

Protecting human rights in Uganda: Reflections on the work of OHCHR

Roger Nash and Tessa Mackenzie

Fieldview Solutions

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FIELDVIEW SOLUTIONS

advancing field protection and human rights

1 Introduction

This study forms a part of broader project, “Protection through Expanding UN Human Rights Field Operations: Assessment and Lessons Learned” which looks globally at the achievements of expanded UN human rights operations since 2005 (see annex 1). The research in Uganda was the fourth field case study, preceded by studies in the Democratic Republic of Congo, Nepal and Colombia. At the end of the broader project the results presented here will be integrated into a global analysis which will be distributed to all human rights field operations.

The purpose of the study is to explore some of the common dilemmas faced by presences in the field and to collect examples of innovative responses to them. This case study in Uganda does not present all of the work of OHCHR in Uganda, nor is it an evaluation of that work or a presentation of a strategic vision for the future of the Office in that country. It touches on these issues where there are potential lessons that apply to field presences more broadly.

These reflections are based on spending 10 days interviewing key stakeholders in Kampala, Gulu, Kitgum, Moroto and Soroti. Roger Nash and Tessa Mackenzie met with over 15 staff and management of OHCHR-Uganda; with 25 representatives of civil society, including local and international NGOs, journalists, umbrella organisations and UN officials; and with over 15 different representatives of the Ugandan state entities, including in the Ministries of Foreign Affairs, Justice, Gender as well as numerous representatives of the police, Ugandan People’s Defence Force (UPDF), prisons and the Ugandan Human Rights Commission (UHRC). These interviews were focused on understanding the work of the office, the challenges it has faced and continues to face and the steps it has taken to deal with them, all with a particular focus on impact for people on the ground. Where has the impact been seen to be greatest? And what have been the biggest obstacles to achieving it?

Given the complexity of the human rights problems in Uganda, a short research visit such as this is obviously insufficient. This report cannot record the breadth and details of all the work the Office is carrying out and does not attempt to. Instead the focus is on global lessons to be learned from the context and work of this presence.

2 Basic Human Rights Context in Uganda

OHCHR arrived in Uganda in 2005 in response to the large-scale displacement and ongoing human rights abuses occurring in the north and Karamoja regions of the country. From the start, the presence has been field-based and protection-oriented in responding to these emergencies.

In 2011, the localised crisis situation has largely improved. Some IDP camps remain open, but the number of IDPs has greatly reduced. Nevertheless, at a national level underlying structural weaknesses remain. Rule of law is generally unpredictable, with a myriad of personal interests obstructing most forms of

justice. Torture, arbitrary detention and other major abuses by the security forces are common. Free-speaking journalists are often intimidated and harassed, although there are also media that regularly express different perspectives from the government without major consequences.

OHCHR has responded by focusing more on the underlying human rights infrastructure. Contact with national civil society actors has grown, while the Ugandan Human Rights Commission (UHRC) continues to be a strategic partner in much of the work, taking the lead on many issues. OHCHR works particularly closely with the UHRC on issues of legal reform, providing important inputs that are often reflected in UHRC positions.

The work in the north also remains a priority. OHCHR dedicates significant field resources to monitoring and case follow-up in the north and north-east, where a substantial peace-building project is just getting underway. OHCHR is closely involved with supporting the ongoing transitional justice processes, including the multiple consultations that have taken place.

Major instabilities still exist in Uganda. In Karamoja, tribal rivalries and economic vulnerability foster raids and counter-raids that cross international borders. The government has responded with a policy of forcible disarmament of the population, resulting in accusations of torture and extra-judicial killings and causing significant tensions with communities.

3 High Impact Protection Practices

This study asked all interlocutors to reflect on the question, “Which aspects of the work of OHCHR have had the most notable and direct impact on the protection of the human rights of Ugandans?”

There was a range of responses to this question, often reflecting the areas of OHCHR’s work that the respondent knew best. In deeper discussion, the following areas became progressively prominent:

- a. Active and visible presence in the field, including rapid responses to urgent needs.
- b. Interlocution and advocacy with authorities, in particular consistent follow-up of cases.
- c. Convening multiple actors, especially bringing state, civil society and international actors together to look at cases
- d. The public voice of the office, where it has been used
- e. Close following of legislative projects.

The first three of these were particularly emphasized, together with the underlying work of building and maintaining relationships with state authorities necessary to make them possible. We look in more detail at these three areas below. Use of voice is dealt with in a section of its own.

3.1 Presence

Interlocutors consistently commented on the impact OHCHR has been able to have purely by being present and visible. This presence can be simply an open, symbolic support, or it can be have a direct dissuasive purpose when it is targeted at places and moments where potential abuses may take place.

Some of the most positive feedback we received was from occasions in which OHCHR was seen to be present at public events or tense situations. OHCHR's appearance at the funeral of LGBTI activist David Kato was greatly appreciated by many people and was seen as an important indication of their support for LGBTI rights.

The direct dissuasive effect of OHCHR has also been used to dissuade violence from security forces in moments of public protest. The Walk to Work protests of April 2011 were a series of demonstrations against prices, led by a high-profile opposition leader. The highly-political nature of the protests made it difficult for national human rights NGOs to be active. OHCHR responded quickly as the protests grew, maintaining a highly visible presence which was widely credited with helping avoid greater abuses.

Similarly, OHCHR is also using its presence to deter abuses at an individual level. In Northern Uganda, where land disputes are a cause of many forced evictions, an OHCHR presence can be the determining factor that prevents violence.

The presence of OHCHR is not just about preventing abuses, but it is also empowering for local communities. It was often commented that when OHCHR field staff visit more remote locations in the field, whether for monitoring or other activities, people are greatly encouraged to see the interest of the international community.

Unfortunately staffing gaps in the Ugandan field offices have historically made it difficult for the Office to be as widely present, visible and responsive as it could have been. Projecting presence and visibility has significant resource costs that are often under-represented in annual planning and consequently difficult to mobilise. While the potential power of presence is well understood by the Office in Uganda, there is room for it to be used more deliberately and strategically as a regular tool of influence.

3.2 Regular meetings with authorities

Presence in the field is complemented by direct discussion and frequent contact with authorities and security forces themselves. Police, prison authorities and to a lesser extent military representatives all mentioned the regular contact they have with the Office. It was clear that this contact had been having a number of benefits:

- Regular meetings have been creating better understanding between the OHCHR and the various institutions – the security forces can better understand the role of OHCHR and also feel that OHCHR understands their role and constraints.

- Meetings have been used as a forum to repeatedly communicate and emphasise the standards to which the security forces will be held, ensuring the “rules of the game” are well understood.
- Regular contact has created a sense of “being watched” as substantive issues are discussed and responses are noted.
- Repeated interactions with authorities has raised the profile and perceived clout of OHCHR as an institution – especially when it is part of a strategic engagement with the entire hierarchy.
- Close contact with authorities had allowed OHCHR to better understand the individuals they are dealing with in the security forces, including those who are more or less sympathetic to human rights concerns. “Allies” have been identified within the security forces, who informally keep the Office informed of possible violations and progress on cases.
- Close contact has also allowed OHCHR to better understand internal dynamics that can then be fed back to better inform advocacy strategies.

