (11932/2/05 Rev2).

a mainstreaming approach and the incorporation of top-to-bottom gender perspectives.[45] Gender advisers are the most common model implemented in the context of ESDP missions.[46] The first full-time gender adviser was incorporated into EUFOR RD Congo and served as an adviser to the Operation Headquarters in Potsdam, Germany.

Gender Adviser to EUFOR RD Congo

The gender adviser to the operation headquarters of EUFOR RD Congo was, among other things, assigned:

- to inform, educate, and train staff members at the Operations and Force Headquarters (OHQ and FHQ);
- to undertake a cultural analysis of the host country under a gender perspective, and to adopt this analysis for purposes of regular training and education about the society and culture of the Democratic Republic of the Congo (DRC);
- to support the development of a "Soldier's Card", including a part on gender and sexual exploitation and abuse;[47]
- to establish a weekly gender reporting system;
- to receive the weekly reports from FHQ and other subordinate units to provide a weekly analysis derived from these reports;
- to meet and consult with local women's organisations; and
- to provide a final report on the gender work of the operation.[48]

Gender Units

Although varying in institutional design, structural integration and supplies, gender units are the most common model for incorporating a gender component into peace operations implemented by the United Nations. Usually gender units of UN peace operations include between three and ten international and national staff members and are led by a senior gender adviser. In contrast to human rights components which are frequently deployed within regional offices, the presence of full-time gender components in regional offices of UN missions is the exception rather than the rule. [49]

Gender Unit within the UN Mission in Liberia

The gender unit (Office of the Gender Adviser, OGA) of the United Nations Mission in Liberia (UNMIL) has the overall mandate to mainstream gender throughout the mission in the broadest sense and, in this regard, supports and facilitates the incorporation of gender perspectives in policies, procedures and activities within and outside the mission.[50] Thus, among other things, the OGA has been involved in the disarmament, demobilisation, reintegration and rehabilitation processes; security sector reform; the electoral process; and legislative reforms.[51] UNMIL's gender unit is headed by a senior gender adviser and consists of two international gender officers, two United Nations volunteers and five national staff members.[52] The component is located within the office of the Special Representative of the UN General-Secretary (SRSG) at the mission's headquarters and the gender adviser participates in senior management meetings, having direct access to the mission's high-level leadership.[53]

Gender Focal Points

The appointment of part-time gender focal points within the various components of peace operations carried out by the UN and the EU is a common model

45 Secretary-General (2002), p. 77. See also Operation Commander EUFOR RD Congo (2006): Final Report on Gender Work inside EUFOR RD Congo, http://www.honvedelem.hu/files/9/8008/eu_operation_headquarters_final_gender_report_eufor_rd_con.pdf [date of access 10/02/2008]. Model terms of reference for a senior gender adviser are outlined in DPKO's Gender Resource Package.
46 See GAERC (14884/1/06 Rev1).
47 The "Soldier's Card" provided individual EUFOR soldiers with guidelines, among other things, on general rules of behaviour, human rights and gender issues. Arloth / Seidensticker (2007), p. 39.
48 Operation Commander EUFOR RD Congo (2006).
49 On structural integration of gender components, see the organisation charts included in the reports on peace operation budgets published by the General Assembly, http://www.un.org/ga/62/agenda/admin.shtml [date of access 14/12/2007].
50 UNMIL / Office of the Gender Adviser, http://www.unmil.org/content.asp?ccat=gender [date of access 10/01/2008].
51 Ibid.
52 Wilke-Launer, Renate (2007): Gender Mainstreaming: Vom schwierigen Versuch, Frauen zu ihrem Recht zu verhelfen. in: Blickpunkt Liberia: Peacebuilding in einem fragilen Staat, p. 23.
53 Interview with Shamba Phiri, Gender Officer of the United Nations Mission in Liberia, interview 4 April 2008. Currently a man is serving as gender adviser to UNMIL. Since the successful and efficient functioning of gender advisers and gender staff relates to their expertise, they do not necessarily have to be female.

for integrating gender components both at the mission headquarters and in regional offices.[54] The functions and terms of reference of gender focal points differ in practice and have not always been clearly defined.[55] Thus, focal points are not always provided with a clear mandate for the position.[56] In general this position is intended to support and facilitate the integration of gender perspectives into its component. This may include activities such as advising and supporting staff members as well as monitoring and reporting on progress. In doing so, focal points may receive support from and cooperate with gender units and gender advisers as well as establish networks with other focal points integrated into their missions.

Gender Focal Points within EUFOR RD Congo

In addition to the full-time OHQ gender adviser, twenty gender focal points were appointed within the different units and staff branches of EUFOR RD Congo in Kinshasa and Gabon to serve as a support network for the mission's gender work.[57] Furthermore, as a complement to the OHQ's gender advisor the legal advisor at the FHQ, who also served as a human rights focal point, was appointed to be the gender officer on the ground. The focal points, the gender officer, and the gender adviser cooperated to integrate a gender perspective into the different units and branches. For that purpose, the OHQ gender adviser worked about ten weeks on the ground in order to support and facilitate the functioning of the focal points.[58]

1.3 Conduct and Discipline

Cases of misconduct committed by personnel of peace operations have attracted great public attention during recent years and have been documented by the media[59], human rights organisations [60], and implementing organisations[61], testifying that these are certainly not occasional instances [62]. Such cases of misconduct cover a wide range of offences and very often have a human rights and/or gender dimension. Staff members from various peace operations – such as the United Nations missions in Congo, East-Timor, Liberia, Sierra Leone and Cambodia – have been accused and convicted of offences affecting the most vulnerable groups in post-conflict societies: sexual exploitation, rape, prostitution, human trafficking, child abuse, etc.

Such incidents of misconduct have extremely negative effects on both the victims and the peace operations themselves. First, victims usually suffer physical and psychological effects and very often are socially stigmatised and ostracised by their communities, which is even more disturbing as "peacekeepers are supposed to facilitate a return to normality in a war-torn society and not to breach the trust placed in it by the local population".[63] In this way, misconduct, in addition to the harm it does to the individuals concerned, undermines everything implementing organisations stand for. It damages the credibility of the implementing organisation and the mission, reduces levels of confidence and support among the local population and therefore impacts negatively on the implementation of the mission's mandate.[64] Consequently, appropriate conduct by a mission's staff members is crucial if a peace operation is to function efficiently at all.

54 The proportion of working time dedicated to the function of a focal point varies a lot in practice and very often this function represents an additional workload which in terms of capacities competes with the main working area of the focal point.
55 Interview with Bela Kapur, Political Affairs Officer within the Office of the Under-Secretary-General for United Nations Peacekeeping Operations (Gender and Human Rights Focal Point), interview 13 December 2007.
56 The Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI) outlined a model job description for a gender focal point, http://www.un.org/womenwatch/osagi/gmfpdrafttors.htm [date of access 15/03/2008].
57 Operation Commander EUFOR RD Congo (2006), p. 4.
58 Ibid.
59 The BBC has repeatedly reported on misconduct committed by personnel of peace operations. See http://news.bbc.co.uk/2/hi/americas/6195830.stm [date of access 15/03/2008].
60 Human Rights Watch, http://www.hrw.org/english/docs/2008/05/02/congo18713.htm [date of access 15/03/2008].
61 See reports of the United Nations Office of Internal Oversight Services (OIOS), http://www.un.org/Depts/oios/report&pub.htm [date of access 15/03/2008].
62 According to the United Nations General Assembly's revised draft model memorandum of understanding between the United Nations and participating states contributing resources to United Nations peacekeeping operations misconduct "means any act or omission that is a violation of United Nations standards of conduct, mission standards of conduct or local laws and regulations." See General Assembly (A/61/494). Similarly, the European Union defined misconduct as not adhering to the required Generic Standards of Behaviour for ESDP Operations which "are complementary to the legal obligations of personnel in accordance with international law and the law of the contributing state." See Council Secretariat (8373/3/05 Rev 3).
63 Murphy, Ray (2006): An Assessment of UN Efforts to Address Sexual Misconduct by Peacekeeping Personnel, in: International Peacekeeping Vol. 13, No. 4, p. 531.
64 UNMIL/Conduct and Discipline Unit, http://www.unmil.org/content.asp?ccat=cdu [date of access 12/03/2008].

In order to prevent misconduct on the part of peacekeepers, implementing organisations such as the United Nations and the European Union have taken various steps and first of all defined codes of conduct that refer, among other things, to human rights and gender issues.[65] Moreover, international and regional organisations have taken action in order to ensure that codes of conduct are enforced on the ground. For example, the United Nations maintains a zero-tolerance policy on sexual exploitation committed by peacekeepers and has developed a three-pronged approach to prevent sexual exploitation and, if necessary, to undertake disciplinary action.[66] Furthermore, the United Nations integrates Conduct and Discipline Units (CDU) as a standard feature into their missions, usually acting as mission focal points for all conduct and discipline matters.[67]

Indeed, the deployment of separate conduct and discipline units has been an important achievement in several aspects. Firstly, in the past human rights and gender components often received complaints or uncovered evidence of misconduct committed by peacekeeping personnel. "But in order for misconduct to be dealt with properly, there needs to be a separate unit to deal with these issues, which missions now have with the Conduct and Discipline Units."[68] Secondly, as both human rights and especially gender components undertake measures aimed at in-mission sensitisation on human rights and gender issues, their success depends on maintaining a rapport with staff members of other mission components. Therefore, being perceived by their colleagues as an internal police force was absolutely counterproductive.[69] Thirdly, dealing with issues of misconduct would consume capacities and resources which are needed for human rights and gender work and therefore hamper the functioning of human rights and gender components. In this spirit, it was certainly a wise decision to separate the function of preventing, monitoring, investigating and sanctioning misconduct committed by peacekeepers from the functioning of human rights and gender components. These are issues which have to be dealt with by implementing organisations and contributing member states and in particular by separate components explicitly mandated to handle conduct and discipline matters.[70]

65 While the UN has developed "Ten Rules: Code of Personal Conduct for Blue Helmets", the EU developed "Generic Standards of Behaviour for ESDP Operations".

66 This approach includes prevention measures, enforcement measures, and remedial action. See http://www.un.org/Depts/dpko/CDT/strategy.html [date of access 15/03/2008].

67 CDUs do not necessarily have a mandate to pursue investigations into misconduct. Investigations are usually carried out by the Office of the Internal Oversight Services (OIOS) at the United Nations. However, conduct and discipline units, as in the case of UNMIL, assist missions in developing strategies to prevent, identify and respond effectively to all types of misconduct committed by all peacekeeping personnel; they provide advice, policy guidance and information to missions on issues relating to conduct and discipline and they ensure coherence in the application of standards of conduct among all categories of peacekeeping personnel. See UNMIL/Conduct and Discipline Unit, http://www.unmil.org/content.asp?ccat=cdu [date of access 12/03/2008].

68 Interview with Katja Hemmerich, Human Rights Officer of the United Nations Mission in Sierra Leone in 2004 and Head of the Human Rights Unit of the United Nations Office in Timor-Leste and of the United Nations Integrated Mission in Timor-Leste in 2006-2007, interview 10 December 2007.

69 For that reason, the gender adviser and the human rights focal point of EUFOR RD Congo did not monitor staff members' compliance with the code of conduct although they proposed and helped to devise a soldier's card, including general rules of behaviour. Eventually, the military component itself was responsible for guaranteeing compliance with the soldier's card. Interview with Charlotte Isaksson, Gender Adviser to EUFOR RD Congo in 2006, interview 20 March 2008. For details on the general rules of behaviour, human rights, and gender issues included in this soldier's card see Arloth/Seidensticker (2007), p. 39.

70 For further analysis concerning legal aspects of misconduct see Murphy, Ray (2006). Kent, Vanessa (2007): Protecting Civilians from UN Peacekeepers and Humanitarian Workers: Sexual Exploitation and Abuse. in: Aoi, Chiyuki/Cedric de Coning/Ramesh Thakur (eds.): Unintended Consequences of Peacekeeping Operations, Tokyo, pp. 44-66. Hampson, Francoise J./Ai Kihara-Hunt (2007): The Accountability of Personnel Associated with Peacekeeping Operations. in: Aoi, Chiyuki/Cedric de Coning/Ramesh Thakur (ed.): Unintended Consequences of Peacekeeping Operations, Tokyo, pp. 195-220.

2
Human Rights and Gender Components: Best Practice Examples

The following chapter illustrates selected measures undertaken by the human rights and gender components of various peace operations, showing how they put their mandates into practice and what the impact of these specific activities was. The descriptions, discussion, and conclusions are predominantly based on information provided by practitioners who have served within peace operations and do not represent a general impact assessment of particular functions, components, and/or missions.

2.1 Human Rights Components

Human rights components of peace operations deal with a broad range of human rights issues and perform a multitude of activities contributing to the promotion and protection of human rights in host countries. Core functions of human rights components, which may be closely interrelated, are human rights monitoring, reporting, capacity- and institution-building on the ground, support of transitional justice, and in-mission human rights sensitisation. They may address past violations of human rights, deal with the present situation on the ground and work towards future protection of human rights in host countries.[71]

2.1.1 Monitoring

Monitoring is the long-term observation and analysis of the human rights situation in a country or region.[72] The purpose of human rights monitoring – as ultimately of any human rights action undertaken – is to bring about an improvement in the human rights situation on the ground. As any function of a human rights component needs to be based on systematic and reliable information, human rights monitoring provides the basis for all the other human rights work of a mission, for an accurate analysis of the nature, extent, and location of the problems and for the development of an appropriate strategy.[73]

Human rights monitoring is a sensitive function and involves the collection, verification, and use of information to address human rights issues. Monitors have to actively gather information and to verify that it is complete, accurate, and unbiased.[74] According to Marit Maehlum, a good network is essential for information-gathering and should include representatives from the relevant international and regional organisations, as well as relevant nationals such as municipal and local authority leaders, political leaders and opposition groups, representatives of the media and civil society, human rights campaigners and NGOs, representatives of vulnerable groups, and other individuals. Apart from collecting and checking information gained through this network, information may be gathered from walk-in cases, by visiting sensitive locations such as prisons, by maintaining contact with the general public, and by observing particular events such as demonstrations.

