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Quaker United Nations Office



**Report on Linking Human Rights, Peace and Security in Preparation for
The High-Level Thematic Debate on International Peace and Security in May 2016**

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Introduction:

The President of the General Assembly, Mogens Lykkesøft, will organize a high-level thematic debate of the UN General Assembly focused on peace and security (10-11 May 2016). This informal gathering will provide a platform to reflect on concrete ways to draw out synergies from the most recent UN peace and security reviews, including the review of UN peace operations¹, the Peacebuilding Architecture Review² and the implementation review of Security Council Resolution 1325 (2000) on women, peace and security³. It is recognised in these reviews that the fragmentation within the UN weakens its capacity to prevent destructive conflict, promote equitable and sustainable development and realise human rights.

The geographic divide between Geneva and New York reflects the thematic UN divide between peace and security and human rights. The findings of the 2015 reviews and the agreement of the Global Goals for 2030 provide a conducive framing for a renewed effort to bridge that divide.

The Quaker United Nations Office (QUNO) and the Friedrich Ebert Stiftung (FES) believe that peacebuilding and human rights work by the UN and others can be strengthened by increasing understanding of the processes and relevance of each agency and community's work and by providing space for dialogue between them. We therefore held a consultation with invited experts from civil society, academia and the Office of the High Commissioner for Human Rights, to explore the practical ways of fostering this with the aim of feeding these ideas into the General Assembly High Level Thematic Debate in May.

Background on Human Rights in the Peace and Security Reviews

The three peace and security reviews mentioned above, all make reference to human rights to some extent. The Report of the Expert Group on the Peacebuilding Architecture (PBA Review) stresses the necessity of engaging all three pillars of the UN – development, peace and human rights – and points to the need to overcome the fragmented nature of the UN system's processes and institutions. However, its articulation of possible first steps to more closely link peacebuilding and human rights elements of the UN, betrays a lack of in depth knowledge of the UN human rights system. The peacebuilding architecture review is a political process that is being continued through debate in the General Assembly and a resolution covering implementation of the recommendations in the Review is currently being negotiated.

The Peace Operations report highlights advances over the past 15 years in terms of the integration of human rights into policy, guidance and training for peacekeeping staff. While dedicated human rights staffing is included in all integrated peace operations, human rights expertise is often, but not yet always, included in the assessments and planning process for the establishment and review of peace operations. There are two specific recommendations in the report in relation to this. The first is to ensure more reliable funding for human rights aspects of missions at an early stage and over the lifetime of a mission. The

¹ On the basis of both the report of the High Level Independent on Peace Operations (A/70/95 – S/2015/446) and the Secretary-General's report on the future of UN peace operations (A/70/357 – S/2015/682)

² A/69/968 – S/2015/490

³ On the basis of the independent Global Study on the implementation of Security Council Resolution 1325 (2000) as well as the Report of the Secretary-General on women, peace and security (S/2015/716) and the subsequent Security Council Resolution 2242 (2015)

second recommendation seeks to ensure coherence and avoid duplication of effort among human rights and protection functions and monitoring and reporting requirements and schedules for the specialized protection mandates. The focus of this latter recommendation illustrates the tendency to view human rights as primarily civil and political rather than economic and social and conceived as relating to protection rather than prevention.

The Global Study on the Implementation of Security Council Resolution 1325 is the peace and security review that clearly identifies itself as rights-based: “Resolution 1325 is a human rights mandate. It must not be forgotten that resolution 1325 was conceived of and lobbied for as a human rights resolution that would promote the rights of women in conflict situations. Any policy or programme on women, peace and security must be conducted with this in mind.”⁴ The report is quite clear that it aims to explore the role of human rights mechanisms in holding Member States accountable for human rights obligations relating to the women, peace and security agenda, including through international treaty bodies, Universal Periodic Review, and regional human rights courts and commissions. In so far as it provides the most elaborated consideration of the links between human rights and peacebuilding of the three reviews it is a valuable resource for informing the broader discussion.

