

Development of Human Rights Mandate of UNPKO :

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Tomoko Matsuzawa
Program Advisor
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The mandate of United Nations peacekeeping operations (UNPKO) became more diversified after the Cold War. As peacebuilding is now regarded as an important mandate of UNPKO, many multi-dimensional UNPKO have been given human rights mandate today.¹ This column will look at the development of human rights mandate of UNPKO.

Office of the High Commissioner for Human Rights and its role

Office of the High Commissioner for Human Rights (OHCHR), established in 1993, is the principal United Nations office mandated to protect and promote human rights.² OHCHR plays a leading role in promotion and protection of human rights by supporting the United Nations human rights mechanisms such as the expert committees monitoring international human rights treaties and the Human Rights Council.³⁴ While the General Assembly resolution⁵ establishing the post of High Commissioner for Human Rights made no explicit reference to peace-keeping and human rights field operation,⁶ OHCHR has its mandate on the promotion and protection of human rights not only in peacetime but also in wartime as human rights exist regardless of time.

Meanwhile, human rights mandate assigned to UNPKO is more focused on the protection of human rights during and post conflicts.

Development of human rights mandate of UNPKO

The first UNPKO with human rights mandate was in El Salvador. United Nations Observer Mission in El Salvador (ONUSAL), established in 1991,⁷ was given mandate to monitor human rights situation of El Salvador, and approximately 30 human rights observers and legal advisers were assigned to Human Rights Division within ONUSAL.⁸

ONUSAL was evaluated as a successful case of UNPKO with human rights mandate by contributing to create a positive climate for consensus building among the parties in the conflict, and by improving human rights situation of El Salvador through its activities monitoring the human rights situation, investigating cases of human rights violations and making recommendations for the elimination of human rights violations.⁹

After ONUSAL, which became a pioneer of UNPKO with human rights mandate, human rights mandate was given to other UNPKO s, such as United Nations Transitional Authority in Cambodia (UNTAC) in 1992.¹⁰

In this, it shows that peacebuilding as well as the promotion and protection of human rights had already interlinked and had been implemented through field presence of UNPKO even before the establishment of OHCHR.

The next column (expected 28 Sep 2012) will look at the present framework and scope of human rights mandate of UNPKO, which are closely coordinated with OHCHR.

End Notes

¹ Refer@PKO Now! "Human Rights and PKO ", Secretariat of the International Peace Cooperation Headquarters, accessed July 13, 2012, https://www.cao.go.jp/pko/PKO_E/organization/researcher/atpkonow/article010.html.

² For further details on mandate, refer "Who We Are", Office of the High Commissioner for Human Rights, accessed July 6, 2012, http://www.ohchr.org/Documents/AboutUs/IK_Who_we_are_En.pdf.

³ The Human Rights Council was established in Geneva in 2006 by the General Assembly resolution 60/251 as a subsidiary body of the General Assembly. For further details, refer "UNITED NATIONS HUMAN RIGHTS COUNCIL", Office of the High Commissioner for Human Rights, accessed July 13, 2012, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>.

⁴ OHCHR is composed of four divisions; (1) Human Rights Treaties Division, (2) Special Procedures Division (SPD), (3) Research and Right to Development Division (RRDD), and (4) Field Operations and Technical Cooperation Division (FOTCD).

⁵ The General Assembly resolution (A/RES/48/141 establishing the post of High Commissioner for Human Rights was adopted 20 December 1993. Full text of the resolution can be found at " High Commissioner for the promotion and protection of all human rights", United Nations General Assembly, accessed 30 July 2012, <http://www.un.org/documents/ga/res/48/a48r141.htm>.

⁶ While the General Assembly resolution A/RES/48/141 establishing the post of High Commissioner for Human Rights made no explicit reference to peace-keeping and human rights field operation, it gave the High Commissioner for Human Rights the responsibility "to coordinate the human rights promotion and protection activities throughout the United Nations system", and "to rationalize, adapt, strengthen and streamline the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness" in its Article 4. (i) and (h) respectively.

⁷ ONUSAL was established by Security Council resolution 693, which was adopted 20 May 1991. For full text of the resolution, refer "Resolution 693: El Salvador", SECURITY COUNCIL RESOLUTIONS , accessed 13 July 2012, <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/596/29/IMG/NR059629.pdf?OpenElement>.

⁸ Full details of background of establishment and composition of ONUSAL including its Human Rights Division can be found in "ESTABLISHMENT OF ONUSAL ", United Nations Peacekeeping,

accessed July 5, 2012,

<http://www.un.org/en/peacekeeping/missions/past/onusalbackgr2.html#one>.

⁹ Ian Martin, the Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, and former Special Representative of the UN Secretary-General for the East Timor as well as former Special Representative of the Secretary-General and Head of United Nations Mission in Nepal, evaluates ONUSAL as "a success as well as a pioneer" as a case in which human rights mandate was given to UNPKO. For more details on his assessment on human rights field operation, refer; Ian Martin, "A New Frontier: The Early Experience and Future of International Human Rights Field Operations," Conference on the Promotion and Protection of Human Rights in Acute Crisis, accessed June 10, 2012, <http://www.essex.ac.uk/rightsinacuteecrisis/report/martin.htm>.

¹⁰ For detailed explanation on the background of establishment of UNTAC, see "UNITED NATIONS TRANSITIONAL AUTHORITY IN CAMBODIA", United Nations Peacekeeping, July 6, 2012, <http://www.un.org/en/peacekeeping/missions/past/untac.htm>.