In order to ensure that the information gathered is credible, it must be verified before any action is taken. Therefore, a human rights officer has to consider whether the information gathered is consistent with information collected from independent sources, whether it fits

71 O'Flaherty, Michael (2007): Human Rights Field Operation: An Introductory Analysis. in: Michael O'Flaherty (ed.): The Human Rights Field Operation: Law, Theory and Practice. Ashgate, pp.1-30.
72 Amnesty International / Codesria (2001): Monitoring and Investigating Human Rights Abuses in Armed Conflict, http://www.protectionline.org/IMG/pdf/spa_armedconflict.pdf [date of access 20/03/2008].
73 Alston, Philip / J.H.H. Weiler (1999): An "Ever Closer Union" in Need of a Human Rights Policy. in: Philip Alston (ed.): The European Union and Human Rights. Oxford, New York, p. 55.
74 Maehlum, Marit (2001): Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers. Chapter 6: Monitoring Human Rights. Norwegian Institute for Human Rights, p. 3.

into the context, and whether his/her sources are reliable.[75] Furthermore, monitoring activities must be performed impartially and accurately – and this should be visible to the local population.[76] Otherwise, credibility and importance would be lost.

Monitoring Human Rights in the Province of Aceh, Indonesia

On 15 August 2005 the government of Indonesia and the Free Aceh Movement (GAM) signed a Memorandum of Understanding (MoU) confirming "their commitment to a peaceful, comprehensive and sustainable solution to the conflict in Aceh with dignity for all".[77] The MoU detailed the peace agreement and enabled the establishment of the Aceh Monitoring Mission (AMM) conducted by the European Union and ASEAN countries with a mandate to monitor the implementation of the commitments undertaken by the parties in this Memorandum of Understanding.[78] On the basis of the MoU, the EU adopted a Council Joint Action on 9 September 2005 and the EU-led civilian ESDP mission AMM was deployed within one week.[79]

After almost three decades of bloody and vicious internal conflict in Aceh characterised by gross violations of human rights such as the killings of thousands of people, torture, and harassment committed by armed groups, profound mistrust between GAM and the Indonesian government posed a serious threat to the peace process and had repeatedly undermined earlier attempts to achieve peace in the province.[80] Thus, building confidence on both sides was crucial and required a strong commitment by the involved parties from the outset of the peace process. Under the terms of the MoU this involved the quick amnesty of GAM members and the release of GAM political prisoners at an early stage of the peace process; a commitment by GAM to participate in the demobilisation and decommissioning processes; the successful implementation of reintegration programmes and packages; and the redeployment of the Indonesian security forces.[81]

As earlier peace processes had been undermined by distrust and a lack of commitment on the part of the parties to the conflict, the instant presence of a body perceived as being impartial was needed to monitor and facilitate the implementation of the MoU. In this regard, the immediate deployment of the Initial Monitoring Presence (IMP), which was not yet a formal EU mission, was judged to be crucial by mission staff members and observers.[82] IMP comprised 82 staff members and was set up within just two weeks to fill the vacuum between the signing of the MoU and the implementation of AMM. Its rapid deployment was facilitated by the flexible support from individual EU member states.

75 Maehlum (2001), pp. 13-14.
76 Arloth/Seidensticker (2007), p. 31.
77 Memorandum of Understanding (MoU) between the Government of the Republic of Indonesia and the Free Aceh Movement (2005). http://consilium.europa.eu/uedocs/cmsUpload/MoU_Aceh.pdf [date of access 10/10/2007].
78 MoU between the Government of the Republic of Indonesia and the Free Aceh Movement (2005). AMM was the first ESDP monitoring operation implemented by the EU in Asia. It was also the first such operation to incorporate a deputy head of mission for amnesty, reintegration and human rights, as well as human rights monitors. See chapter 1.1.2.
79 AMM was mandated to:
a) monitor demobilisation of GAM and monitor and assist with the decommissioning and destruction of its weapons, ammunition and explosives;
b) monitor the re-location of non-organic military forces and non-organic police troops;
c) monitor the reintegration of active GAM members;
d) monitor the human rights situation and provide assistance in this field in the context of the tasks set out in points (a), (b) and (c) above;
e) monitor the process of legislation change;
f) rule on disputed amnesty cases;
g) investigate and rule on complaints and alleged violations of the MoU;
h) establish and maintain liaison and good cooperation with parties. Council Joint Action 2005/643/CFSP.
80 An example of a failed peace process in Aceh is the previous "Cessation of Hostilities Agreement" (CoHA), which started to collapse when GAM failed to decommission its weapons in 2003 and then was followed by the imposition of martial law in Aceh and by major military operations.
81 See Schulze, Kirsten E. (2007): Mission Not So Impossible: The Aceh Monitoring Mission and Lessons Learned for the EU, http://library.fes.de/pdf-files/id/04786.pdf [date of access 12/11/2007].
Kirsten Schulze analyses the implementation and progress of these processes.
82 Interview with Gunnar Eichholz, District Coordinator for Human Rights and Reintegration of the Aceh Monitoring Mission in 2005-06, interview 22 November 2007. See also Lahdensuo, Sami (2006): Building Peace in Aceh: Observations on the work of the Aceh Monitoring Mission and its liaison with local civil society, http://www.cmi.fi/files/AMM_report.pdf [date of access 10/11/2007], p. 11. The discussion paper written by Sami Lahdensuo assesses the success of the European Union-led Aceh Monitoring Mission, paying special emphasis to the role of local civil society during the mission's presence in Aceh, Indonesia.

As the government of Indonesia agreed to grant an amnesty to all persons who had participated in GAM activities and to release political prisoners and detainees within 15 days of the signing of the MoU, the key functions of IMP were to monitor the release of political prisoners and to exert leverage on the government of Indonesia to ensure that the amnesty process was performed quickly and comprehensively.[83] Indeed, by the end of August 2005 about 1,700 GAM members had been released and amnestied, and this was a determining factor in building confidence with GAM and securing its commitment to the peace process.[84] Similarly, the expeditious demobilisation of GAM and the decommissioning of its weapons were significant in gaining the trust of the government of Indonesia in the peace process.

Worries that the government of Indonesia might take advantage of the situation as soon as GAM had disarmed, were a serious concern for GAM. Therefore, it was of particular importance to monitor the human rights situation. In this respect, IMP's and AMM's human rights monitors focused predominantly on issues such as extortion, intimidation and harassment, assault, property issues, kidnapping, shooting, killing, torture, rape, denial of freedom of movement and other severe human rights violations.[85]

"When we first arrived it was important to make our presence felt and to inform people of the peace agreement because often they hadn't been aware of the MoU. We also needed to explain our mandate, so that expectations were not disappointed and they knew what they could expect from us."[86] This meant clarifying the scope of the human rights mandate and actively inviting people to report incidents to AMM. "Furthermore, it was important to build good relationships by meeting with and talking to people on a regular basis because we relied on their information to assess the general situation on the ground and to identify human rights issues."[87]

This included the civilian population, civil society representatives, civilian authorities, GAM members as well as representatives of the police and military forces. Therefore, AMM's human rights monitors had to go out routinely, be approachable and, for example in the context of the reintegration process, to ask people about their attitudes towards the reintegration of former GAM combatants and prisoners into their communities and any problems they might have with that. For example: Do GAM members receive a ready welcome? How do GAM members behave towards civilians and how do Indonesian military and police forces behave towards former GAM members? Are reintegration packages distributed equitably?

But it also meant behaving in an appropriate, commendable way as an AMM staff member and being credible and reliable in terms of one's work and conduct. Otherwise, AMM would not be trusted and people would not reported incidents to them. According to Gunnar Eichholz, AMM's code of conduct included the following rules: Do no harm, know and respect your mandate, exercise good judgement and seek advice, be credible, be impartial, be visible, show sensitivity.[88]

According to a World Bank assessment, the majority of villagers and GAM members did not have detailed knowledge of AMM's role, but reported that the presence of AMM gave them personal security and confidence in the peace process. Moreover, they felt that AMM's presence was important in preventing incidents from occurring.[89] In the words of a former combatant: "I'm sure the MoU process will continue, mainly because of the internationals. But if we, as ordinary soldiers, compare this peace with the CoHA [Cessation of Hostilities Agreement] there are some big differences. For example, our leaders never told us about the CoHA, that there was a peace agreement. Also, the TNI [Tentara Negara Indonesia / Indonesian Defence Forces] behaved very aggressively during the CoHA, constantly provoking us.

83 Furthermore, the "head of the monitoring mission decided in disputed cases based on advice from the legal advisor of the monitoring mission". MoU (2005).
84 Schulze (2007), p. 6.
85 This related to human rights violations that were committed either by Indonesian authorities against (former) GAM members or by GAM members and/or Indonesian authorities against the local population. See Lahdensuo, Sami (2006).
86 Interview with Gunnar Eichholz. The following remarks are predominantly based on information provided by Gunnar Eichholz.
87 Ibid.
88 Ibid. However, the compliance of AMM's staff members with this code of conduct cannot be assessed in the context of this study.
89 These attitudes and perceptions might vary from district to district. See World Bank (2006): GAM Reintegration Needs Assessment: Enhancing Peace through Community-level Development Programming, http://www.conflictanddevelopment.org/data/doc/en/regCaseStudy/aceh/GAM%20Reintegration%20Needs%20Assessment2.pdf [date of access 30/01/2008], pp. 37-38.

AMM is also different. If there's an incident, AMM visits and carries out an investigation. Very different.'"[90]

The following example demonstrates the approach of AMM's monitors. A GAM member was driving down the street when he was stopped by the police and beaten up. As AMM staff members were patrolling in the vicinity they were quickly at the scene and immediately began to investigate the incident. They recovered a piece of the man's eyebrow and interviewed witnesses. Furthermore, the monitors spoke with the victim, the police officers involved, the chief of police, and representatives of GAM and asked for their statements on the matter. Finally, clear and convincing evidence of police assault was procured and verified.[91]

As the peace process in Aceh shows, the instant presence of a peace operation including human rights staff can indeed be crucial in supporting and facilitating the implementation of peace agreements and peace processes. The immediate presence of IMP/AMM and its integrated human rights component in Aceh was an important factor for the progress and stability of the peace process – building confidence; collecting, analysing, and providing information on human rights issues; and handling incidents causing conflicts on the ground.[92]

2.1.2 Reporting

Good information is useless unless it gets to where it is needed.[93] In this spirit, human rights components have to take action to support the implementation of human rights law. For this purpose, human rights monitoring can be followed-up through different sets of activities: Firstly, by establishing a human rights record of what has happened and/or is taking place. Secondly, by informing higher levels of implementing organisations and/or making the general public aware of human rights violations to prompt wider political reactions towards the country. Thirdly, by intervening with duty-bearers and addressing human rights violations proactively to bring about an improvement in the human rights situation on the ground. Fourthly, by reinforcing local capacities and institutions in order to strengthen systems and infrastructures for the promotion and protection of human rights.[94]

Reporting is one of the main ways of communicating and distributing information on the human rights situation and is one of the central ways of using information gathered and verified in human rights monitoring.[95] The United Nations Office of the High Commissioner for Human Rights (OHCHR) has developed guidelines on how to perform human rights reporting.[96] According to these, reporting should be carried out precisely, accurately, and promptly in order to ensure credibility and effectiveness when raising human rights concerns with the authorities. Furthermore, reports should be task-oriented and include recommendations regarding practical steps to be undertaken by target groups to address human rights issues.

In general, one can differentiate between external and internal human rights reports, which may be written weekly, monthly, quarterly, six-monthly, or annually. While internal reports are aimed at presenting a precise picture of the human rights situation and developing strategies to address human rights issues from inside the mission or by the implementing organisation, external reports are more likely to bring human rights issues to the attention of the public in order to enable further action.[97] Typical kinds of internal report are periodic reports documenting work accomplished and planned; emergency reports providing a quick way of alerting managers to the need for action; interview reports; incident reports; or reports on the general human rights situation. Internal reports are submitted to the headquarters of the mission and/or implementing organisation. External reports in contrast are addressed to governments or to a wider national and international public and are usually based on internal reports.[98]

90 Former combatant in Tiro/Truseb, Pidie, quoted in World Bank (2006), p. 22.
91 Interview with Gunnar Eichholz. On follow-up activities concerning this example see chapter 2.1.3.
92 On further examples concerning the implementation of AMM's human rights mandate see chapter 2.1.2 and 2.1.3.
93 O'Flaherty (2007), p. 11. O'Flaherty states that the UN has had difficulties in addressing this truism and that there is still not a standard model of human rights reporting.
94 Maehlum (2001), p. 1. The following chapters provide practical examples of how to use gathered information to contribute to the promotion and protection of human rights on the ground.
95 OHCHR (2001): Training Manual on Human Rights Monitoring, Geneva.
96 Ibid.
97 Maehlum (2001), pp. 14-17.
98 OHCHR (2001), pp. 389-396. As the mission's leadership usually publishes external human rights reports, it decides whether an issue will receive public attention or not. For various reasons this decision might not be satisfactory from a human rights point of view. Thus, the SRSG of a UN peace operation might decide not to publish a human rights report because he/she finds that this would undermine the political process or destabilise the security situation. As a double reporting line exists, information gathered at least might be used for other reports, such as those prepared by UN special rapporteurs.