It has not always been easy to set up these meetings. There have been times when meetings with senior officials have been repeatedly delayed or cancelled. In one extreme example, a meeting convened by the Chief of Defence Forces (CDF) with the Head of OHCHR to discuss the situation on the ground in Karamoja was progressively delayed for a full year. When the day arrived, after multiple confirmations, the OHCHR group was asked to wait 3 hours and finally the CDF was not available, with no reason given. This example is not typical of the every-day situation in Uganda and many other senior-level meetings have gone ahead smoothly.

Nevertheless, OHCHR in Uganda was already planning its response to this missed meeting, and knows it cannot be assumed to be mere “bad luck” – it may be indicative of a dismissive approach to OHCHR itself at the highest levels. Meetings with senior authorities are not “favours”, they are opportunities to discuss issues of mutual interest. When authorities are avoiding or postponing meetings, this may be because they feel they have nothing to lose by doing so. If OHCHR feels it is not being taken sufficiently seriously, it will need to impose a clear cost for missing these opportunities by raising this disrespect for human rights at higher levels and potentially publicly.

Ongoing case follow-up

As a core part of its fieldwork in Uganda, OHCHR maintains a database of specific human rights abuses. These cases are reported to the Office during its field visits, through direct reports from victims, or they may be raised during Protection Working Group meetings (described below), and are then systematically brought to the attention of the security forces. The immediate goal of this follow-up is to put a stop to the specific abuses and potentially generate some restitution for the victim.

But direct individual casework by OHCHR is also intended to have human rights impact beyond the actual cases themselves. It is also expected to contribute to a

broader dynamic whereby human rights violations are *prevented* through the effective deterrence of functional Ugandan accountability mechanisms.

“Accountability” is used here in the broad sense, meaning not just formal or criminal systems, but any processes that reliably create “pain” for an abuser. This “pain” could be delivered through formal systems – i.e. judicial and criminal processes or internal disciplinary procedures, or just through the informality of “displeasing one’s boss” inside a hierarchy. It could even arrive through public exposure driven by Ugandan civil society organisations. For OHCHR to have a broader and longer-lasting effect beyond individual cases, its actions need to be directed towards strengthening the deterrence effect of one or more of these internal accountability processes.

When OHCHR raises cases and trends with the security forces, this is thus part of this broader plan to strengthen accountability structures, in particular those internal to the military and police themselves. When the cases do not move forward, they are then raised at more senior levels. A lack of progress at one level leads to an intervention at a higher one, generating pressure at the lower level both to take action and to be more responsive to future requests – and so avoid a further intervention by a superior officer.

Command structures are not the only internal systems that can be made more responsive to human rights concerns. Formal disciplinary processes can also be strengthened. OHCHR in Karamoja, for example, regularly attends UPDF courts martial to observe disciplinary action related to cases it has been following. Sometimes the Office is officially informed the courts martial are taking place related to its cases or other human rights issues. In other cases it is “tipped off” by allies inside the military structures. The presence of OHCHR provides a opportunity for the military to demonstrate – or not – its seriousness in punishing human rights abusers. OHCHR then follows-up again by giving quiet advice on any due process limitations it has observed.

Although one-off cases do not, by themselves, demonstrate a functioning internal disciplinary system, they are important opportunities to reinforce good practice and encourage clear standards at an internal level. They support elements within the UPDF that may, for their own reasons, want better discipline and internal processes, and they encourage institutional habits that may outlast the direct presence and implicit pressure of the Office.

The systematic and repeated nature of OHCHR interventions is critical to achieving sustained impact. The more incidents are captured and reported, and the more predictable and persistent the follow-up is, the greater the impact is to create internal habits of prevention and response

Meetings between security forces and abuse victims

Sometimes applying pressure can be combined with other goals, for example building bridges between groups. OHCHR in Uganda decided to augment its normal follow-up of cases of abuse by hosting a one-off meeting that included both victims of violence and senior military officers. The original motivation for this meeting was to reinforce the message to the military that OHCHR had strong

evidence of abuses, and was serious about following them up, so as to increase the pressure on the UPDF to put a stop to them.

It was quickly realised, however, that such a meeting would be almost unprecedented and could also be significantly empowering and space-opening for victims of abuse. Victims and local authorities had previously requested OHCHR to help them to raise their cases with senior UPDF officials, and this was an opportunity to do so. This meeting would be a way to send a strong message to the military and would be a novel experience for military officers to actually hear victims' stories in controlled environments.

When the meeting began, the victims and witnesses entered one by one, and told their stories. They were not identified but they presented more details than have been previously presented in cases summaries. Questions of clarification were allowed but logistical constraints meant that there was no time for extensive debate or conclusions.

The space for discussion in the meeting itself was extremely fragile. OHCHR played a strong role in keeping space open for the victims and guiding the conversation, quietly keeping control when UPDF officers overstepped the mark with aggressive questioning or ridicule of victims. Nevertheless it was hard to fully control the internal dynamics of the unexpectedly large number of military officers present.

The Office was aware of the dangers and risks with this approach. The possibility of later reprisals against witnesses could not be ruled out, while the experience of appearing before the senior military officers can itself be intimidating for victims. Before going ahead with the meeting, the Office carried out an analysis of the risks involved for victims, and took measures to address security concerns, including obtaining undertakings from the UPDF that there would be no retaliation. When contacting victims, OHCHR has been careful not to create unrealistic expectations of its ability to guarantee protection. Before and after the meeting, OHCHR has supported witnesses by maintaining close contact and dialog and no retaliation of any kind has been reported.

The witnesses and victims that went through this process are very positive about it, understanding and accepting the risks involved. Despite their obvious nervousness, they very much valued the opportunity to tell their stories directly – something that they had been unable to do without OHCHR involvement.

The meeting sent strong messages to everyone involved that OHCHR takes the victims and their complaints seriously. It was also significantly empowering for the victims. Simply the experience of having eight senior officers quiet and listening gave weight and dignity to the victims and their stories, and represented a small but important challenge to the traditional balance of power between the two groups.

Even though the military were sceptical about the actual evidence – although in one case they agreed that the abuse had occurred – they appeared to have received the underlying message that OHCHR was watching them closely.

Although this meeting was a single event in Uganda, it has the potential to be repeated in the right circumstances, in Uganda or elsewhere. As OHCHR Uganda was well-aware, to minimise the risks and maximise the value of such meetings, attention to the wishes and security of the victims needs to be at the centre of an extended period of consultation, planning and follow-up. The military also need to be well prepared for what they will experience.

3.3 Convening and Bridging

OHCHR in Uganda is a natural bridge between the state and civil society. It has strong credibility with both groups and its international status gives in clout and a perceived political neutrality. Civil society organisations are treated noticeably differently in their interactions with security forces when OHCHR is present.