Both the PBA Review and the Global Study on 1325 implementation refer to threats from extremism, organized crime, the proliferation of small arms and light weapons, weak governance institutions and corruption, on the one hand, and social and economic deprivation and inequality, the impacts of climate change and environmental degradation on the other. These international and structural aspects of conflict and violence also require a strategic prevention approach. The 1325 review affirms that peace will be “neither achievable nor sustainable without equitable and inclusive development, and the recognition of the full range of human rights.”⁵ The full range of human rights includes economic, social and cultural rights (ESCR), and the recent move to include ESCR and early warning of conflict in the work plan of OHCHR in 2015-16, is an indication of the need to broaden the understanding of the role of human rights to include structural aspects and also think in terms of prevention. In consultations for the 1325 review, respondents highlighted the need to address local and global inequalities; the connections between small arms, crime, violence and gender; and climate change and natural resource scarcity in connection to women, peace and security, demonstrating a holistic conception of peace and security.

All of these concerns are also mirrored in the 2030 Sustainable Development Goals. Crucially, Goal 16 on peaceful and inclusive societies most clearly articulates that human rights, peace and development, are indivisible and interrelated; one cannot be achieved without the others.

However, a quick examination of recent resolutions of the Human Rights Council shows that they usually do not refer to the work of the Peacebuilding Commission, even when passing resolutions on countries, which are on the Peacebuilding Commission’s agenda (in 2015 Burundi, Guinea, Central African Republic). Although there is a reference to the role of the Peacebuilding Commission in the preamble of the resolution passed at the Special Session on Burundi. Better awareness of the work of the Peacebuilding Commission amongst those working with the Human Rights Council could help improve coordination and coherence between UN bodies.

Report of the Discussions

PART I: EXPERT INPUT FROM AMANDA CAHILL-RIPLEY

An introduction to the issues was provided by Amanda Cahill-Ripley, Lecturer in Law from Lancaster University, whose research is focused on economic, social and cultural rights (ESCR) and peacebuilding. Framing the discussion as an examination of how to strengthen peacebuilding processes through linking human rights, peace and security to enable “sustainable peace”, she presented three key questions for our discussions:

⁴ Preventing conflict, transforming justice, securing the peace: A global study on the implementation of UN Security Council Resolution 1325, p.15

⁵ Ibid. p.205

1. How can we integrate more closely the human rights dimension into prevention of violent conflict and peacebuilding approaches to ensure mutual reinforcement?
2. How can the peacebuilding architecture, peace operations and the UN human rights bodies – including the Human Rights Council – function more coherently and effectively together?
3. What are the current barriers to linking human rights, peace and security?

She identified a number of important challenges to linking human rights, peace and security. Firstly, the way in which peacebuilding is commonly defined, as a post-conflict activity within the UN context. This has led to fragmentation, and lack of continuity and coherence in terms of human rights engagement and the effectiveness of peace and security programmes. The Expert Group Report on the Peacebuilding Architecture seeks to overcome this by using the broader term “sustaining peace”, which comprises preventive action through to war ending and peace-making processes, and on to peacekeeping and post conflict recovery and reconstruction. Both the PBA review and the review of the implementation of SC Resolution 1325 strongly underline that successful approach requires uniting all three pillars of the UN: peace and security, human rights and development.

A second obstacle to the integration of human rights and peace and security derives from a limited conception of peace combined with a limited human rights framework. Peacebuilding processes have tended to be dominated by a liberal agenda with peace understood largely as ‘negative peace’: ending direct and open violence with a predominant aim of ensuring international security and stability. This has led to conflict containment with democracy, rule of law, free market economics and institution building becoming end points in themselves. As a consequence, the inclusion of human rights within the mandate of peacebuilding has also been limited to a liberal conception of human rights constituting mainly civil and political rights (CPR). Therefore economic, social and cultural rights (ESCR) as a means to ensure sustainable peace have been omitted or marginalized from peacebuilding efforts despite the notable role of ESCR violations as drivers of conflict.

As we know, conflict prevention has often been discussed but continues to see little engagement and scarce resources. Yet ESCR can make significant contributions to making prevention more effective by acting as early warning mechanisms for potential violent conflict. Accounting for violations of ESCR, alongside CPR, provides a fuller picture of events and can act as crucial indicators of a worsening situation.