In this way, a human rights component usually produces a multitude of reports directed at a number of different actors. Producing such a huge volume of reports obviously consumes capacities of a human rights component, particularly in terms of working time. Very often human rights staff on the ground have little idea how and/or if information is used by recipients, in particular at headquarters levels of both peace operations and implementing organisations.[99]

Reporting on Intimidation in Aceh, Indonesia

In the past repeated reports of the intimidation of former GAM members by the Indonesian intelligence services had spread like wildfire over the entire province of Aceh and posed a serious risk to the peace process.[100] The issue came to the attention of human rights staff of the Aceh Monitoring Mission (AMM), not least through complaints lodged by GAM. For the first time, these incidents occurred in the district of Bireuen and seriously damaged GAM's confidence in the peace process. As GAM had not been disarmed comprehensively, they could have taken up arms again or at least boycotted the demobilisation and decommissioning processes, which in turn could have led to violent confrontations and a step backward for the peace process. Since the intelligence services involved were not under the command of the Indonesian police or military forces at the district level this problem could not be resolved in the district of Bireuen and needed to be discussed at a higher level. Therefore, AMM's human rights monitors reported on the issue to the mission leadership in order to have the problem addressed at the province level. The mission leadership brought the issue to the attention of Major General Darmono, Indonesian military commander in Aceh, and subsequently it ceased to be a problem.[101]

AMM's mission leadership played a decisive role with respect to the resolution of this conflict by exercising their reporting task in a targeted manner. Without its intervention tensions probably would have been exacerbated and the situation might have escalated.

In addition to internal reporting activities a human rights component may also write and publish external reports in order to address human rights issues and bring about an improvement in the human rights situation.

Reporting on Human Rights Violations in the Agricultural Sector in Liberia

On 4 May 2006 the United Nations Mission in Liberia (UNMIL) published the report "Human Rights in Liberia's Rubber Plantations: Tapping into the Future".[102] This report was launched in circumstances which offered an exceptional opportunity to undertake reform in areas requiring immediate, mid-term and long-term attention.[103] Firstly, conditions in the rubber plantations in Liberia had recently been the subject of intense international and national scrutiny. Secondly, since the launch of the Global Compact in July 2000, more companies had become aware of their human rights responsibilities. Thirdly, and perhaps most importantly, the inauguration of the new government in Liberia on 16 January 2006 presented a significant moment in Liberia's history for addressing human rights concerns in a stable environment, with renewed political will and expectation of reform.[104]

The report was part of a nationwide survey of human rights violations in the agricultural sector undertaken by UNMIL's Human Rights and Protection Section (HRPS). In order to identify problems in five of Liberia's rubber plantations HRPS conducted a study between 15 June 2005 and 15 January 2006, including a principal field assessment of the human rights situation on these plantations, a desk review, and meetings and discussions with government officials and relevant stakeholders.[105] HRPS reviewed international human rights norms and Liberian legislation to assess the compliance of the state and

99 A number of interviewees highlighted this issue.
100 Interview with Gunnar Eichholz, District Coordinator for Human Rights and Reintegration of the Aceh Monitoring Mission in 2005-06, interview 22 November 2007.
101 Schulze (2007), p. 7.
102 Rubber is one of Liberia's main exports and an important economic sector. UNMIL (2006c): Human Rights in Liberia's Rubber Plantations: Tapping into the Future, http://www.unmil.org/documents/human_rights_liberiarubber.pdf [date of access 16/02/2008], p. 20.
103 UNMIL (2006a): Press Release, 4 May 2006. UNMIL launches report on human rights situation in five rubber plantations (PIO/PR/61), http://www.un.org/Depts/dpko/missions/unmil/pr61.pdf [date of access 23/04/2008].
104 UNMIL (2006c): Human Rights in Liberia's Rubber Plantations, p. 5.
105 Ibid., p. 9.

plantation managements with their international and national legal obligations, and produced concrete findings and formulated task-oriented recommendations addressing related human rights issues.[106]

The human rights report included the following most relevant findings:

- Concession agreements concluded with the government of Liberia imposed very limited and vague obligations on plantation management to protect the human rights of individuals and communities living and working on the rubber plantations.
- Discord between private security officers employed by the plantations and the Liberian National Police (LNP) undermined the rule of law. Illegal detention and arrests by private security officers without the knowledge of the LNP represented a recurring problem on the plantations.
- Plantation workers were exposed to hazardous working conditions without adequate training or safety equipment.
- Many workers were not represented by trade unions and did not receive fair wages or equal remuneration, nor did they have the right to strike.
- Child labour was frequently used on the plantations. Also, many children were not registered at birth by plantation health facilities and were consequently unable to benefit from free education and health care.
- Plantations that provided health care facilities did not provide services to all employees, or the facilities were not adequately equipped. Deplorable living conditions and poor sanitation often led to dire health conditions.
- Successive governments, including the National Transitional Government of Liberia, and plantation management disregarded environmental protection laws and potentially dangerous agricultural waste products were discharged into local communities.
- Furthermore, the Guthrie and Sinoe Rubber Plantations were both under illegal management and were still occupied by former combatants.[107]

These key findings served as a basis for comprehensive and clear recommendations to the Liberian government, the plantation managements, NGOs and civil society, as well as to UNMIL and the UN Country Team.[108] The recommendations were practically oriented and included immediate and long-term action to assist target groups in addressing human rights violations on rubber plantations.

The HRPS's report was complemented by the findings of the Rubber Plantations Task Force, established in February 2006 to conduct a more general assessment of the human rights, humanitarian and law enforcement issues facing Liberia's seven largest plantations and to develop a strategic plan.[109] The task force's report was published on 22 May 2006 and discussed legal, management, human rights and labour questions as well as environmental ones.[110]

As stated above, while the human rights report was written the Guthrie Rubber Plantation was still under illegal management by ex-combatants, an indicator of the fragility of state authority at that time. According to the HRPS's report, the plantation's occupation resulted in the absence of the rule of law on the plantation, creating an unstable security situation and leading to the denial of economic, social and cultural rights.[111] HRPS formulated several recommendations to the Liberian government, the plantation managements, UNMIL and the UN Country Team, including that the Liberian government should enter into immediate negotiations with ex-combatants on Guthrie Rubber Plantation for their withdrawal from the plantation and their rehabilitation and reintegration into the community. Furthermore, the government was advised to provide ade-

106 Ibid., p. 7.
107 Ibid., pp. 7–8.
108 For detail see UNMIL (2006c), pp. 66-71.
109 The task force was led by the Ministry of Agriculture and comprised the government of Liberia, representatives of the private sector, and various components of UNMIL and other UN Agencies. Among other things, the task force used the HRSP report ("Human Rights in Liberia's Rubber Plantations: Tapping into the Future") as a source for its own research. Joint Government of Liberia – United Nations Rubber Plantations Task Force (2006): Report, Monrovia, (unpublished).
110 On the basis of site visits, review of documentation, and interviews with stakeholders, the task force identified the following issues that required immediate action: strengthening security in and around plantations; developing and implementing livelihood solutions for the persons illegally occupying the plantations; ensuring fair and regular payment of workers; implementing management agreements; preventing and prosecuting human rights abuses; improving living and working conditions (health care, education, water and sanitation); implementing and enforcing labour rights and standards; clarifying the status, duties, and responsibilities of plantation security forces; and addressing and preventing environmental degradation. Joint Government of Liberia - United Nations Rubber Plantations Task Force (2006): Report, Monrovia, p. 2.
111 Ibid. pp. 6–7.

quate security to ensure that rehabilitation and reintegration programs can be implemented, and to ensure the resumption of basic services such as the provision of safe drinking water and the establishment of schools and medical facilities.[112] UNMIL and the UN Country Team, were, among other things, called to support the rehabilitation of the ex-combatants on Guthrie plantation and to ensure that they are included in reintegration projects under the Disarmament, Demobilisation, Rehabilitation and Reintegration Process.[113]

With support from UNMIL, the Liberian government developed a multi-dimensional strategy to ensure the peaceful and smooth repossession of Guthrie and other occupied plantations.[114] This strategy focused on restoring state authority and the rule of law on these plantations with the aim of improving the situation of resident communities, preventing the loss of government revenue, and contributing to peacebuilding by reintegration of ex-combatants.[115] Several steps were taken to establish state authority on Guthrie plantation. Firstly, a police station run by twelve Liberian national police officers, backed up by UN peacekeepers and police officers, was established inside the Guthrie plantation to conduct regular patrols and stabilise the security situation.[116] Secondly, an interim management team was also established by the government of Liberia and the Rubber Planters' Association of Liberia (RPAL) to regularise employment, promote labour standards and rehabilitate facilities, until a long-term management structure can be established in compliance with the rules and regulations of the country.[117] UNMIL assisted with the installation of the interim management team and constructed a compound on the Guthrie rubber plantation, which was to house the Liberian National Police, the Magistrate Court and other relevant government agencies.[118] Thirdly, possibilities for reintegration assistance for the ex-combatants were also being explored by the National Commission for Disarmament, Demobilisation, Rehabilitation and Reintegration with the support of UNMIL and other stakeholders.[119]

Eventually, on 15 August 2006, the government of Liberia, with support from UNMIL, officially established state authority on the Guthrie Rubber Plantation, Bomi County. "This achievement followed two years of documented human rights violations committed against the plantation residents by the former fighters living there, as well as criminal gain from the illegal exploitation of the rubber trees and other associated financial crimes such as tax avoidance."[120] UNMIL's HRPS has been following-up on these achievements by monitoring the human rights situation on the Guthrie Rubber Plantation. Furthermore, UNMIL's Relief, Recovery and Rehabilitation Section has continued to assist the Government in re-establishing control over Liberia's rubber plantations, particularly with regard to finding reintegration solutions for the ex-combatants.[121]

By conducting a study and producing a report on the human rights situation on Liberia's rubber plantations, UNMIL's HRPS provided analysis and special expertise on the issue. This eventually resulted in concrete findings outlining the most relevant problems and tensions on the ground and allowed for the formulation of recommendations. These eventually brought about an enormous improvement in the human rights situation in Liberia's rubber plantations. Furthermore, by publishing the report, awareness of the issue was raised and the human rights situation on Liberia's rubber plantations was brought to the attention of a broad range of actors which were called upon to undertake concrete measures. The report also served as a means to promote in-mission human rights sensitisation, because implementing its recommendations required the support of other mission components. Thus, various components of UNMIL, such as the CivPol component and the Relief,

112 UNMIL (2006c): Human Rights in Liberia's Rubber Plantations, p. 68.
113 Ibid, p. 71.
114 The Guthrie Plantation was not the only occupied plantation at that time.
115 UNMIL/Relief, Recovery and Rehabilitation Section, http://www.unmil.org/content.asp?ccat=recovery [date of access 23/04/2008].
116 See Maeda, Yuko (2006): Got Guthrie Back, in: UNMIL Focus Vol. 3, No. 1, pp. 10-11.
117 UNMIL (2006b). Press Release, 16 August 2006. Government of Liberia restores state authority at Guthrie rubber plantation: UNMIL to support efforts to ensure law and order at the plantation (PR/96), http://www.unmil.org/article.asp?id=1555 [date of access 23/04/2008].
118 Secretary-General (2006a): Twelfth progress report of the Secretary-General on the United Nations Mission in Liberia (S/2006/743).
119 UNMIL (2006b): Press Release, 16 August 2006 (PR/96).
120 UNMIL (2007c): Quarterly Report on the Human Rights Situation in Liberia. August – October 2006, http://www.unmil.org/documents/hr_report_aug_oct_2006_1.pdf [date of access 22/04/2008]. For further examples see the quarterly reports on the human rights situation in Liberia (http://www.unmil.org/content.asp?ccat=humanrights) and the reports of the Secretary-General on the United Nations Mission in Liberia, http://www.unmil.org/documents.asp [date of access 22/04/2008].
121 UNMIL/Relief, Recovery and Rehabilitation Section, http://www.unmil.org/content.asp?ccat=recovery [date of access 23/04/2008].

Recovery and Rehabilitation Section, have taken action and assisted Liberian authorities in implementing the report's recommendations. Ultimately, by preparing and publishing a report on the human rights situation in Liberia's rubber plantations UNMIL's human rights component contributed to developments and to an improvement in the human rights situation on the ground.

As a human rights component usually does not have the authorisation to enforce the implementation of human rights obligations, the state's willingness to fulfil its human rights obligations and also to cooperate constructively with the human rights component and other mission components on the ground is an important factor for the successful working of a human rights component and its lasting impact. The role of a human rights component is predominantly a supportive one. Therefore, the scope, functioning and effectiveness of a human rights component largely depends on the political will of the host government and national authorities. In the case of human rights violations in Liberia's rubber plantations, the Liberian government took action to implement recommendations and comply with its obligations. Very often, governments and authorities may be unwilling to change their attitude or conduct. Thus, a general challenge in the context of reporting processes is the question of who might be the appropriate recipient and also who might be the most effective transmitter of a report in order to bring about change on the ground.