Protection Working Groups

Some of the most effective convening work of OHCHR is in Northern Uganda and Karamoja in its role co-chairing and facilitating “Protection Working Groups” together with the UHRC. These groups, which go under different names in different districts,¹ meet monthly at the district level and quarterly at the regional level. They bring together a diverse group of NGOs, Civil Society organizations, the UHRC, OHCHR and representatives of the security forces to discuss protection issues and cases that have come to the attention of the participants. For each issue that is raised, action points are noted which are then followed up in subsequent meetings. In most cases, the military or police representatives commit to investigating the cases and reporting back.

In some cases, the OHCHR role can almost border on mediation. During a meeting in Gulu, an OHCHR staff member intervened in a very tense discussion between an NGO and military/police authorities. This intervention apparently changed the mood of the discussion, reduced the tension, and constructively moved the debate forward.

Although these committees have a key convening function, they also have other benefits. Many respondents commented that this apparently simple mechanism is having substantial impact, supporting multiple, inter-related objectives:

- Regular meetings provide a bridge between civil society organisations and NGOs and state authorities, opening communication for other purposes.
- The meetings act as a (relatively) safe space for grassroots complaints to be raised.²
- The meetings inform potential abusers about what is occurring, and lets them know they are being watched. This knowledge also supports any internal attempt to improve.

¹ For example, in Gulu the equivalent group is called the District Human Rights and Protection and Promotion sub-committee (DHRPP)

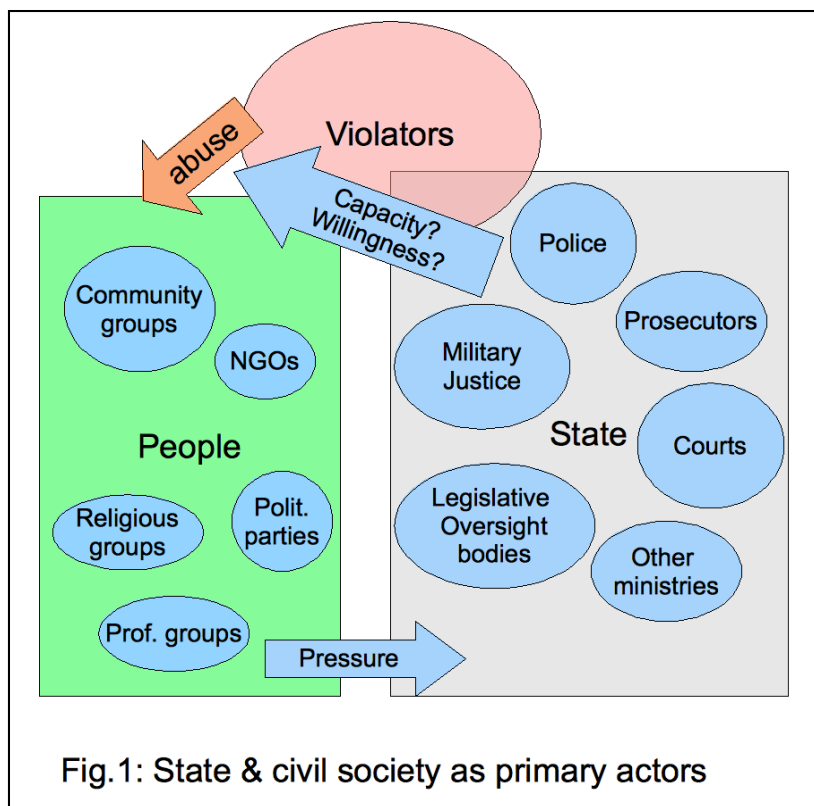
² The actual safety of witnesses and victims should not be exaggerated. Few of the participants in these meetings have specialised training or skills in interviewing victims, case-management or witness protection and there is potential for information to be inappropriately shared.

- Follow-up of cases may lead to them being resolved, stopping ongoing abuses, or providing restitution for recent ones.
- To the extent that the process is able to deal with a representative number of cases, it can help generate a predictable relationship between abuses and response, thereby strengthening its value as a deterrent.
- Ongoing follow-up of cases and issues has the potential to escalate them from district level to regional level and beyond, generating pressure for longer-lasting structural changes.

Although the meetings might be a step towards direct resolution of cases, creation of deterrent and opening space for civil society, their ultimate impact depends on the nature, intensity and persistence of the follow-up.

4 Positioning the actors: the roles of OHCHR, the UHRC, the state and civil society in protecting human rights³

There are three fundamental actors in any human rights dynamic: *the people*, who are threatened with abuse, *the abusers* who carry out abuses, and *the state*, which is obliged to protect them (see figure 1). In some situations the state *is* the abuser, in others not. The protection of human rights depends on a) the state's willingness and capacity to fulfil its obligations to protect, and b) the people's capacity to hold the state accountable to these obligations.



Numerous state organs are designated to fulfil this protection role, in particular the justice system. Other state bodies, such as Ministries of Health, Education, Land, etc. also have obligations, especially regarding economic and social rights.

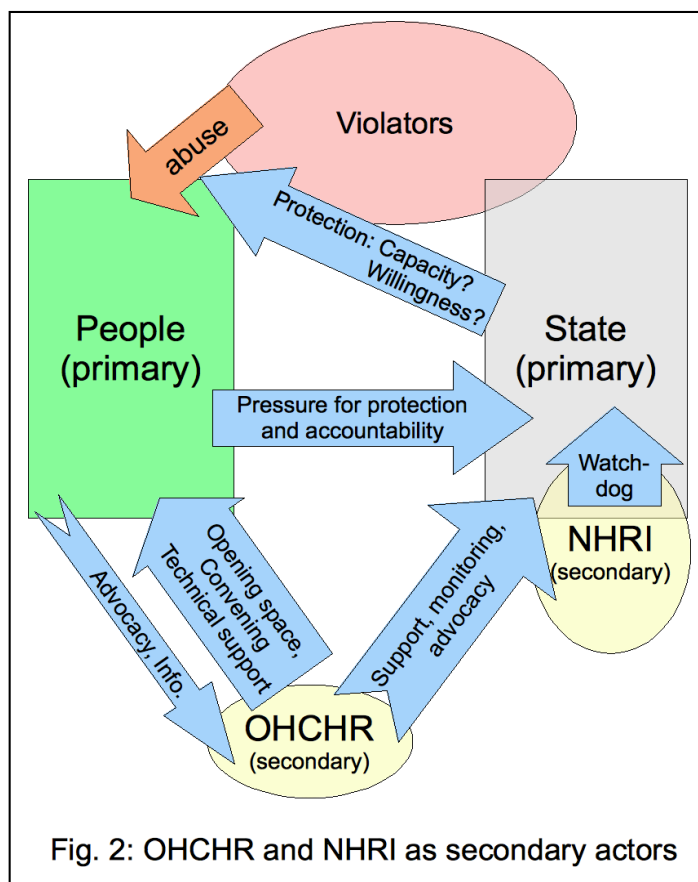
The people affected by abuses mobilize through a wide array of civil society groupings, including community groups, NGOs, religious institutions, political

parties and more in order to protect themselves or hold the state accountable.