In summary, we must recognize and address obstacles to linking human rights and peace and security. The UN reviews characterize peacebuilding as a comprehensive process and call for a greater emphasis on prevention. Key will be a broader understanding of the role of human rights within peacebuilding processes which recognizes all human rights, including economic, social and cultural, as indivisible and important for sustainable peace and development.

PART II: CURRENT EFFORTS AND CHALLENGES TO LINKING HUMAN RIGHTS AND PEACEBUILDING

What efforts or processes are already underway in bringing human rights and peacebuilding together?

A number of relevant developments within the United Nations were noted:

- Exploration in the Office of the High Commissioner for Human Rights (OHCHR) of how violations of economic, social and cultural rights may serve as early warning indicators for conflict.
- The Secretary General’s Human Rights Up Front initiative, which seeks to mainstream human rights as a core responsibility into all parts of UN system. Some research on the impact so far is under way.
- The UNHCR’s durable solutions work is looking into the root causes or key drivers of forced and protracted displacement.
- Work using the UN Guiding Principles on Business and Human Rights to promote due diligence procedures by companies, which has a clear link to prevention of destructive conflict

- There are human rights due diligence provisions in the Arms Trade Treaty, which if conscientiously applied, would prevent or reduce violent conflict
- The recent report on “Human Rights and the Security Council – an Evolving Role” indicates a greater acceptance of the relevance and importance of human rights in Security Council work (although not universal) and was launched in both New York and Geneva although the launch in Geneva was more restricted.

Key challenges in integrating human rights and peace and security approaches?

- Siloed operation and poor communication within the UN system and notably between the peacebuilding and security work taking place in New York and the human rights work taking place in Geneva.
- Lack of information/ expertise sharing between human rights and peacebuilding bodies with most interactions being ad-hoc and informal. This divide is also reflected in the CSO community and increased collaboration between human rights and peace and security CSOs would be valuable in itself and support the integration of these issues at UN level
- Lack of cooperation across relevant agencies/processes, even in instances in which they are carrying out work on the same issues e.g. country visits/missions by PBC members and Special Procedure mandate holders. This can lead to loss of depth of analysis, poorer strategy development and even, in some instances, contradictions.
- Duplication of work on resolutions in the GA and the Human Rights Council, which reduces space for cross-cutting discussions in human rights and peace and security
- Limited attention given to economic, social and cultural rights and the ways in which violations of these rights (among others) may serve as early warning mechanisms for conflict but also their role in peacemaking (negotiations, peace agreements) as well as in transitional justice and post-conflict peacebuilding and reconstruction.

PART III: IDEAS AND SUGGESTIONS FOR FUTURE ACTIONS

Knowledge and information sharing at an institutional level

1. New York and Geneva institutions need to proactively seek information from each other on areas of specialisation. This also holds true for CSOs. For the UN suggestions for how to enable this include:
 - Use the informal briefing model utilised by Presidents of the Human Rights Council to increase knowledge and awareness in both directions - from Geneva to New York and vice versa, - e.g. the Chair of PBC briefs HRC and President of HRC briefs PBC helping to sensitise States and secretariat to the issues
 - Make use of increased opportunities for sharing resulting from the OHCHR re-structuring process, in which it is proposed that the New York will be expanded and some positions, including transitional justice, will be re-located to New York
 - Focus the Human Rights Council’s High Level Panel on Mainstreaming in March 2017 on the interrelation between human rights and peacebuilding and prevention by the UN
 - Recognise, and make use of, the role of Human Rights Council (HRC) as a producer of analytical research (OHCHR reports, Commission of Inquiry (COI) Reports, Special Procedures’ Reports) which could be used in a number of peace and security settings in New York
 - HRC and OHCHR to provide knowledge of how to assess human rights situations which could be institutionalised for conflict prevention purposes. For example due diligence assessments in implementation of the Arms Trade Treaty (ATT) (the location of the Secretariat for the ATT in Geneva should help facilitate this)

2. The use of technology in collecting, accessing and sharing relevant data could be improved
3. If the General Assembly agenda item on Sustaining Peace proposed for GA 71 +72 is agreed, ensure that the human rights dimensions are included in the Secretary General's report and the discussions
4. Strengthening of the confidential complaints procedure and increased awareness of it (leading to improved credibility and usefulness) could generate information that assists in identifying patterns of abuse on the ground and serve as early warning of conflict. Information from individual complaints to Treaty Bodies and Special Procedures could be use in the same way