Reporting on Civilian Casualties in Afghanistan

On 28 March 2002 the United Nations Assistance Mission in Afghanistan (UNAMA) was established to support the peace process in Afghanistan.[122] UNAMA is a political mission which deals primarily with development and humanitarian issues, and also handles political matters. UNAMA is directed and supported by the United Nations Department of Peacekeeping Operations and was implemented independently of the International Security Assistance Force (ISAF) and Operation Enduring Freedom (OEF).

As the number of civilians killed by ISAF and OEF troops increased dramatically at the end of 2006 and during the first months of 2007, UNAMA started to systematically verify incidents involving civilian casualties caused by international forces. In order to verify incidents of civilian casualties, criteria were developed in cooperation with the Office of the High Commissioner for Human Rights to serve as a basis for defining and documenting civilian casualties. In fact, the verification of civilian casualties became one of the main elements of UNAMA's human rights work and was initiated by Tom Koenigs, former Special Representative of the Secretary-General for Afghanistan.[123]

UNAMA's human rights component pursued this work not only because the death of civilians caused by the excessive and indiscriminate use of force is unacceptable and constitutes a violation of human rights and of international humanitarian law but also because these incidents cause serious tensions and reduce Afghan support for the international forces. This had become a grave political issue during the early months of 2007,[124] with President Karzai warning international forces of the negative consequences of further deaths. "[The] patience of the Afghan people is wearing thin with the continued killing of innocent civilians. [...] Civilian deaths and arbitrary decisions to search people's houses have reached an unacceptable level and Afghans cannot put up with it any longer."[125] UNAMA's human rights component has verified a number of incidents involving civilian casualties, including the following case.

In Jalalabad a suicide bomber struck a convoy of ISAF. The local press said that the military unit had responded to the attack with excessive and indiscriminate use of force, resulting in a large number of civilian casualties.[126] The military unit was accused of shooting its way out by firing at the crowd even though it was no longer under attack. The event triggered massive protests across Afghanistan.

When staff from UNAMA's human rights component started to investigate the incident, various accounts

122 Security Council (2002): S/RES/1401.
123 Interview with Tom Koenigs, former Special Representative of the Secretary-General for Afghanistan in 2006-07 (SRSG of UNAMA), interview 12 February 2008. The following remarks are primarily based on information provided by Tom Koenigs.
124 See Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (A/61/799-S/2007/152).
125 BBC News (2007c), President Hamid Karzai as quoted on BBC News, http://news.bbc.co.uk/1/hi/world/south_asia/6615781.stm [date of access 18/02/2008].
126 Interview with Tom Koenigs.

of what had happened and of how many people had died were circulating. It was their task to verify the facts and to come up with concrete findings. As representatives of ISAF claimed that they did not know which military unit had been involved in the incident, the human rights officers relied on the statements of eyewitnesses interviewed in Jalalabad who testified that a unit of US Marines that was part of ISAF was responsible. Because a large number of credible accounts were given, the human rights officers were able to verify this fact and collected and documented further information on the case in Jalalabad. After that they wrote a detailed report which was conveyed to UNAMA's SRSG who then consulted and confronted ISAF's leadership with the information and asked for its response. ISAF's leadership claimed that the convoy had been under heavy fire and that the soldiers involved acted in self-defence. Since the attacked vehicles than would necessarily bear bullet-holes, UNAMA investigated whether that fact was the case. Some soldiers said that the vehicles had bullet-holes while others claimed that they had only seen damage caused by the bomb; both statements were documented by UNAMA and included in a second detailed report. Again this information was shared with ISAF's leadership to give it the opportunity to state its position on the incident before UNAMA prepared a final report. "While this report might not be so precise as to say that 15 or 20 people were killed, it clearly shows that the use of force was indiscriminate and that civilians were killed. And these facts were ultimately verified and documented by UNAMA."[127] As a result of this verification, and also due to the public attention the incident attracted, the military unit involved was pulled out of Afghanistan and the marines named in the incident were tried before a US military court.

The human rights component of UNAMA verified and documented a large number of similar incidents, showing that these were not exceptions but a general issue.[128] None of these reports were shared with the public. "I decided not to publish reports on individual incidents because I wanted the international forces to change their modus operandi. To this end, I didn't want to shout it from the rooftops but we transparently shared the results of our inquiries with ISAF's leadership."[129]

Furthermore, Tom Koenigs reported on civilian casualties more generally to the United Nations Security Council. "There had been a number of cases of civilian casualties caused by government and international forces. Beyond the tragic loss of innocent human life, the resulting disaffection and civil unrest, loss of public support, as well as victims' right to justice, place the international effort under additional stress. The United Nations Mission had aimed to position itself as an impartial and credible advocate on behalf of civilians by conducting objective verifications of those incidents and sharing the information with key actors."[130] His statements to the Security Council triggered a critical discussion within the international community and finally resulted in the integration of the issue of civilian casualties into Security Council Resolution 1746 renewing UNAMA's mandate in 2007.[131] Thus, the Security Council mandated UNAMA, "to continue to contribute to human rights protection and promotion, including monitoring of the situation of civilians in armed conflict". Verification of civilian casualties had not been part of the previous UNAMA human rights mandate even though the mission had already de facto integrated this task. "But we also wanted the monitoring of civilian casualties to be integrated formally into our mandate, because when it comes to conflicts or tensions between actors on the ground, the mandate is your Bible."[132]

Due to the continuous gathering of information and the verification of facts by UNAMA, human rights violations through indiscriminate use of force could no longer be denied and had to be admitted. This put international forces under pressure. Ultimately, the

127 Ibid.
128 The Secretary-General also reported on civilian casualties caused by international forces in Afghanistan. "Civilians were caught in crossfire during combat operations, particularly in the south. Of concern was Operation Medusa in Zherai and Panjwai districts in Kandahar, during which ISAF was alleged to have killed 23 civilians. UNAMA interviewed witnesses and issued a public report in December 2006 urging all parties to uphold international humanitarian and human rights law and to ensure the protection of civilian life." Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (A/61/799–S/2007/152).
129 Interview with Tom Koenigs.
130 Briefing by Tom Koenigs, Special Representative of the Secretary-General for Afghanistan, to the United Nations Security Council on the Situation in Afghanistan (2007), http://www.unama-afg.org/docs/_UN-Docs/_sc/_briefings/07mar20.htm [date of access 10/02/2008].
131 Interview with Tom Koenigs.
132 Ibid.

verification of civilian casualties, negotiations behind closed doors, and the resulting international pressure led ISAF to change its modus operandi with regard to the use of force by mid-2007, which is now more restricted in order to protect civilians.[133]

With this initiative to put the issue of civilian casualties on the mission's agenda, and his report to the Security Council, UNAMA's Special Representatives of the UN Secretary-General (SRSG) played a decisive role with respect to the efficient functioning of UNAMA's human rights component.[134] He acted as the appropriate transmitter having the authority to report both to the leadership of ISAF as well as to the Security Council, the right addresses for bringing about an amendment of the modus operandi. His support was a determining factor for the implementation of the verification instrument and the impact it had on the ground.

2.1.3 Follow-up

While one way to follow up the gathering and verification of information is reporting to authorities concerned, there are other ways a human rights component can follow up its own research. Although human rights components usually do not have the full powers to implement human rights, they may seek corrective action by the relevant authorities or support national authorities in complying with their commitments. Follow-up activities carried out by human rights components have taken many forms, from quiet diplomacy and supportive measures to forceful condemnation. In this regard, possible strategies and approaches are determined by the mission mandate which defines the authorisation of a human rights component. Follow-up activities may be undertaken at local, national and international levels to address either specific, individual cases or the general human rights situation and may be targeted directly to perpetrators or other actors who can bring pressure to bear.[135]

Addressing Police Assault in Aceh, Indonesia

While monitoring the human rights situation in the district of Bireuen in Aceh, Indonesia, members of the Aceh Monitoring Mission (AMM) discovered a case of police assault involving Indonesian police officers who beat up a member of the Free Aceh Movement (GAM) on the street. After procuring and verifying clear and convincing evidence of police assault,[136] AMM's human rights monitors took further action in order to follow-up on the incident. First of all, several questions had to be clarified, such as: Is this a general problem? What disciplinary action will be taken against the police officers? What do GAM and the victim expect? In order to address these queries AMM's human rights monitors decided to bring the case before the Commission on Security Arrangements at the district level to be discussed and resolved.

The Commission on Security Arrangements meetings served at both the provincial (COSA) and district (DiCOSA) levels as a forum in which to raise, discuss and resolve issues and complaints before these could become obstacles to the peace process. These meetings were initiated by Pieter Feith, the head of AMM. They took place weekly and were attended by representatives of GAM and the Indonesian government, police, and military as well as by representatives of AMM who served as mediators.[137] Through COSA and DiCOSA, meetings had been created to

133 Ibid. As the Taliban would have easily been able to adapt and take advantage of it, the details have not been published. But Tom Koenigs stated that he had seen the rules of engagement and that they had been amended by ISAF. As the commanders of ISAF and Operation Enduring Freedom cooperated closely the modus operandi of OEF was adapted too. Interview with Tom Koenigs.

134 The SRSG of a UN peace operation is the senior representative in a host country, and thus establishes the overall framework that guides the activities of the mission within the parameters of its mandate, ensuring that all mission components pursue a coordinated and coherent approach. In doing so, he/she devises effective coordination mechanisms for the security, political, human rights, rule of law, humanitarian and development components of a mission and ensures that optimal use is made of existing capacities in the implementation of the different elements of the mission's mandate. Furthermore, he/she represents the Secretary-General at the highest level and speaks on behalf of the United Nations in a host country, advocating the norms and values of the organisation as well as the mission's interests. See Note from the Secretary-General (2006b): Guidance on Integrated Missions (February 2006), http://www.reliefweb.int/rw/lib.nsf/db900sid/OCHA-6MHKSR/$file/Note%20of%20Guidance%20on%20Integrated%20Missions.pdf?openelement [date of access 03/03/2008]. See also Note from the Secretary-General: Guidance on Integrated Missions (December 2000), http://www.un.org/Depts/dpko/milad/oma/Guidance_Note.pdf [date of access 03/03/2008].

135 See O'Flaherty (2007), p. 12.

136 For details on the incident see chapter 2.1.1., "Monitoring Human Rights in the Province of Aceh, Indonesia".

137 Interview with Gunnar Eichholz, District Coordinator for Human Rights and Reintegration of the Aceh Monitoring Mission in 2005-06, interview 22 November 2007. The following remarks are predominantly based on information provided by Gunnar Eichholz.

deal with any issues or questions that bear conflict potential in the context of implementing the MoU, and they also proved to be a useful tool in dealing with human rights issues.

"I served as deputy representative of AMM within the DiCOSA in the district of Bireuen. When we started to meet regularly, the climate between GAM and the representatives from the Indonesian side was quite frosty but that forum also provided an opportunity to approach one another, especially when human rights violations were involved, because you don't want emotions to run high and you need to find smooth solutions."[138] In the case of police assault DiCOSA served successfully as a forum in which to mediate a solution:[139] Thus, during the DiCOSA meeting a quite practical solution was found. The victim's medical costs were paid and the involved police officers apologised to the victim.[140]

"It was important to go into these individual cases for several reasons. Obviously, because people have a right to live free from harassment but also because the civilian population and GAM are deeply unsettled by such incidents. This might have led to either resignation or new confrontations, both of which could have threatened the implementation of the MoU. Furthermore, you need to find out if the mistreatment of GAM members committed by representatives from the Indonesian side is a general issue that might undermine the peace process."[141]

In this manner, AMM's human rights monitors resolved conflicts and facilitated solutions on individual cases, a huge achievement for people involved. Using the COSA and DiCOSA meetings as a tool for dealing with human rights violations proved to be an appropriate strategy in some cases, sometimes other communication strategies were pursued as the following example shows:

Mediating with Local Actors in Aceh, Indonesia

In the district of Bireuen in Aceh, a local NGO's efforts to construct houses were hampered by military forces. This NGO complained to AMM that the military would no longer allow them to work in this region. Because of uncooperative attitudes on the part of the military representatives, this conflict could not be resolved within DiCOSA so AMM organised a public meeting on the ground, inviting representatives of the NGO, the military, the chief of police, the mayor, and the local population to settle the conflict. During the meeting the national authorities stated that approval for the development project had not been obtained. This was finally achieved, and the local NGO was able to continue its work.[142]

The human rights mandate of AMM did not include sanctioning power or the authorisation to undertake more structural measures such as capacity- or institution-building. As a consequence, the most difficult challenge was to address human rights violations proactively. For the purpose of dealing with incidents of human rights violations and conflicts AMM's human rights monitors developed and used alternative approaches focusing on mediation efforts, which proved to be applicable strategies in order to address human rights issues.

However, depending on the mission mandate and the circumstances on the ground, a multitude of approaches and activities are conceivable to follow up on observations made by human rights staff in order to contribute to the promotion and protection of human rights in host countries. The following two examples illustrate cooperative measures undertaken by human rights staff to support law-related institutions in fulfilling their human rights obligations and strengthen the functioning of these institutions.

Facilitating Access to Justice in Sudan

As the operative and independent functioning of the rule of law constitutes a fundamental basis for the sustainable consolidation of peace and democracy, most peace operations incorporate components – such as rule of law, civilian police, and human rights units – which are mandated to sup-

138 Ibid.
139 See chapter 2.1.1.
140 Interview with Gunnar Eichholz.
141 Ibid.
142 Ibid.

port the reconstruction and functioning of national legal systems.[143] A mission component mandated to support the rule of law and in this regard to facilitate access to justice is often confronted with a dysfunctional or collapsed judicial system, facing such challenges as a lack of qualified personnel, poor or non-existent infrastructure, corruption, impunity, and a lack of confidence in the judiciary on part of the population in host countries.