³ A version of this section first appeared in the Fieldview Solutions evaluation of OHCHR in Nepal, December 2010.

The level of mobilization and power of these civil society entities and their ability to hold the state accountable is one of the most fundamental indicators of a functional system of human rights protection. Whether the responsible state organs carry out their protection function is often primarily a matter of political will, and political will is a direct consequence of the power of civil society to hold them accountable.

An international institution like OHCHR, and a National Human Rights Institution (NHRI) like the Ugandan Human Rights Commission (UHRC), are *not* the key players in this first tier of a human rights system. (See Figure 2) They are secondary, playing an assistance or support role – while also holding them account for their obligations. The UHRC has neither the obligation nor the authority to directly protect human rights, but rather it (at best) serves as a watchdog over those state organs which are supposed to deliver on such protection obligations.



OHCHR is also a secondary player, serving to support and motivate the two key actors (the state and civil society) in their capacity to fulfil their respective roles. This does not mean that OHCHR is quiet or reactive – on the contrary, OHCHR strength often involves having a loud voice and a high profile. But the direct responsibility for human rights obligations lies with others. Most strategies of an international presence will be directed at two complementary goals: 1) strengthening national voices and mechanisms for human rights and 2) pressuring and encouraging the state to fulfil its obligations.

5 Working with state authorities

5.1 Cooperation

Sometimes the UN can be more about criticising than helping, but OHCHR shows interest in making us better. They have tried as much as possible to understand the national processes. – Ugandan state official

The office in Uganda has developed some very constructive working relationships based on trust, respect and confidentiality with the various state

authorities. OHCHR is known, seen and trusted by many state officials across a range of institutions. In Northern Uganda, in Karamoja and in Kampala the primary focus has been on the security forces although they also work directly with the prisons, the Ministry of Gender and the Ministry of Health.

Close day-to-day support has created particularly close relationships – and opportunities for influence - in field offices. In more remote location local government staff might feel isolated and unsupported and appreciate OHCHR’s technical expertise. By bringing additional human rights expertise and perspectives into day-to-day government practices in a low-key, trusted way, OHCHR is able to contribute to more human-rights-sensitive practice by local authorities while also building capacity for the future.

Many of these contributions rely on a degree of confidence and trust, qualities that can greatly improve the effectiveness of many OHCHR programmes. In Uganda OHCHR is involved in various sensitive state processes that require discretion. To function properly, it is important that state officials can share confidences, understanding that it won’t be used in unexpected and “hostile” ways. Military officers, for example, can tell of pending courts martial or new “incidents”. Government officials can quietly comment on internal political dynamics.

Close relationships also allow OHCHR’s own concerns to be heard in a friendlier, less confrontational way, avoiding triggering a defensive shield of denial. OHCHR’s work with the UHRC, for example, combining training, technical and political support has opened doors and created important opportunities for quiet support and influence. OHCHR’s legal analysis of draft bills on torture, and homosexuality, among others, have been taken and used by the UHRC for its own advocacy work. OHCHR’s cooperation with other state agencies on transitional justice has given it similar quiet influence.

A cooperative and skills-building approach, however, is less able to address issues of motivation. Motivation gaps occur at all levels. Individuals and governments are not - in Uganda or anywhere else - uniquely driven by a commitment to popular human rights. In fact, there may be total disinterest in the idea of human rights. Even if when human rights are valued, individuals will still have many competing interests such as personal financial gain or influence, political or ethnic allegiance, security or other government priorities.

Close day-to-day working relationships and exposure to human right concepts can have some motivational effect. A greater visibility of human rights can generate awareness of human rights norms within state structures and support spaces that are friendly to human rights “allies”.

Frequently, however, this is not enough and a stronger push is needed. High-level government policies or directives are often not supportive of human rights concerns. OHCHR regularly comes across officials that are not personally motivated to be respectful of human rights, and who no amount of training, advice or awareness-raising will change. Moreover, even the most well-meaning official will be constrained by “unenlightened” or outright repressive policies

transmitted down the hierarchy, and will rarely be in a position to challenge such instructions.

5.2 Pressure

OHCHR combines cooperation with pressure in Uganda. In Karamoja, for example, when no action is taken on cases it raises them higher. This process is intended to be a source of pressure to motivate action – action now on a case, and preventative action to prevent it happening again. The simple fact of bringing a case to the attention of a superior is intended to be a source of “pain” that neither the senior or junior officer will want to repeat.

High-level pressure and lower-level presence and relationship building are mutually complementary. Field-level influence is much stronger when it is backed by the possibility of high-level intervention. Similarly, top-level pressure depends on consistent relationships throughout the hierarchy if high-level lip-service is to be translated into actual change. Any high-level pressure OHCHR is able to put on senior military commanders will be much more likely to result in action while OHCHR remains able to do consistent follow-up at the local level.

Pressure like this can be motivating, but at the highest levels it breaks down. It won't often be possible to put direct “hierarchy” pressure on the Chief of the Defence Forces or the Minister of Defence. Instead, another source of influence must be found. Very high level and political people still have sensitivities they care about. When it is no longer possible to go through the hierarchy, another possibility is to look at public and semi-public use of information.

Quiet diplomacy and pressure are also limited in the *breadth* of its impact. A human rights presence will not be able to directly interact with all the relevant actors across a country. Instead it needs a way to ensure that its limited interventions will have amplified effects. By their very nature, however, private discussions are not widely transmitted. A meeting with one authority will have little weight with another that never hears of it. Even if quiet pressure is highly effective in one place at one time, it does not have an indirect impact broader than its immediate targets.

5.3 Pressure through voice

Just as there are limits to what can be changed by cooperation without pressure, there are inherent limits to pressure without voice. Voice is not something to be used *instead* of quiet pressure, but rather as a crucial complement to it. In Uganda, OHCHR's credibility and profile make it particularly well-placed to use its voice as a source of influence.

In almost every country the highest officials are extremely concerned about their reputation and images – both about the national reputation of the country, and their personal reputations as individual leaders. These images can be threatened by honest and accurate reporting of ongoing human rights abuses committed or permitted by forces under their control. There are many ways to transmit this kind of information. It can be done via tactical press releases, speeches, formal reports, or through briefings to diplomatic missions or other influential actors.

OHCHR has put considerable effort into discreetly sharing information with donors, embassies, international bodies or other entities whose opinions are important to the officials involved. This process has been greatly facilitated by the inclusion of the Head of Office in the regular Ambassador-level meetings within the diplomatic community relating to democracy and governance, which is an excellent forum for such information to be shared.