Universal Periodic Review

- States under review to report on peacebuilding efforts (understood as pre-, during and post conflict) in the framework of the Universal Periodic Review.
- States review to pose questions (including questions in advance) and make recommendations specific to peacebuilding
- Compilation of UN information to include information from the Peacebuilding Commission (where possible) and other relevant peace and security bodies.
- Check on UPR reports for relevant references on drivers of conflict

Special Procedures of the Human Rights Council

- Better integrate knowledge of Special Procedures⁶ in UN discussions in New York beyond the Third Committee, for example in the work of the Peace Building Commission, especially relating to economic, social and cultural rights. There is a need for institutionalisation to underpin this.
- Encourage (and welcome) Special Procedures mandate holders to brief UN peace and security institutions when they are in New York
- Promote the exchange of information and expertise between UN Operations and Special Procedures mandate holders.
- Make use of Special Procedures and Commissions of Inquiry also for peacebuilding and prevention purposes as these are relatively quick interventions that can provide valuable information and analysis
- Undertake an analysis of which Special Procedures are working on peacebuilding and prevention related issues and where they are already working together
- Encourage joint Special Procedures activities that could be relevant to peacebuilding and prevention
- Consider, based on the outcome of the above-mentioned analysis on existing mandates, how they could be strengthened or linked or whether there could be a need for, and benefit of, a Special Rapporteur on Human Rights, Peacebuilding and Prevention.

⁶ The Human Rights Council promotes and monitors human rights worldwide through the establishment of special procedures. Special procedures are individual independent human rights experts, or groups of such experts, who report and advise on human rights issues. They are called by many names, including Special Rapporteurs, Special Representatives, Working Groups, and Independent Experts. Special procedures have either thematic or country-specific mandates. The combined work of the special rapporteurs is broad enough to encompass civil, political, economic, social, and cultural rights.

Treaty Bodies⁷

- There is potential for the Treaty Bodies to look at the role of rights in peacebuilding and prevention in the review of State reports and in the formulation of General Comments, e.g. a General Comment from the Committee on Economic, Social and Cultural Rights statement on the relationship between these rights and peacebuilding and prevention of violent conflict (and therefore prevention of further and worsening human rights violations)
- Involve the Committee on the Elimination of discrimination against women (CEDAW) more thoroughly in conversations on peacebuilding and prevention given its General Recommendation 30 on women in conflict prevention, conflict and post conflict situations
- The 2020 review of the treaty bodies may provide an opportunity to better integrate these issues and information from other UN entities into the work of the Treaty Bodies.

Re-orientation towards prevention

- Need to find a common language to discuss these issues with positive connotations for both the human rights and peace and security communities
- Encourage the HRC to be more forward-looking, focusing on prevention not just past abuses
- Use information from human rights defenders to feed into early warning of conflict
- Ensure all rights are incorporated into early warning mechanism and discussions about triggers for HRC action
- Increase attention to economic, social and cultural rights in the HR Up Front initiative
- Resolutions at the Human Rights Council under item 10 deal with the technical assistance which the UN, other organisations and states can provide to a state to help improve its human rights situation (in general or in a specific field). Thought should be given to how to strengthen the HRC in its preventative role using this agenda item.
- Capacity building for the peace and security and human rights communities to foster a more balanced inclusion of both ESCR and CPR elements in peacebuilding and prevention work.
- Need to clarify that ESCR does not equal development
- There is a need to address the compartmentalising of funding to facilitate the integration of HR and PB and prevention
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Country Level

- Ensure that integration goes to country level where there is sometimes poor communication and collaboration between UN agencies
- Ensure greater inclusion of human rights elements in peace agreements, especially where they relate to root causes
- Work towards better coherence between multilateral and bilateral decision-making and planning in country visits e.g. visits of PBC delegation or special Rapporteurs who is to be met with and how?
- Explore the possibility of NGOs playing a role in providing a neutral platform for Special Rapporteurs in countries being visited

⁷ Human rights treaty bodies are committees of independent experts that monitor implementation of the core international human rights treaties.