While monitoring various localities where people were being detained, the team leader of the human rights office of the United Nations Mission in Sudan (UNMIS) in El Fasher noticed that cases were not being taken to court and consequently, that detainees had no access to justice.[144] This violation of the detainees' right to a fair trial could primarily be traced back to a lack of infrastructure which hampered the fulfilment of human rights on the ground. "There were no judges, no prosecutors and for that reason, no trials."[145] Under these circumstances state infrastructure and capacities needed to be built and provided. Therefore, UNMIS's human rights office supported the recruitment and training of judges and attorneys in order to send them to areas where detainees' cases were not coming to trial. Accordingly, UNMIS's human rights office started, in cooperation with national authorities, to search for judges and lawyers who were subsequently trained, either by UNMIS in Sudan or abroad, on international human rights law. "These trainings were worth every penny, but couldn't be continued at the pace I would have wished for because of a lack of funds."[146]

Once the judges and lawyers had been recruited and trained, they needed to be taken to outlying areas. As roads were completely unsafe due to the dreadful security situation on the ground, they could not travel overland. Therefore, UNMIS's human rights office applied for permission to allow judges and attorneys to travel on UN planes even though they were not UNMIS passengers. Permission was obtained and judges and attorneys were sent to areas where access to justice had not been provided – some for a week and others for two or three months. Because of this unbureaucratic approach, hundreds of cases came to trial.[147]

In this instance, the violations of people's right to a fair trial were uncovered through the monitoring of the human rights situation on the ground by visiting prisons and talking to detainees, police officers and authorities. As UNMIS's human rights office provided resources and supported national authorities in fulfilling their obligations, access to justice finally was ensured for hundreds of detainees. Sometimes violations of human rights in conflict and post-conflict situations are caused less by a lack of political will than by a lack of capacities, inefficient national institutions and a lack of state infrastructure in general. In order to support the rule of law, human rights components are involved in both long-term programmes to address these issues and the implementation of short-term measures on the ground. For the purpose of supporting access to justice, this involves in the long run the reconstruction of an efficient and independent legal system that conforms to international human rights standards, usually supported by a separate rule of law

143 The "rule of law" refers to a principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency. Secretary-General (2004): Report of the Secretary-General: The rule of law and transitional justice in conflict and post-conflict societies (S/2004/616).

144 The human rights office of the United Nations Mission in Sudan (UNMIS) was mandated, among other things, to:
- monitor the police, prosecution and judiciary responsible for ensuring accountability for human rights abuses at the local and national level;
- visit and monitor places of detention to follow up specific cases, with a focus on the legality of detentions and ill-treatment and/or torture of detained persons;
- coordinate and collaborate in human rights related policy and operational activities within UNMIS and with UN Agencies; and
- contribute to the strengthening of human rights and the rule of law through the provision of legal advice and assistance in the drafting of legislation. See http://www.unmis.org/english/humanrights.htm. [date of access 15/02/2008]

145 Interview with Dr. Mohamed Mandour, head of the regional Human Rights Office of the United Nations/African Union Mission in Darfur/Zalingei and former Regional Team Leader of the regional Human Rights Office of the United Nations Mission in Sudan/El Fasher interview 3 January 2008. The following remarks are predominantly based on information provided by Mohamed Mandour.

146 Ibid.

147 Ibid.

component. In the short run, human rights components might deal with a multitude of individual cases, supporting national authorities in fulfilling their obligations.

Supporting Juvenile Justice in Sierra Leone

"When I was serving as a human rights officer, I had several cases of children being detained by police on questionable charges, largely because the police simply didn't know how to deal with them."[148] This is what a human rights officer who worked in a remote district of Sierra Leone in 2004 found. She observed concerns regarding access to justice for children in detention and found that this was caused by a lack of alternatives such as foster care, probation or correction services for children. The cases came to her attention through the monitoring of police stations as well as through individual complaints. The role of the human rights officer was to raise awareness of international standards amongst the police and help them to explore alternative options for addressing the problems that had led to the arrest of the children. Where possible they cooperated with community leaders, local NGOs, or other state institutions including the Ministry of Social Welfare, Gender and Children's Affairs which was invited by the human rights officer to seek appropriate solutions together with the police.

"For example, we had a 13-year-old boy who had been arrested and although the police preferred to release him on bail, there was no family member to post bail or pick him up."[149] The Ministry of Social Welfare, Gender and Children's Affairs repeatedly contacted the boy's guardian and, as the family did not have a telephone, the ministry sent messages to inform them that their son was to be released and needed to be picked up and taken home. For whatever reason, the family did not receive any of these messages and consequently did not react. As the human rights officer had a car and the Ministry of Social Welfare did not, they joined forces to drive the boy to his community so that the social worker could talk to the family and mediate a solution. "So it is often very basic work but for people who just don't see any other solution, who don't see any state structure really working for them, it is a very important achievement. Furthermore, by involving national authorities you hold these institutions accountable and with every little achievement you give people more confidence in their national structures."[150]

Considering the diversity of human rights issues arising from very specific national contexts, each human rights component operates in very unique circumstances which accordingly require the development of appropriate follow-up strategies. In practice, this can pose a huge challenge to human rights staff, who being bound by their mandates need to be able to approach human rights issues and facilitate measures in order to support the implementation of human rights law. "It is a difficult job because a human rights officer deals with some of the most difficult problems. Therefore, this person needs to be very smart, flexible, and respectful, and has to adapt to the situation, and to consider the national context."[151]

2.1.4 Capacity-building

As it is the primary responsibility of the state and its national civil society to develop an effective human rights protection system, human rights efforts depend on the capacity of the state and local actors to promote and protect human rights.[152] External actors such as human rights components can assist and support national actors in developing, setting up and/or strengthening human rights protection systems by building capacities of national actors and/or institutions in order to deliver long-term future results.

Capacity-building undertaken by human rights components of peace operations can be directed towards a multitude of actors – including national governments and national authorities, civil society representatives and the local population in general, as well as staff of

148 Interview with Katja Hemmerich, Human Rights Officer of the United Nations Mission in Sierra Leone in 2004 and Head of the Human Rights Unit of the United Nations Office in Timor-Leste and of the United Nations Integrated Mission in Timor-Leste in 2006-2007, interview 10 December 2007. The human rights mandate of the United Nations Assistance Mission in Sierra Leone (UNAMSIL) was wide-ranging and included monitoring, reporting, technical assistance, training, capacity-building, sensitisation, and advocacy. For detail see http://www.unhchr.ch/html/menu2/5/sleone.htm [date of access 18/03/2008]. The following remarks are predominantly based on information provided by Katja Hemmerich.
149 Interview with Katja Hemmerich.
150 Ibid.
151 Ibid.
152 See O'Flaherty, Michael (2003), p. 57.

other mission components. It also incorporates a broad range of activities from human rights education and training to public information. The ultimate goal is to strengthen national human rights infrastructures and capabilities by building the human rights capacities of both duty-bearers and rights-holders. Thus, capacity-building may represent a very important and lasting contribution by a human rights component, developing collective and individual capabilities to support the promotion and protection of human rights.[153]

Human rights capacity-building is aimed at supporting the promotion and protection of human rights in the future. On the one hand, human rights capacity-building addresses national authorities in order to facilitate the codification of international human rights law at the national level as well as the implementation of these obligations by duty-bearers.[154] Other human rights capacity building activities are predominantly directed at rights-holders – by informational or educational measures that are aimed at their empowerment.[155]

Building Human Rights Capacities of Students in Liberia

"The promotion and protection of human rights in any country requires a population that is capable of identifying and asserting its rights as a check on possible abuses by the state."[156] This is especially the case in Liberia, whose population suffered from gross human rights abuses and violations of international humanitarian law during the war. Even today human rights protection is limited due to the weak functioning of the rule of law, which makes the building of national capacities even more vital for sustainable human rights promotion and protection. Therefore, UNMIL's Human Rights and Protection Section (HRPS) performs a number of capacity-building activities and works with national partners such as national authorities and civil society representatives to increase their capacity in order to advocate the promotion and protection of human rights. One of the HRPS programmes is mentoring the national program of "human rights clubs" in high schools, with the support of the Ministry of Education and Liberian NGOs.[157]

UNMIL's HRPS has established 43 human rights clubs across the country with more than 1,500 members in public and private high schools.[158] This measure is part of a nationwide human rights program within the education system, which moreover involves the development of a human rights curriculum and teacher training module as well as the provision of a human rights course within the Faculty of Law at the University of Liberia.[159]

The belief that the early years of life are crucial in shaping a future life has led HRPS to directly address young Liberians who will soon enter adulthood and play an important part in creating their country's future. "As Liberia's long-term peace and stability will depend on them, it is essential that they begin to expect and demand that the elected government will meet its obligations to implement Liberia's international human rights commitments."[160]

In order to assist the clubs, UNMIL's human rights officers – who have been supported by other mission components such as the Corrections Advisory Unit or the Legal and Judicial System Support Division – have been explaining the international human rights system, providing expertise on human rights issues, assisting students in seeking further information,

153 Arloth/Seidensticker (2007), p. 32.
154 Capacity-building activities which are directed at duty-bearers predominantly embrace normative and implementation measures. "Normative initiatives, by concentrating on the ratification of international human rights instruments and their incorporation within the domestic legal system, constitute a legitimising sine qua non for other human rights efforts." O'Flaherty, Michael (2003), p. 54. As the ratification of international treaties does not guarantee the state's compliance with these obligations, normative initiatives have to be backed up by further efforts which have to be aimed at implementing human rights law on the ground. In this sense, human rights components support duty-bearers in implementing human rights, among other things, by building their capacities.
155 Efforts are required to ensure that government officials are held accountable for their actions. Therefore, another very important dimension of human rights capacity-building relates to supporting and strengthening civil society, local population, and other actors who have to be capable of demanding accountability from their national authorities.
156 Moss, Josephine (2006): Human Rights Clubs, in: UNMIL Focus Vol. 2, No. 4, pp. 28–29, http://unmil.org/documents/focus/unmilfocus8.pdf [date of access 25/04/2008]. The following remarks are based on an article written by Josephine Moss on Human Rights Clubs in Liberian high schools.
157 UNMIL/Human Rights & Protection Section, http://www.unmil.org/content.asp?ccat=humanrights [date of access 01/04/2008].
158 OHCHR in Liberia (2006-2007), http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/LRSummary.aspx [date of access 25/04/2008]. See also the latest Quarterly Human Rights Reports published by UNMIL, http://www.unmil.org/content.asp?ccat=humanrights [date of access 22/04/2008].
159 OHCHR in Liberia (2006-2007).
160 Moss (2006), p. 29.

and contributing to and leading discussions. Furthermore, UNMIL's human rights officers facilitated the establishment of a national network of these clubs to encourage students to share ideas and experiences with their counterparts in other counties.[161]

The human rights clubs have also attracted support from both NGOs and county authorities and are established in close cooperation with school principals and teachers who participate in meetings. In dealing with human rights issues, club members have discussed and considered a multitude of topics which are of special concern with respect to the current human rights situation in Liberia. For example, the Guthrie Plantation School Club learned about the role of the police in a democratic society directly from the County Commander of the Liberian National Police and UNMIL's CivPol officers. Further topics that have been discussed by the members of human rights clubs and drawn eager participation include a human rights analysis of sexual and gender-based violence (SGBV), discrimination on the basis of sex, children's rights, and national reconciliation. For example, with respect to SGBV, students have discussed the right to be free from sexual and physical abuse, in particular considering the state's duty to ensure that this right is fulfilled.

As the human rights high school club program has only been running for about two years, its long-term impact cannot be assessed here. Nevertheless, some immediate activities undertaken by its members imply that the program has raised awareness on the issue and has mobilised its young Liberian members to advocate human rights. For example, the Cape Palmas High School Club in Maryland County established its own regular human rights talk show on local radio, and club members in Sinoe County have marched for human rights.[162]

2.1.5 Institution-building

Closely related to the capacity-building function, human rights institution-building also embodies a fundamental element for the long-term strengthening of national human rights infrastructures and protection systems in host countries. Human rights institution-building describes assistance to governments and state institutions as well as to national institutions in order to strengthen institutional capabilities for the future promotion and protection of human rights. Thus, human rights institution-building activities may involve strengthening law-related institutions, such as the police, prosecutors, public defenders, and prisons; or support for national human rights institutions.[163] In this regard, the term institution-building often describes the strengthening of state institutions in fulfilling their human rights commitments. The following example, however, illustrates a measure to build human rights infrastructure on society level.

Supporting Local NGOs in Cambodia

Before the United Nations Transitional Authority in Cambodia (UNTAC) was deployed, a NGO community had almost been non-existent due to the political situation in the country. Therefore, UNTAC's human rights component undertook some groundbreaking initiatives to strengthen local civil society actors and offered financial, technical, and administrative assistance and support to local NGOs.[164]

During the transitional period, six local human rights groups, none of which had previous experience in the area of human rights work, evolved with active encouragement from UNTAC's human rights component. The human rights component provided substantive and administrative support including training courses and materials. Moreover, members of each group were given support to attend regional and international human rights meetings and conferences.[165]

Playing a vital role in re-establishing a functioning civil society in Cambodia, members of these local human rights groups were involved in monitoring activities during the 1993 elections and became active in the post-election phase, particularly with respect to the incorporation of basic human rights provisions into the new constitution.[166]

161 Ibid.
162 Ibid.
163 Katayanagi, Mari (2002): Human Rights Functions of United Nations Peacekeeping Operations, The Hague, p. 265.
164 Katayanagi (2002), p. 267.
165 McNamara, Dennis (1995): UN Human Rights Activities in Cambodia: An Evaluation. in: Alice H. Henkin (Ed.): Honoring Human Rights and Keeping the Peace, Washington D.C., p. 75.
166 Katayanagi (2002), p. 267.