OHCHR is also well aware of the value in speaking out more publically and has raised its voice in the media when major incidents have occurred. For example, OHCHR recently issued two press releases on human rights violations during the April 2011 Walk To Work Protests. These were noticed at the highest level in the Police and Ministry of Foreign Affairs and influenced NHRI, the international community and the press. Nevertheless, with just a handful of press releases in the last 18 months, OHCHR does not have a high media profile. This gap appears to be more circumstantial than strategic – the many tasks being carried out by senior staff have left little time to develop media and reporting strategies. There is clear potential for OHCHR to take more advantage of these strengths by using its voice more actively.

Another avenue for using the voice of the office is through formal public reports. OHCHR globally has a strong reputation for issuing meticulously researched public reports, which can be another effective way of putting facts in the open and bringing national and international attention to important issues.

In Uganda, however, no new reports have been issued in 2010-2011 due to doubt over whether it is possible under the present mandate. The current Memorandum of Understanding with the Government of Uganda clearly includes an independent reporting role for OHCHR. However, due to internal miscommunication within the government during the agreement process and a misunderstanding of the current text of the agreement, senior officials in the Ministry of Foreign Affairs believe that the wording of the current MOU does not include reporting. They have made very clear to OHCHR that they would see any public reports as going beyond the authority of the Office. There have been multiple discussions on this issue involving OHCHR in Uganda and Geneva and a range of officials from the Ugandan Government which have ruled out the possibility of presenting an official Annual Report to the Human Rights Council.

The question for OHCHR in Uganda is whether to insist on the text of the agreement and publish thematic reports – some of which have been ready for years - or whether to wait to obtain an unambiguous right to report in the upcoming mandate negotiations.

The value of public reporting has been recognised at all levels of OHCHR, to the extent where it is likely to be a pre-condition for the office to stay in Uganda. Ultimately, the office will need to insist on a public reporting, and the sooner it does so the better – even if it causes tension with the Ministries. The clear text in the current MoU ensures that this is a pure political negotiation, and does not require a new written agreement. Leaving this discussion to be included in a mandate negotiation risks the negotiation dragging on for a considerable period – as it did, for different reasons, the last time the mandate was negotiated – and weakens the position of the office. Being present without a formal agreement is

an inherently weak position from which to negotiate. Insisting on implementing the text of an existing agreement is a strong one. Every day with an ambiguous status makes the Office less effective than it could be.

Using voice to reach more actors

Publicly speaking out is also a useful broadcast system to communicate human rights expectations and standards of behaviour to a wider audience. Public voice can send strong messages to all within a hierarchy about what is expected of them, by the international community and by their own bosses. It is a form of awareness-raising that includes within it an implicit threat. Speaking out can effectively communicate expectations of state behaviour to the public as well. When rights-holders are clear where the lines are, they will themselves exert further pressure for state compliance.

One way OHCHR makes an effort to broadcast these kinds of messages in Uganda is by making a conscious investment in attending human rights-related events in Uganda and using these fora to make statements and present analysis. In one example, OHCHR presented a public analysis of a proposed Public Order Management Bill, after which the Office had a frank discussion with police participants about permissible and illegitimate restrictions of public freedoms. This discussion made a strong impression on the police and was quoted by police officials half a year later.

Voice combines with other parts of OHCHR's work.

Public profile reinforces the “brand” of OHCHR itself, a key resource for any human rights presence. Giving opinions to donors, diplomats and government officials grows the profile, credibility and clout of the institution. Speaking out publically makes OHCHR an increasingly recognised authority whose opinion will be sought and respected by journalists, politicians and the public. Persons who may be subject to OHCHR criticism may suddenly care far more about OHCHR's opinion. This is why OHCHR's presence at events and constant visibility is so important – but also why it will get even more leverage from a more public profile.

A strong “brand” can also act to strengthen the effectiveness of local-level cooperation and quiet diplomacy. The weight and credibility of OHCHR amplifies every interaction at a local level - more attention is paid to each visit, each word and each case.

Speaking out is also a way of creating space for others. Once OHCHR has said something, it can be significantly easier for civil society or donors to say the same.

One key challenge of using pressure and voice effectively is to avoid causing disproportionate damage to the part of the work that rely on the trust and confidence of state authorities. But this may be less of a conflict than it appears. Selective use of pressure can in fact be a key ingredient in fostering the most constructive types of relationships.

5.4 Managing relationships and maintaining trust

There are different ways to generate pressure: raising an issue up the hierarchy, discussing it with other parts of the state or with donors, issuing a media statement or a public report. What they have in common is that they are uncomfortable for the person on the receiving end. This is not a coincidence – generating discomfort or “pain” is an important motivating tool.

But creating pressure and pain is only one aspect of human rights fieldwork and should not define the role of a presence. As described earlier, key elements of human rights protection depend on maintaining productive relationships with state counterparts, relationships that can be put at risk by an overly confrontational approach.

The dilemma then is to determine how is it possible to maintain effective relationships while still generating pressure, using voice and demonstrating clout. How do you keep the benefit of working closely and constructively with government while also sending a clear message that there will be consequences for not doing the right thing?

Maintaining effective relationships with state authorities includes ensuring that there remains space to communicate difficult messages. OHCHR has specific roles and defined obligations as a voice of the entire UN on human rights issues that needs to be understood by state counterparts. A relationship based on straight-talking will generally have most room to accommodate disagreement – but even then it may need to pass through uncomfortable periods if important messages are to be transmitted.

All this is well-understood by OHCHR in Uganda, who have developed constructive relationships at many levels, while retaining space to communicate difficult messages. One technique that has been used has been to partially separate “technical” work requiring day-to-day contact with authorities, from the more “political” work of the public profile of the office. This manages to partially insulate technical relationships from any shocks caused by higher-level disagreements, although there is a delicate balance to ensure that any controversial public positions of OHCHR are also reinforced at the technical level.

OHCHR has built trust over time through a series of other techniques in their day-to-day work:

- Being clear about the helping and constructive role of OHCHR. An investment in problem-solving build credibility when more controversial issues are raised.
- Ensuring accuracy of public statements and reports. Being a trusted blue-chip source of information is the foundation of credibility and a strong defence against accusations of partiality. Conversely, being shown to be incorrect or unprofessional would significantly undermine the presence.
- Maintaining predictability. Issues are addressed in a consistent and predictable way over time, and linked to clear standards.

- Avoiding surprises and ensuring transparency in any reporting processes.
- Being positive and “fair”. Positive steps and trends are credited.

Tensions with the government have been relatively minor until now, but if there is a greater public reporting role in the future they may increase. OHCHR will need to remain clear about its unambiguous role representing the international human rights system as a whole.

6 Maintaining a mandate

Several OHCHR staff in Uganda expressed concerns that if the office is too critical of the government or oversteps the mark, for example by publishing a report at a sensitive moment, there is a risk that the mandate will not be renewed and the office will be closed down.