The initiatives undertaken by UNTAC's human rights component were a first step to establishing a human rights culture in Cambodia, which had never previously existed.[167] Thus, by 1997 at least 25 civil society organisations were actively and regularly involved in human rights work all over the country and the local NGO community attained a combined membership of 150,000 Cambodians.[168] In addition to support from the UNTAC mission (which has now ended), these organisations have received support from a broad range of actors furthering the role of civil society actors and strengthening a human rights culture in post-conflict Cambodia, including international NGOs, development organisations, foundations and UN agencies.

2.2 Gender Components

Gender components serve as a catalyst for the incorporation of gender perspectives into a peace operation's policies, programmes, processes and activities in order to facilitate the mission's gender mainstreaming. The integration of gender perspectives into mission activities is a joint responsibility of both the gender component and every other mission component and staff member, ensuring that the different needs and priorities of women and men, as well as girls and boys are reflected in their work. For the purpose of facilitating this process, gender components undertake a multitude of activities outside and within the mission, cooperating with national actors and mission components. As the United Nations Mission in Liberia (UNMIL) is a particular impressive and successful example with respect to the implementation of Resolution 1325, with proven impact on the ground, the following chapter mainly draws on UNMIL to illustrate the functioning of a gender component.

2.2.1 Providing Expertise and Support

The war in Liberia was accompanied by widespread atrocities and human rights abuses affecting the most vulnerable groups in society. According to a study conducted by the World Health Organisation in four Liberian counties, about 82 per cent of the interviewed women suffered sexual violence during and/or after the war.[169] Although the security situation has been stabilised and the peace process proceeds towards consolidation, Liberian women still live in an insecure environment and sexual and gender-based violence (SGBV) continues to flourish in communities in post-conflict Liberia.[170] Rape has become "normalised", along with a culture of impunity.[171]

In Resolution 1325 the Security Council called on "all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict".[172] In this spirit, the United Nations Mission in Liberia (UNMIL) was also mandated to actively address violence against women and girls.[173]

Campaigning against Rape in Liberia

In December 2005 the Liberian legislative passed a new rape law which amended the statutory definition of the crime and broadened the scope of rape.[174] The Office of the Gender Adviser to UNMIL (OGA) advocated, mobilised and provided technical support for passing the law. It came into force on 17 January 2006 immediately after the inauguration of President Ellen Johnson Sirleaf who proclaimed high-level political commitment to enforcing the new legislation. "We are determined to combat violence against women and girls and to protect the human rights of all people in our society."[175]

167 Adams, Brad (1998): UN Human Rights Work in Cambodia: Efforts to Preserve the Jewel in the Peacekeeping Crown. in: Alice H. Henkin (ed.): Honoring Human Rights: From Peace to Justice, Washington D.C., p. 208.
168 Ibid.
169 World Health Organisation (2005): Sexual Gender-Based Violence and Health Facility Needs Assessment, (Lofa, Nimba, Grand Gedeh and Grand Bassa Counties) Liberia, http://www.who.int/hac/crises/lbr/Liberia_RESULTS_AND_DISCUSSION13.pdf [date of access 10/05/2008].
170 See Human Rights Reports published by UNMIL, http://www.unmil.org/content.asp?ccat=humanrights [date of access 22/04/2008].
171 actionaid (2007): UNMIL: International Engagement in Addressing Violence against Women: Recommendations for Change, http://www.peacewomen.org/resources/Peacekeeping/PDF/UNMIL_Liberia.pdf [date of access 10/05/2008], p. 7.
172 Security Council (2000): S/RES/1325.
173 Security Council (2003): S/RES/1509.
174 Rape Amendment Act, http://www.unmil.org/documents/hr/rapeamendment.pdf [date of access 14/05/2008].
175 Ballada, Marjorea (2007): Combating Rape, in: UNMIL Focus Vol. 3, No. 2, pp. 8-9.

However, passing the law does not stop the crime if the law is not enforced. Its implementation first of all requires a population that knows its rights and clearly understands that rape is a serious crime which will not be tolerated by a society. Indeed, negative social attitudes towards violence against women, resulting in a general conspiracy of silence and denial and/or in the application of traditional practices instead of Liberia's statutory law, have proved to be major barriers to actually implementing the law and ending impunity.[176]

Therefore, in cooperation with national authorities, UNMIL has run various public campaigns to raise awareness on the issue of rape. Since 2006 UNMIL and in particular the mission's Public Information Section have used a community-based approach involving a broad range of local actors, such as youth groups, community leaders, and celebrities, to ensure that Liberians are aware of their new rights. Traditional communication methods including theatre, music, drama, radio programmes and special events as well as flyers, posters and billboards were used to communicate with the local population.[177] For example, CDs with an anti-rape song and T-shirts with the slogan, "It's my body – against my will is against the law" are distributed during campaigns.

The nationwide campaigns were taken to various Liberian counties and attracted the support of high-level national and international leaders who participated in public events and spoke to Liberians. The latest campaign was relaunched in late 2007 following a call by President Ellen Johnson Sirleaf and the mission's former SRSG Alan Doss. Ellen Johnson Sirleaf, who is considered to be a strong champion of human rights, broke with the rape taboo and has repeatedly addressed the issue.[178] "I know of the struggle because I have been a part of it," she said. "I recall the inhumanity of confinement, the terror of attempted rape."[179]

For the relaunch of the campaign, which featured prominent Liberian artists and dignitaries, hundreds of Liberian youths converged at the Sport Commission in downtown Monrovia. With the theme, "Stop rape – it could be your mother, your daughter, your sister, your niece", the campaign will be taken to counties all over Liberia by mid-2008.[180]

The Public Information Section was strongly supported by the OGA, which incorporates a full-time gender officer to deal with SGBV and to provide expertise and support.[181] Thus, among other things, the OGA was involved in simplifying the rape amendment act and translating it into local languages in order to bring it to the attention of the diverse parts of Liberia's population. Furthermore, the OGA developed SGBV awareness materials and messages for T-shirts, billboards and dramas which were used and communicated by the Public Information Section.

Gender is a cross-cutting issue demanding the attention of all mission components. Similarly, the issue of fighting sexual and gender-based violence requires a mission-wide approach if it is to have a lasting impact on the ground. Thus, supported by the OGA, various components of UNMIL, including UNMIL's CivPol component, the Legal and Judicial System Support Division, and the Human Rights and Protection Section (HRPS), took action to facilitate the implementation of the rape law and to end impunity, particularly focusing on strengthening the criminal justice system, including the national police, courts and correction system.[182]

Integrating Gender Perspectives into Activities Aimed at Supporting the Criminal Justice Sector in Liberia

UNMIL's CivPol component has been working closely with the Liberian National Police (LNP) providing special training for the Women and Children Protection Section (WACPS) of the LNP on women's rights and on handling cases of SGBV. Currently, about 160 Liberian police officers, including 47 women, form the WACPS, which is supported logistically and technically by CivPol. Furthermore, it is now a standard requirement that a separate WACPS is included in the design when police stations are

176 See actionaid (2007) pp. 16–17
177 UNMIL/Community Outreach Section, http://www.unmil.org/content.asp?ccat=community [date of access 14/05/2008].
178 Bannor-Addae (2007), p. 14.
179 Ellen Johnson Sirleaf as quoted in Ballada, Marjorea (2007), p. 8.
180 Momodu, Sulaiman (2008): Stop Rape! in: UNMIL Today Vol. 3, Issue 7, p. 5.
181 Interview with Shamba Phiri, Gender Officer of the United Nations Mission in Liberia, interview 4 April 2008.
182 See actionaid (2007).

built or renovated under UNMIL's quick impact projects.[183] Moreover, UNMIL's Legal and Judicial System Support Division has trained hundreds of legal and judicial personnel, including on women's rights and the HRPS also builds capacities and continues to monitor and report on the implementation of the rape law and women's rights. In their efforts these mission components have been strongly supported by the OGA which coordinates activities both inside and outside the mission, and provides guidance, special expertise, technical advice and resources – in terms of training and training materials, among other things.[184]

As peace operations are strictly hierarchical missions, the efficient integration of gender perspectives into the various policies, programmes, processes and activities of a mission ultimately depends on effective cooperation with and committed support from the mission's leadership and senior management team who have to push gender as a cross-cutting issue within their components.[185] In the case of UNMIL, the Gender Adviser, who also heads the OGA, reports directly to the SRSG and is a member of the senior management team. Moreover, the OGA is a member of the Rule of Law Group and a founder member of the mission's SGBV working group to ensure that gender perspectives are incorporated in all mission activities. This model of structurally integrating the OGA at the mission's leadership level has significantly facilitated gender mainstreaming throughout UNMIL and efforts to address SGBV by the various mission components involved.[186]

However, changing negative social attitudes towards violence against women is a long-term effort and requires gender relations within a society to be addressed, as well as the full implementation of women's rights. Thus, tackling rape is a complex task and demands a series of interventions, in a variety of spheres and by a multitude of actors cooperating inside as well as outside a mission.

Cooperating to Implement the Rape Law in Liberia

For the purpose of promoting the implementation of the rape law a Sexual and Gender-Based Violence Task Force was established, chaired by the Liberian Deputy Minister for Gender and composed of government representatives, local and international NGOs, UN agencies and UNMIL components, including the OGA and the HRPS. The task force meets bi-monthly and coordinates interventions to support the implementation of the rape law and the Gender-Based Violence National Action Plan adopted in November 2006.[187] The action plan, which was formulated by the president's administration, includes strategic interventions to strengthen the health sector for effective and efficient response to SGBV case management, to reform the legal system to deal more efficiently and expeditiously with SGBV, to put in place systems and outreach services for psychosocial support and refuges for survivors of SGBV, to provide appropriate skills to social and health professionals, and to support women's and girls' economic and social empowerment.

2.2.2 Initiatives

One of the major objectives and challenges in the context of peace processes is the reconstruction and strengthening of the national security sector. Thus, the United Nations Mission in Liberia (UNMIL) was also mandated "to assist the transitional government of Liberia in monitoring and restructuring the police force of Liberia, consistent with democratic policing, to develop a civilian police training programme, and to otherwise assist in the training of civilian police, in cooperation with ECOWAS [Economic Community Of West African States], international organisations, and interested states".[188]

183 Bannor-Addae (2007): Protection from Sexual Abuse, in: UNMIL Focus Vol. 3, No. 3, pp.14-15.
184 UNMIL/Office of the Gender Adviser, http://www.unmil.org/content.asp?ccat=gender [date of access 10/01/2008].
185 Interview with Bela Kapur, Political Affairs Officer within the Office of the Under-Secretary-General for United Nations Peacekeeping Operations (Gender and Human Rights Focal Point), interview 13 December 2007.
186 Interview with Shamba Phiri, Gender Officer of the United Nations Mission in Liberia, interview 4 April 2008.
187 Government of Liberia (2006): Liberia's Gender-Based Violence National Action Plan, http://www.fmreview.org/FMRpdfs/FMR27/21.pdf [date of access 14/05/2008].
188 Security Council (2003): S/RES/1509.

UNMIL's Office of the Gender Adviser (OGA) actively supported the integration of gender aspects into the reconstruction of the LNP and has been working to ensure that gender dimensions are integrated in policing. In this regard the OGA has built LNP capacities on gender and created a specific Liberian gender training manual for the police academy, developed a national police service gender policy, and encouraged women to join the national police forces and female police officers to take on leadership roles.[189]

Enhancing the Proportion of Female Police Officers in Liberia

In January 2006, an all-female paramilitary police unit from India composed of 103 armed policewomen, among them 13 ranking officers, was deployed as part of the civilian police component of UNMIL.[190] Most of the Indian police officers had previously served in India's flashpoints, from insurgency-hit Jammu and Kashmir to the strife-torn north-eastern states, and were specialised in crowd and riot control.[191] Therefore, the squad was deployed primarily to carry out rapid response assignments as well as crowd and riot control in Monrovia. It also patrolled regularly in the capital, protected UNMIL staff and properties, and supported the LNP, which was then still unarmed.

Since doubts had been expressed about the professionalism of these Indian female police officers prior to their deployment, their mandate was initially limited to a test period of six months.[192] During this period the Indian police women clearly proved to be highly professional and committed. As Poonam Gupta, the contingent's second-in-command, who has commanded both women and men, stated: "Men can have more distractions: liquor, women, all sorts of things. But [I find women to be] more disciplined, more task-oriented and more dedicated."[193] Elle Margrethe Løj, the current Special Representative of the Secretary General in Liberia, also stated, "[if] anyone questioned the ability of women to do tough jobs, then those doubters have been proven wrong by the superb professional performance of the first batch of female Indian police peacekeepers in Liberia."[194] Since the Indian police unit was perceived positively by both the local population and the UN and as their deployment turned out to be a success, their mandate was extended for another 18 months. The squad was eventually replaced by a new all-female police unit from India in February 2008.[195]

In Liberia police officers had traditionally been men and previously the proportion of female police officers had rarely reached even six per cent. One of the reasons behind that low figure was the negative perception of the national police force, which was involved in the fighting during the war and steeped in corruption. As women in particular had suffered extremely from gender-based violence in Liberia, including violence committed by members of the police, it was difficult to persuade women to consider a career within the national police force. Another reason is that Liberian women often have a very low level of education, which excludes them from the outset from a career within the LNP. Finally, discriminatory attitudes in general regarding the work that women are expected to perform have had a negative effect on the participation of women within the national police force.

In this respect, the deployment of more female civilian police officers within UNMIL's CivPol component, which was suggested by the OGA, had an immediate impact.[196] As a result of the presence and professional performance of the Indian police women, many women were inspired and encouraged to join the LNP. Thus, the number of female applicants to the LNP tripled during the first months after their arrival.[197] At present about 350 female police officers are serving within the LNP, and women

189 See UNMIL/Office of the Gender Adviser, http://unmil.org/content.asp?ccat=gender [date of access 10/01/2008]. On more practical measures concerning the integration of gender perspectives into police reform see the toolkit written by Denham, Tara (2008): Police Reform and Gender, http://www.dcaf.ch/publications/kms/details.cfm?ord279=title&tq279=gender&lng=en&id=47474&tnav1=4 [date of access 19/06/2008].
190 Washington, Wesley (2007): All-female Police Contingent Arrives, in: UNMIL Focus Vol.3, No. 2, pp. 12-13.
191 Washington (2007), p.12.
192 BBC News (2007a), http://news.bbc.co.uk/2/hi/programmes/this_world/6223246.stm [date of access 04/03/2008].
193 Ibid.
194 UNMIL (2008), http://www.unmil.org/article.asp?id=2656 [date of access 12/03/2008].
195 Ibid.
196 Interview with Shamba Phiri, Gender Officer of the United Nations Mission in Liberia, interview 4 April 2008.
197 Interview with Bela Kapur, Political Affairs Officer within the Office of the Under-Secretary-General for United Nations Peacekeeping Operations (Gender and Human Rights Focal Point), interview 13 December 2007.

now represent almost 12 per cent of police officers nationally.[198] Poonam Gupta likewise had the impression that their presence made a difference for Liberian women. "There has been a significant boost in the police, so I think this could be one of the defining moments for the ladies. Once they try their hands at things and are successful, they will become role models for the other women."[199] Joanna Foster, who was serving as gender adviser to UNMIL at this time, was also keen to present the Indian policewomen to those who were training the new Liberian military. "[These] women coming from India [...] are going to be a fantastic role model. So I am going to take all of them to the ministry of defence to show them you can train women in combat."[200] Furthermore, she stated that there was less sexual exploitation committed by mission staff members against the local population when more women were employed. The presence of women "[...] limits the sexual exploitation that our people get involved in. In the groups that have a lot more women, we get very little reporting of sexual exploitation".[201]

As mentioned above, UNMIL and in particular the OGA actively supported the recruitment of Liberian women to the LNP and facilitated the launch of a special educational support programme for female applicants in January 2007, in cooperation with the LNP, the ministries of Gender, Education and Justice, the West African Examinations Council, and the Stella Maris Polytechnic. The programme is aimed at bringing the educational level of women up to high school graduation level so that they can qualify for recruitment into the LNP.[202] In 2007, more than 100 female police recruits completed basic training and benefited from the special educational support programme.[203] In order to reach a proportion of 20 per cent UNMIL and its national counterparts continue to support women in joining the LNP.

The integration of gender perspectives into UNMIL's efforts to reconstruct Liberia's national police forces and, in particular, to support Liberian women in joining the LNP, was important for various reasons. Firstly, the structural exclusion of women from the national police forces based on their gender was discriminatory. Secondly, serving as a police officer within the LNP facilitates access to power and resources for Liberian women. Poverty in Liberia has, as in most countries, a female face. According to Renate Wilke-Launer, Liberian women produce about 60 percent of national economic output but only four per cent of Liberian women work within the formal economic sectors.[204] By serving as police officers and having an income, these women are able to support themselves and their families. This leads to more independence and makes them less susceptible to exploitation in informal economic sectors. Thirdly, female police officers perform specific tasks and are crucial in dealing with gender-based violence in Liberia. Thus, they decrease the level of inhibition for women in reporting cases of rape and they take statements from victims who would be disinclined to report cases to male police officers. In this regard, the presence of sensitised female police officers serving as part of the executive branch has also proved to be extremely useful in order to tackle sexual and gender-based violence and to implement the rape law.[205] In addition, the support of implementing organisations for local women strengthens the profile and the credibility of these organisations and therefore reinforces the legitimacy of peace operations on the ground.

2.2.3 Cooperating and Liaising with National and International Actors

The equal participation of women in political life and elections has its origins in the principles of non-discrimination and equal enjoyment of political rights enshrined in the Universal Declaration of Human Rights and in other key international human rights instruments, first of all in Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) To vote in all elections

198 UNMIL (2007a): Press Release. UNMIL Officer-in-Charge urges new Liberian police to adhere to principles of democratic policing, http://unmil.org/article.asp?id=2607 [date of access 12/03/2008].
199 BBC News (2007a).
200 BBC News (2007b), http://news.bbc.co.uk/2/hi/africa/6316387.stm [date of access 04/03/2008].
201 Ibid.
202 UNMIL (2007b): Press Release. Launching of Special Education Programme for Potential Female Recruits of Liberian Police, http://www.unmil.org/article.asp?id=1951 [date of access 12/03/2008].
203 UNMIL (2007a): Press Release.
204 Wilke-Launer, Renate (2007), p. 23.
205 See chapter 2.2.1.

and public referenda and to be eligible for election to all publicly elected bodies."[206] So supporting women's equal participation in electoral processes implies overcoming the obstacles that prevent women from exercising their rights.

However, in post-conflict situations a number of obstacles may prevent women from assuming their political rights, such as different levels of security and freedom of movement; access to finance needed to exercise both active and passive electoral franchise; gender-related time constraints; discriminatory and/or segregating structures within political parties, electoral management bodies and the government; different levels of access to voter registration and education; and high levels of illiteracy.[207]

Enhancing the Registration of Female Voters in Liberia

In preparation for the national elections for the offices of the President and the Vice-President, the Senate, and the House of Representatives in Liberia, the first National Political Forum on Women's Participation in the Political Process: Challenges and Opportunities was held in 2005 in Monrovia. Representatives from 18 registered political parties were invited to present their agendas to over 600 women from around the country.[208] The three-day event marked the kick-off of a nationwide campaign on women's participation in politics and was born out of consultations with UNMIL's Office of the Gender Advisor (OGA), which also provided technical and material support to the year-long campaign to promote women's political rights.[209] Thus, in cooperation with the Ministry of Gender and Development, the National Elections Commission, NGOs and international actors, the OGA organised a series of workshops, forums and awareness-raising campaigns to urge Liberian women to actively participate in the electoral process as voters, party members and candidates.

One objective of this campaign was to achieve equal participation of female voters in the national election. Due to the gender-sensitive itemisation of data with regard to voter registration, which was initiated by the former Gender Adviser to UNMIL, the underrepresentation of Liberian women registered to vote became visible ahead of the election.[210] For various reasons Liberian women were impeded and often could not afford to register. For example, many women did not leave their market stalls to register. On the one hand they needed to make living and on the other market women did not want to take the risk of their stalls being robbed while they were registering. So mobile registration was conducted at markets and market stalls were protected to enable women's registration.[211] In a similar way, selective measures were undertaken and supported by various national and international actors to facilitate the equal registration of women. Eventually, a total of 50 per cent of voters registered for the national election were female.

By supporting women's participation in the electoral process, the OGA facilitated access to power for Liberian women exercising their political rights. According to Renate Wilke-Launer the comparatively high percentage of female voters was a determining factor for the election of Ellen Johnson-Sirleaf as first female president in Africa.[212]

206 United Nations (1979): Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
207 Department of Peacekeeping Operations/Department of Field Support/Electoral Assistance Division of the Department of Political Affairs (2007): Joint Guidelines on Enhancing the Role of Women in Post-Conflict Electoral Processes, New York, p. 9.
208 Maeda, Yuko (2005): Women Campaign for Political Rights, in: UNMIL Focus Vol. 1, No. 3, p.10.
209 Ibid. p. 11.
210 Wilke-Launer (2007), p. 24.
211 Ibid.
212 Ibid.

3 Conclusions

The examples in chapter 2 show the extent to which human rights and gender components have an impact on the ground. Being involved in a broad range of activities and cooperating with a multitude of actors, these components contribute to the promotion and protection of human rights and facilitate the integration and participation of both genders in activities undertaken by peace operations. A lasting impact on the ground though requires well-targeted strategies, skilled staff, committed leadership, and political will.

Appropriate Strategies

Although integrated human rights and gender components have become common features of United Nations (UN) and European Union (EU) peace operations, each component operates in very unique circumstances. Their scope and impact are influenced by various preconditions. Thus, provisions of the mission mandate; the political will of international and local authorities; the resources provided; the general security situation; and the existence of infrastructure in host countries are factors which may either severely limit or strongly promote the functioning of human rights and gender components. Given these preconditions, each human rights and gender component has to develop appropriate strategies to successfully put its mandate into effect.

In practice, this simply means that a strategy that proved to be successful in one specific situation will not necessarily apply to another context. One example is the question of public involvement in mission strategy – or the conscious decision against such an approach. Human rights monitors of the Aceh Monitoring Mission (AMM) and the leadership of the United Nations Assistance Mission in Afghanistan (UNAMA) both successfully used communication strategies to bring about change in the behaviour of authorities. When a local NGO was obstructed by Indonesian authorities in its house-building efforts, AMM's human rights staff decided to bring the conflict to public attention in order to exert pressure on the Indonesian authorities. The human rights officers organised a public meeting, inviting representatives of the NGO, national authorities, and the local population and in this way settled the conflict.[213] UNAMA's leadership, by contrast, decided not to involve the public in a number of cases of civilian casualties caused by International Security Assistance Force (ISAF). The leadership preferred to negotiate with ISAF behind closed doors to bring about an amendment of the modus operandi with regard to the use of force, and thus lessening future conflicts on the ground.[214] Both strategies succeeded and were situationally appropriate.

Similarly, gender components and other mission components have to take into account the specific cultural contexts in host countries, which also require the development of suitable strategies. An illustrative example is the gender-sensitive design of registration projects when providing electoral assistance. Women may be prevented from registering for elections for a number of reasons caused by cultural norms or local gender relations. While in Afghanistan local norms prevented many women from being registered by an unknown male,[215] women in Liberia had to make ends meet and did not leave their market stalls to register.[216] Therefore, the mission in Afghanistan called for all-female teams to register women and the United Nations Missions in Liberia (UNMIL) sent mobile teams to markets to enable women to register for the national election. In this way, both missions considered the specific local circumstances and developed appropriate gender strategies for their electoral assistance programs.

213 See chapter 2.1.3., "Mediating with Local Actors in Aceh, Indonesia".
214 See chapter 2.1.2., "Reporting on Civilian Casualties in Afghanistan".
215 DPKO (2004): Gender Resource Package for Peacekeeping Operations, New York, p. 177.
216 See chapter 2.2.3., "Enhancing the Registration of Female Voters in Liberia".

Developing appropriate strategies may often mean thinking outside the box and sometimes taking unconventional action. In coordination and cooperation with the mission leadership, UNAMA's human rights component monitored and verified cases of civilian casualties caused by ISAF even though this was not part of their mandate.[217] Similarly, in order to facilitate access to justice in outlying areas of Sudan where detainees' cases were not brought to trial due to a lack of state infrastructure, the human rights team of the United Nations Mission in Sudan (UNMIS) applied for permission to allow judges and attorneys to travel on UN planes even though they were not UNMIS passengers.[218] Permission was given unbureaucratically allowing hundreds of cases to come to trial.

Providing Qualified Human Rights and Gender Staff

Human rights and gender issues are usually not prior concerns when deploying peace operations. For this reason, the impact of human rights and gender components depends to a large extent on the personality of individuals serving as human rights or gender officers and their ability to develop suitable strategies. The challenge lies in the strategic approach and requires human rights and gender staff to have profound knowledge of mission structures and the host country in order to implement effective strategies and make a difference on the ground. "This isn't about the law or international principles but about their cunning. The law is just the start getting them to the tables, but to have an impact on the ground, they need to have an appropriate approach."[219]

Thus, an essential requirement for the effective functioning of human rights and gender components is their provision with adequate resources, particularly in terms of skilled staff. However, in practice the recruitment of qualified human rights and gender staff has proved to be a challenging undertaking, as clearly illustrated by the discrepancy between the numbers of approved and filled posts.[220] "In Zalingei [Darfur, Sudan] we are completely understaffed. We should have 37 staff members according to the new plan of UNAMID, and we have five."[221] Due to the lack of human resources on the ground human rights officers have to manage an enormous workload. "The staff we had within UNMIT's human rights unit was excellent. All of them were highly committed and gave 110 per cent, but at the outset of the UNMIT mission we had only 30 per cent of our allotted staff deployed to the mission. Consequently, everybody was working for about three jobs."[222] The difficulties in filling posts immediately may be traced back to various factors, such as qualification profiles required, inefficient and slow recruitment systems and/or ineffective coordination between implementing organisations and contributing member states.[223] However, on the ground a lack of skilled staff obviously has negative consequences for the functioning of human rights components.

Interviewees said that gender units were understaffed too, that gender balance has not been achieved yet within their missions,[224] and that gender awareness among peacekeepers is often poor.[225] In order to adequately staff gender components, to realise gender balance within peace operations and to enhance gender awareness among peacekeepers both implementing organisations and member states sending staff bear a responsibility to recruit, train and deploy mission personnel in compliance with international principles.