This is no coincidence. Around the world, many UN human rights presences have a similar concern. In order to dissuade a presence from creating uncomfortable pressure, a state or its agents will often imply all sorts of negative consequences for the Office. The most dramatic is the implicit threat of expulsion, or “non-extension” of the mandate. More subtle are the threats of “damaged relationships”.

States have good reasons to exaggerate these threats, which in many cases are a deliberate tactic to control outspokenness of presences. No matter the real chances of being expelled, the state has a clear interest in ensuring that every controversial presence everywhere feels itself always “on the edge”.

In Uganda, this “chilling effect” has had significant consequences for the work of the office. In the last few years, prolonged mandate negotiations have had the effect of stretching these “sensitive moments” for periods of years. At least two important reports have been written as long ago as 2007 but never released because the “right moment” has not appeared.

To understand how a presence can better calculate and control the real space it has to operate and remain in the country, we need to look at why the presences are there in the first place. Few countries, at the top level, actually *want* a human rights field presence. Nor do they generally want criticism, oversight, or in fact any external pressure to do things differently. This problem is fundamental to human rights work, which is, by its very nature, concerned with increasing states’ accountability and putting limits on their power.

At the highest political level, “good relationships” are rarely based on common goals for improved human rights. They are instead the pragmatic consequences of engagement with the human rights system, often an attempt to reduce an international beating with the “human rights” stick. Engagement depends on what serves the interests of the state – it is not a carrot to be given to a “well-behaved” presence.

Trying to remain “popular” with a state is generally ineffective and is an extremely restrictive constraint. It largely removes even the possibility to generate pressure, undermining substantial parts of the work. Governments will

usually quickly recognise this approach and take advantage of any pattern of avoiding conflict, progressively limiting further and further what they consider “acceptable”.

The remaining option is to be too strong, too credible, too well-regarded and too obviously useful to be expelled. Instead of trying to remain popular, OHCHR needs to more consciously conceptualise the dilemma from a state’s point of view. In the end, Governments have a simple calculation to make: assuming it would prefer no presence, it will expel a presence if it believes that to do so would be less politically damaging than to let it stay.

Considered in this way, the political space available to a presence is not fixed, but depends on the political cost to the state of an expulsion. And this political cost in turn depends on the profile, credibility, respect, legitimacy and influence of the office – in a word, its *clout*.

None of this will prevent a state from making clear its displeasure at any criticism. Veiled threats of expulsion may continue, but, in the end, staying in the country does not depend on OHCHR being popular with the government. It depends on being able to demonstrate that it will be more damaging to the government’s international reputation to stop its work than to allow it to continue.

The current mandate renewal process

The mandate renewal process in Uganda is underway as this report is written. The current MoU expires in October 2011. As mentioned above, the previous mandate renewal process was extended over a long period of time and significantly impacted the work of the Office while it took place. Many aspects of the work of an office – speaking out, building relationships, projecting deterrence, recruiting staff and maintaining morale – are more difficult when the presence itself is uncertain. In other countries these processes have been equally distracting.

Within OHCHR there was considerable nervousness about the next mandate extension, with an analysis that there were some elements of the Uganda state that were particularly hostile to any continuation of OHCHR’s presence in the country. There was some confidence that the mandate would be renewed in October, but it was felt that this may be “the last time”.

Outside of OHCHR, and in particular in discussions with civil society, the situation was seen quite differently. The thought of throwing OHCHR out of the country was seen as impossible by most contacts, most of them wide-eyed at the thought: “Not this government, they are not strong enough.” “How could they chase the UN away?!” There were many comments about how important it was for Uganda to be seen internationally as “human rights friendly” and that expelling OHCHR would be a public-relations disaster for them.

The strategy for the office should be to retain its presence through projecting a clear vision of what it is offering, and a strong voice of why it is important for Uganda. While good relationships are important, ultimately it is the strength and

value of the office that will keep it in the country – and the potential embarrassment for Uganda if it is seen to reject it.

Credibility and clout can be built through conscious visibility and articulating a clear and principled identity. The Office has been active commenting on relevant themes in some private and semi-public fora – conferences, workshops, private meetings etc. - and should continue this approach while building a larger public profile. Messages should be clear, consistent and continuous, respectful of sovereignty, culture and the roles of national organisations. Ultimately the more consistently OHCHR can present itself as an impartial, respectful yet confident voice of clear, agreed standards, the more legitimacy and clout it will have.

Similarly, credibility is weakened by being intimidated from speaking. Fear can be smelled by allies and enemies alike. While it is only prudent to prioritise some issues over others, every time an issue is deemed “too sensitive” to speak on, the presence’s credibility is undermined, sending a message of relative weakness. Fair or not, extended periods of relative silence around the time for mandate-renewal risk the perception that OHCHR is putting its own institutional presence ahead of doing its job – standing up for human rights.

There also may be some political wiggle-room between the terminology of “expulsion” and “non-renewal of mandate”. A third possibility is a “withdrawal” by OHCHR if a suitable mandate - including reporting - cannot be negotiated. The practical result of all three is the same – the withdrawal of permission for OHCHR to have a reporting human rights presence in Uganda. It is up to OHCHR to ensure that the political costs also match. A clear and consistently voiced insistence that reporting is an essential part of the work can only help the understanding that refusal to allow reporting is tantamount to an expulsion. The argument becomes harder to sustain, however, while reports are not actually being released.

While OHCHR is a case of its own, we did not come across any examples of the Ugandan government taking steps to close down a UN office or that of any other international human rights organisation. Human Rights Watch continues to be able to work in Uganda, in spite of having no official legal status in the country and being an outspoken critic of the government.

One of the best ways to prevent a presence from being expelled is to be sure to create political costs when they are. States learn from each-others experiences and will be more hesitant to expel an office if OHCHR is consistently proactive in objecting to expulsions. OHCHR’s weak responses in the past, for instance to the ejections of HRAs from Indonesia and Pakistan, have not helped.

7 Working with Civil Society

A strong civil society that can hold its government to account is a primary actor in sustaining human rights standards in a country. Beyond classic “human rights” NGOs, there are many other organisations that may be doing practical human rights work: churches, unions, community groups etc. OHCHR has a number of strategies available to it to support and strengthen the work of a wide range of civil society groups

Uganda has a relatively strong civil society in Kampala, but the space available to it is limited. Many human rights activists feel they are seen as “the enemy” by state institutions and not listened to seriously. Although direct harassment of most human rights activists is “minor”, most report a clear sense of being watched. For some groups, such as journalists, the situation is considerably worse. The Human Rights Network for Journalists has documented 69 attacks on journalists in 2011.

The legal situation for NGOs remains challenging. An “NGO Act” exists under which NGOs are required to register and annually renew their licence. There have been recent attempts to introduce amendment that would further restrict NGO registration and action. This is widely understood as an attempt to curb the independence and effectiveness of civil society organisations in Uganda. We heard at least one example of NGOs restricting their work because of concerns that it would affect their chances of successfully renewing their license the following year. Public statements by district government representatives have reinforced this fear, using the Act to intimidate NGOs, particularly those who are tackling very sensitive issues or working in difficult regions.