217 See chapter 2.1.2., "Reporting on Civilian Casualties in Afghanistan".
218 See chapter 2.1.3., "Facilitating Access to Justice in Sudan".
219 Interview with Bela Kapur, Political Affairs Officer within the Office of the Under-Secretary-General for United Nations Peacekeeping Operations (Gender and Human Rights Focal Point), interview 13 December 2007.
220 While most experts interviewed for this study said that their components were more or less satisfactorily provided with funding and supplies, they also pointed to a lack of qualified staff especially at the early stages of mission deployment, which significantly hampered their work on the ground.
221 Interview with Dr. Mohamed Mandour, head of the regional Human Rights Office of the United Nations/African Union Mission in Darfur/Zalingei (UNAMID) and former Regional Team Leader of the regional Human Rights Office of the United Nations Mission in Sudan/El Fasher interview 3 January 2008.
222 Interview with Katja Hemmerich, Human Rights Officer of the United Nations Mission in Sierra Leone in 2004 and Head of the Human Rights Unit of the United Nations Office in Timor-Leste and of the United Nations Integrated Mission in Timor-Leste (UNMIT) in 2006-2007, interview 10 December 2007.
223 Interview with United Nations staff member (anonymous), 13 December 2007.
224 Within United Nations peace operations women recently represented about two per cent of personnel in military components and six per cent of those in civilian police functions. Among civilian staff, women recently constituted 22 per cent of the missions' civilian staff. On request, the author was provided with current numbers by the Peacekeeping Best Practice Section of the UN Department of Peacekeeping Operations (DPKO) on 25/03/2008.
225 See Valenius, Johanna (2007): Gender Mainstreaming in ESDP Missions, http://www.nato.int/ims/2007/win/opinions/Gender%20mainstreaming%20in%20ESDP%20missions.pdf [date of access 13.02.2008].

Leadership Responsibility

In addition to the key importance of individual personalities, the support human rights and gender components receive from a mission's leadership has also proved to be highly relevant. The leadership of a peace operation is the senior representative of the implementing organisation in the host country, and thus establishes the overall framework that guides the activities of the mission within the parameters of its mandate, ensuring that all mission components pursue a coordinated and coherent approach.

As in the cases of civilian casualties verified by UNAMA, the mission leadership may initiate activities, back up measures undertaken by a human rights component, report on human rights issues and intervene with authorities to bring about an improvement in the human rights situation.[226] Without the support of the mission leadership the verification of civilian casualties could not have been realised.

Similarly, serious commitment of UNMIL's leadership to gender issues has made a significant difference with respect to the implementation of gender strategies and the functioning of the mission's gender components. In the context of the mission's strategy to tackle sexual gender-based violence (SGBV) in Liberia the mission leadership initiated and supported public campaigns implemented by the mission's public information section and the gender component and repeatedly spoke up for women's rights in public events all over the country. Moreover, by integrating heads of other mission components into SGBV programs and activities the leadership has supported a mission-wide approach to combating rape in Liberia.[227]

Cooperation with Other Mission Components

In addition to the support human rights and gender components attract from a mission leadership, constructive cooperation with and serious commitment of other mission components to human rights and gender issues have also proved to be essential when implementing human rights and gender mandates.

When the human rights component of UNMIL conducted a study and produced a report on human rights violations on Liberia's rubber plantations, the component formulated task-oriented recommendations addressed to national authorities and other mission components to bring about an improvement in the human rights situation on the ground.[228] Various mission components were called upon to support national authorities in fulfilling their human rights obligations. This included stabilising the security situation on rubber plantations, which obviously cannot be provided by a human rights component and was therefore effectively supported by the mission's Civilian Police (CivPol) component. Eventually, due to the commitment of various mission components which promoted the implementation of the report's recommendations in their areas of authority, the human rights situation on Liberia's rubber plantations was improved significantly.

The commitment of all components of a peace operation to integrate gender perspectives into their programs and activities is also of key importance with respect to the successful functioning of gender components. Gender is a cross-cutting issue requiring the implementation of a mission-wide approach. This is best illustrated by the issue of sexual and gender-based violence. In order to tackle SGBV in Liberia various components of UNMIL, supported by the mission's gender component, have taken action in order to support the implementation of a new rape law passed by the Liberian legislative.[229] This involved activities aimed at supporting the criminal justice sector, which were undertaken by the mission's CivPol component, the Legal and Judicial System Support Division, or the mission's human rights component. Although a gender component is involved in such activities providing expertise, advice and support, the implementation of mission-wide approaches to deal with gender as a cross cutting issue has proved to be most effective.

Political Will of the Host Government

Although human rights components make strong contributions to the promotion and protection of human rights, the fulfilment of human rights in host countries is a state obligation and thus requires political will on part of national authorities. The function of human rights components is to support host governments and national authorities in meeting their human rights commitments.

226 See chapter 2.1.2., "Reporting on Civilian Casualties in Afghanistan".
227 See chapter 2.2.1., "Campaigning against Rape in Liberia".
228 See chapter 2.1.2., "Reporting on Human Rights Violations in the Agricultural Sector in Liberia".
229 See chapter 2.2.1.

In the case of human rights violations in Liberia's rubber plantations the impact of measures undertaken by UNMIL components is closely connected with the genuine commitment of the Liberian government and national authorities, which cooperated with UNMIL to take action to improve the human rights situation.[230] Similarly, the Liberian government repeatedly proclaimed high-level political commitment to implement the new rape law. Ultimately, political will is an indispensable condition for action and reforms supported by peace operations to have a lasting impact, especially after the withdrawal of the mission.[231]

Long-term Impact and Sustainability of Human Rights and Gender Components

The sustainability and long-term impact of efforts undertaken by human rights and gender components has been a concern in most peace operations. The examples presented in this study illustrate only the immediate impact of action, so the issue of sustainability remains to be scrutinised in the context of further evaluation and academic analysis. In many countries, an appropriate step to ensure lasting impact of human rights components will be the strengthening of national institutions and capacities to take over human rights functions from peace operations. These could continue to promote and protect human rights on the ground. This is an effort of institution-building the impact of which is strongly improved if planned from an early stage on – always with regard to the exit strategy. The Office of the High Commissioner for Human Rights (OHCHR), UN permanent agencies, international financial institutions and development organisations play an important role, having the expertise, management, and administrative capabilities to conduct further capacity- and institution-building activities.

Impact of Human Rights Components on Peace Processes

Staff members of human rights components adopt a multitude of creative strategies to bring about an improvement in the human rights situation. Moreover, their activities have an impact beyond the promotion and protection of human rights in host countries and directly contribute to the successful implementation of peace operations and to the progress of peace processes.

Human rights monitors on the ground gather and verify a huge amount of information on a daily basis. This knowledge can be decisive for the successful implementation of peace operations and the progress of peace processes.[232] Human rights monitors from the AMM discovered cases of intimidation committed by Indonesian intelligence services against members of the Free Aceh Movement (GAM). These incidents seriously undermined GAM's confidence in the peace process and could have led to violent confrontations, thus posing a serious risk to the peace process. AMM's human rights component reported these cases to the mission's leadership, which intervened with Indonesian authorities and resolved the conflict. By gathering information on intimidation and reporting incidents to the mission leadership, AMM's human rights monitors provided important information and helped to strengthen the security situation on the ground.

This example clearly shows that human rights violations are often a cause of conflict and violent confrontation and must be dealt with in order to strengthen peace and security. In this sense, human rights components contribute to the progress of peace processes. Sometimes human rights components actually settle conflicts. In a case of police assault committed by Indonesian police officers against a GAM member human rights officers of the AMM raised and discussed the incident during a weekly security forum attended by representatives of AMM, GAM and Indonesian authorities. The security forum was initiated by the mission leadership to deal with any issues that bear conflict potential in the context of the implementation of the peace agreement and thus, served as a useful tool to deal with human rights issues, too.[233] During the meeting, representatives of AMM's human rights component served as mediators and eventually negotiated a quite practical solution with which all parties were satisfied. By using communication strategies to settle conflicts on the ground, the human rights monitors moreover supported and strengthened structures for the peaceful resolution of conflicts.[234]

230 See chapter 2.1.2., "Reporting on Human Rights Violations in the Agricultural Sector in Liberia".
231 See chapter 2.2.1., "Campaigning against Rape in Liberia" and "Cooperating to Implement the Rape Law".
232 See chapter 2.1.2., "Reporting on Intimidation in Aceh, Indonesia".
233 See chapter 2.1.3., "Addressing Police Assault in Aceh, Indonesia".
234 See chapter 2.1.3., "Addressing Police Assault in Aceh, Indonesia".

The mere presence of human rights monitors observing the human rights situation on the ground can also have an immediate impact. Both GAM members and the local population in Aceh stated that the presence of AMM gave them personal security and confidence in the peace process and that its presence would prevent incidents from occurring.[235]

Despite the impact human rights components have on the progress of peace processes, the integration of human rights components and the definition of their mandates are often fraught with political tensions. This was the case for AMM, too. AMM was designed as a small instrument deployed rapidly to support the immediate implementation of the peace agreement concluded between the government of Indonesia and GAM and was not meant to address underlying causes of the conflict. Therefore, AMM's human rights component was mandated to monitor the human rights situation with respect to the implementation of the peace agreement but was vested with little authority to actually support the promotion and protection of human rights in Aceh. Consequently, the mission was repeatedly criticised for dealing too cautiously with human rights violations on the ground, and in particular for neglecting to address past human rights violations – to the disappointment and frustration of both GAM and the local population.[236] Although AMM's human rights component undoubtedly made valuable contributions to the stabilisation of the peace process by dealing with present human rights violations on the ground, the lack of action on past human rights violations remains a critical issue.[237]

The decision to provide the mission with such a limited human rights mandate can be traced back to two factors. On the one hand a lack of political will on part of the government of Indonesia prevented AMM from addressing human rights issues more broadly. As the Indonesian government blocked attempts to deal with human rights issues at the early stage of the peace negotiations diplomats and mediators abstained from raising human rights issues forcefully. Arguing that it was a simple choice of facilitating the end of armed conflict in Aceh or losing this opportunity by talking about human rights, AMM's human rights mandate was defined narrowly.[238] On the other hand the EU was concerned about maintaining a viable exit strategy and avoiding involvement in unforeseen fields, and thus adopted a more restricted approach that more realistically matched the mission's capabilities.[239]

In a similar fashion, political issues and/or security concerns often lead to reservations against exerting too much pressure on host governments to take up human rights concerns in the context of peace processes. International actors fear that a strong human rights focus might threaten or undermine the stability of a fragile peace. This leads to the question whether this attitude really takes into account that human rights violations are often an underlying cause of armed conflicts and in any case accompany them. If human rights issues are neglected in the context of peace negotiations and peace processes for the sake of peace and security they may recur in the form of distrust, unrest and even renewed conflict. Thus, the question of how to handle and balance political and security issues with human rights issues requires further discussion at the academic and diplomatic level, particularly with respect to the sustainability of peace processes.

235 See chapter 2.1.1., "Monitoring Human Rights in the Province of Aceh, Indonesia".
236 Interview with Gunnar Eichholz, District Coordinator for Human Rights and Reintegration of the Aceh Monitoring Mission in 2005-06, interview 22 November 2007. Also see Aspinall, Edward (2008): Peace without justice? The Helsinki peace process in Aceh, http://www.hdcentre.org/files/Justice%20Aceh%20final.pdf [date of access 20/06/2008], p. 1. Actually, addressing past human rights violations was not part of the mission mandate.
237 Interview with Gunnar Eichholz.
238 Diplomat quoted in Schulze (2007), pp. 8–9.
239 Aspinall, Edward (2008). Also see Lahdensuo (2007), p. 23.

List of Acronyms

AMM	Aceh Monitoring Mission
ASEAN	Association of Southeast Asian Nations
COSA	Commission on Security Arrangements in Aceh
DiCOSA	Commission on Security Arrangements at the District level in Aceh
CivPol	Civilian Police
DPKO	UN Department of Peacekeeping Operations
DSRSG	Deputy Special Representatives of the UN Secretary-General
ECOWAS	Economic Community of West African States
ESDP	European Security and Defence Policy
EU	European Union
EUFOR	European Union Force
GAM	Free Aceh Movement (Gerakan Aceh Merdeka)
GAERC	General Affairs and External Relations Council of the EU
HRD	Human Rights Division
HRPS	Human Rights & Protection Section of UNMIL
IDP	Internally Displaced Person
IMP	Initial Monitoring Presence
ISAF	International Security Assistance Force
LNP	Liberian National Police
MONUC	United Nations Mission in the Democratic Republic of Congo
MoU	Memorandum of Understanding
NGO	Non-Governmental Organisation
OEF	Operation Enduring Freedom
OGA	Office of the Gender Adviser to UNMIL
OHCHR	Office of the High Commissioner for Human Rights
OSAGI	UN Office of the Special Adviser on Gender Issues and Advancement of Women
OSCE	Organisation for Security and Co-operation in Europe
SGBV	sexual gender-based violence
SRSG	Special Representative of the UN Secretary-General
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNAMID	United Nations – African Union Mission in Darfur
UNMEE	United Nations Mission in Ethiopia and Eritrea
UNMIL	United Nations Mission in Liberia
UNMIS	United Nations Mission in Sudan
UNMIT	United Nations Integrated Mission in Timor-Leste
UNSCR	United Nations Security Council Resolution
UNTAC	United Nations Transitional Authority in Cambodia
USG	Under-Secretary-General (for UN Peacekeeping Operations)
WACPF	Women and Children Protection Section

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