Until now, OHCHR has had relatively ad-hoc relationships with Ugandan civil society organisations, and has struggled to broaden this contact beyond classic human rights NGOs. There has been specific cooperation around individual events such as one-off consultations, human rights day or other specific “days” – which has been much appreciated - but outside of these events there has been little strategic discussion or joint-planning on how OHCHR could better provide support. Several organisations commented that they had little knowledge of what OHCHR was doing and would like more regular communication and greater efforts to coordinate strategies.

OHCHR is nevertheless highly regarded as an important potential ally that could greatly facilitate civil society’s work in a number of ways. OHCHR has significant weight and credibility as an institution, and its statements and actions can create a shield of legitimacy for local actors working on the same issues. Even simple demonstrations of respect - such as visiting a local organisation’s office - send important messages of appreciation of its work. When OHCHR visits CSOs offices, particularly the smaller ones, it is greatly appreciated.

Although OHCHR in Uganda is already doing many of these things, it does not appear to have a strategic plan for civil society support. Civil society groups are an essential element of long-term structural human rights improvements and they deserve greater attention.

8 Working with the Ugandan Human Rights Commission

Working with the Ugandan Human Rights Commission (UHRC) has a number of advantages for OHCHR, both practical and political. Of all the individual actors in Uganda country, the UHRC is often the one with the role most similar to that of OHCHR itself: a state-oriented institution with broad human rights responsibilities that can act as a possible bridge to national civil society and the international human rights system. This makes it convenient to work closely with the UHRC, combining substantive work with on-the-job capacity-building.

Working closely with the UHRC is convenient in other ways as well. Having similar roles in holding the state to account, working together helps avoid the impression of “competing with” national structures. National Human Rights Institutions are often seen as an alternative to a UN human rights presence. It is common to hear of a gradual transfer responsibilities from OHCHR to the NHRI framed as a major part of a post-crisis “exit strategy”.

There are considerable skills within the UHRC, which have been supported and strengthened by the work of OHCHR. The biggest challenges it faces are political, financial and administrative, and originate at the highest levels. The UHRC is neither seen as truly independent of the state, nor strong enough to stand against it. Its resource deficiency is an ever-present reminder of its challenge in holding its own financier to account.

The Commissioners of the UHRC are appointed by the President, a process that has been described as undermining their independence. The individuals selected have not inspired confidence either, being former government officials without human rights backgrounds. Over time, some have shown increasing interest in human rights issues, but they are starting from a long way behind.

Internal procedures within the UHRC are slow and uncertain. In six years of operation, the UHRC-run human rights tribunals are only beginning to hand down decisions now. The budget for compensation claims is limited and insufficient for the volume of cases that are pending.

Positive examples in which the UHRC has actually worked to push parliament or substantive ministries are little-known by civil society organisations who have little confidence in the UHRC. Few civil society organisations see it as an impartial body and it is likely to need structural changes in the UHRC before it has their trust. This confidence gap in turn undermines the UHRC’s communication with many civil society organisations. In the meantime, OHCHR is only able to work towards building bridges between civil society and the UHRC at the level of individuals.

The UHRC possesses some strong individuals at the technical level. It has made strong statements on some contentious issues, although others appear to have been watered-down at the top level. The lack of engagement of many Commissioners and the distance between Kampala and the field allow many lower-level activities to take place “below the radar”. Individual UHRC human rights officers are able to work well when they choose to.

OHCHR has given considerable training support to the UHRC, which has been highly appreciated by its staff. In June and July 2011, all UHRC HROs, legal and investigations officers were trained on monitoring and human rights investigations. Next October, there will be another training on Business and Human Rights.

It is natural that energy directed towards the NHRI is reduced as its capacity grows. It should also change in nature. As skills are built up within the UHRC, further skills-training will generate diminishing returns and is unlikely to lead to substantial improvements in the overall performance of the UHRC while structural challenges remain.

Instead, “capacity-building” needs to be understood more broadly than simply the transfer of technical skills. The greatest potential to strengthen the impact of the UHRC is through improving its independence, its finances and strengthening its voice. There is no easy recipe for how to do this, but if the goal is to strengthen the UHRC, this is where the focus needs to be.⁴

Even if the UHRC were stronger, however, it should not be seen as a potential replacement for OHCHR. Its role and strengths will always be different. As an international body, OHCHR is far more independent of the state, both politically and financially than the UHRC could hope to be. OHCHR will always be seen as more of a “neutral” body in the internal politics of the country, with greater credibility as a convenor of civil society actors, and it will always be capable of greater voice and pressure at the highest levels.

9 Planning and Strategy development

9.1 OHCHR strengths and strategy

An emergency existed when OHCHR was originally deployed in Uganda. The urgency and evolution of a crisis situation, together with unfilled posts and a chronic tendency of field missions to “bite off too much” have all made it challenging for the presence to truly take the time to determine strategically where it can have the most impact. And yet, a clearly reasoned and articulated focus is the starting point for effective protection work. A strategic allocation of resources requires matching the human rights gaps in a country, with the specific contribution that can be made by a UN human rights presence.

The scope of this study is insufficient to precisely identify the specific human rights gaps in Uganda where there exists the greatest potential for OHCHR intervention. Nevertheless, it is clear that OHCHR-Uganda has a number of institutional strengths:

- OHCHR is very strong in the technical and legal knowledge of human rights.
- OHCHR’s voice carries a level of weight and credibility beyond the reach of national groups, allowing it to generate pressure in ways others cannot.
- In many cases OHCHR is uniquely perceived as a “neutral” actor in often-complex political contexts, able to bridge partisan divides between disparate groups.
- In places where intimidation of dissident voices is commonplace, OHCHR often enjoys a physical security unavailable to local actors.
- OHCHR has access to authorities, places of detention and other locations that will often not be available to civil society organisations.
- OHCHR has privileged access to the international human rights system and to the international community more broadly.

⁴ The experience of the Kenya Human Rights Commission (KHRC) provides some clues of how a dynamic of independence can be created. The KHRC began with a clear understanding of its need for independence and deliberately created strong public and internal expectations through repeated public assertions of independence and strong reactions to its encroachment.

The Office is making good use of its access to the diplomatic community and its presence on the ground to collect information, send messages and build relationships. Similarly, its relationship and quiet provision of legal advice to the UHRC is both an institutional support and an important influence on pending legislation, transitional justice and other legal reforms.

There are two areas that stand out where OHCHR could make a bigger impact.

Firstly, OHCHR could take greater advantage of its status and credibility by creating a greater public profile and being more present in the media. Resolving the current impasse with the government regarding public reporting should be a priority.

Secondly, OHCHR can place greater internal emphasis on cooperation with civil society organisations. Until now, the Office has been predominantly oriented towards the state and the UHRC, but OHCHR's profile, credibility and perceived neutrality have major potential to expand the available political space for civil society organisations. Greater cooperation and coordination with CSOs can also help OHCHR to use its voice more strategically – knowing when it should leave the limelight to national actors, and when they need the protective support of an international voice.

Workload planning

Many of the most vital tasks carried out by field presences are systematically under-represented in workplans and formal planning documents. The relationships, profile and credibility of a presence are key assets underlying much of its impact. Maintaining them requires consistent attention and care, including regular meetings with dozens of counterparts, listening, talking and “showing your face”. While this work is fundamental, it is rarely systematically measured and can be easily taken for granted. This leads to two problems: a pervading sense of “not enough time” and a bias towards spending time on tasks that are explicitly including in workplans and where success is more easily measured.

Where the goal is to create a genuinely dissuasive monitoring system, the tasks are even more onerous. The strength of monitoring as a dissuasive and systems-building tool depends on its *predictability*, *responsiveness* and *accuracy* – three qualities that are labour-intensive to maintain. Although these tasks and needs are well-understood by most field offices – and certainly in Uganda – they constitute a set of tasks that are systematically under-represented in both office and individual workplans. And this can mean they can easily be squeezed aside when time and resources are tight.

Planning needs to take full account of the high resource requirements necessary to maintain key relationships and a visible and consistent presence. When workplans are overly full of other, more visible tasks, it is often these essential “background” activities that suffer.

Recruitment

It is not an exaggeration to say that *the extreme delays in recruitment have been one of the largest historical constraints on the effectiveness of OHCHR's protection work in Uganda*. Effective protection work is labour-intensive, and is often the first to suffer when resources are less than planned. Recruitment is not simply an administrative concern and cannot be separated from the substantive work of a field presence. Protection work needs people to carry it out.

In Uganda, the lack of senior staff has left individuals filling multiple roles for extended periods. Inevitably, some important work has been left underdone. Most external contacts commented that OHCHR staff are spread thin, and that there was a noticeable period of low activity and visibility in 2008/2009 when there were severe staff shortages. The vast majority of the recruitment delays occur outside the control of the country office.

If recruiting procedures are to remain unchanged, the expected proportion of unfilled posts needs to be more clearly factored into planning.

9.2 “Exit strategy”

The strategy developed by any OHCHR field presence is framed within a bigger vision of the long-term UN human rights role in the country. Larger presences, such as OHCHR in Uganda, have typically opened in response to visible crises, which have created external pressure to allow an international human presence into the country. Just as often, these presences have found that they are able to contribute significantly after the initial crisis has diminished and have stayed on.

In Uganda OHCHR retains significant capacity to deter serious human rights abuse. Its watching presence remains an important source of influence over state behaviour and policy setting, while its international status gives it the ability to provide significant space and support to Ugandan civil society. While the OHCHR presence continues to make a significant difference, there is no reason it should be hurried out the door.

When a crisis diminishes, a field presence can come under pressure to define an exit strategy. The expectation that a presence has a finite lifetime can become a self-fulfilling prophecy, as the evolving contributions of the office are not fully appreciated and energy is not invested in the political negotiations needed to stay.

But as a country recovers from crisis, leaving is not necessarily the most appropriate thing to do. The High Commissioner's mandate covers all human rights, and is not restricted to crisis situations. Current doctrine emphasizes the importance of addressing long-term issues such as discrimination and economic, social and cultural rights, as well as conflict and crisis. Field presences must therefore be engaged in that full mandate, even if resources are prioritized towards the most life-threatening situations. Human Rights Advisors and long-term stand-alone offices like Cambodia have demonstrated an important role for an ongoing OHCHR presence in post-crisis countries. By juggling these two identities, the field presence can also help other partners see the human rights linkages between conflict, crisis and deeper human rights structural issues.

In Uganda, there is no shortage of human rights issues, even outside of acute crisis. Many of them are unlikely to be resolved in the short-term, embedded as

they are in structural abuse of power, chronic failures of rule-of-law or abusive cultural practices.

There will always be political and financial constraints on any extended presence, but it is the human-rights logic of the presence that should be considered first when calculating the need for an office. OHCHR should have a proactive plan for what it believes should be the nature and form of its presence into the future. If OHCHR sees that its presence will be able contribute strongly to Uganda over the long term, it needs to have a conscious plan in place to make that happen.

10 Concluding remarks

The original crisis that brought OHCHR to Uganda no longer exists, but its legacy remains. In Karamoja, the forced disarmament process has resulted in significant abuses and is resented by many. In the north, land issues are a major source of tension, especially in areas of potential mineral wealth. At the national level, basic freedoms and rule-of-law are absent or fragile.

OHCHR has adapted its work to the changing Ugandan context, with a greater focus on longer-term issues. Support to the state and the UHRC is a central part of the work of the Office. Abuses by the security forces have not stopped and OHCHR monitoring, together with the sense of “being watched” that it generates, is one of the few effective means to curb them. The monitoring work in the field remains a key area of impact.

The transformation from crisis to longer-term presence is not easy and similar transformations have proved challenging in other places. In the absence of a clear and public reorientation, a presence risks blurring its identity as stakeholders fail to see the evolving role of the Office and continue to think of it as a temporary crisis response to a specific situation.

OHCHR has unique strengths in Uganda. Its credibility, profile, political neutrality, access to authorities, perceived clout and links to the international community and human rights system are vital assets that continue to be highly relevant and give it an important role going forward in Uganda. This role needs to be clearly articulated and demonstrated.

In the future, the strength of Ugandan civil society organisations will be at least as important as the state institutions themselves in underpinning long-term improvements in rule of law and democratisation in Uganda. OHCHR will want to expand its cooperation and coordination with NGOs and other civil society.

Many of the strengths of the Office relate to its ability to send messages and create space for human rights. OHCHR has invested considerably in getting out of the office and showing its face in many private meetings and semi-public fora, which has been invaluable in communicating its message and building its networks. It remains a priority to clarify the reporting mandate of the office and look for other ways to make use of public voice and profile.

Annex 1: Project Description

FIELDVIEW SOLUTIONS

advancing field protection and human rights

Protection through expanding UN Human Rights Field Operations: Assessment, Lessons learned, and Capacity building

Description of the project, its objectives and methodology

This project is a two-year collaboration between Fieldview Solutions and the Office of the High Commissioner for Human Rights, to assess five years of expansion of UN human rights field operations since the ambitious “Plan of Action” expansion initiated by High Commissioner Louise Arbour in 2005. The project will produce a lessons-learned study of creative approaches to human rights protection being implemented by UN human rights field presences, supporting the broader spread of field-based innovations. In the course of the field research, Fieldview trainers will provide capacity-building support for human rights field operations.

Rationale: Faced with an ever-increasing demand to provide more effective protection to civilians at risk of violence and human rights abuse, and to project a greater presence into the field to achieve this, the UN now has nearly 1000 human rights officers deployed in over 50 countries, through OHCHR offices, peace support operations and UN Country teams. Research has shown that UN civilian staff, and human rights missions in particular, can make a tangible difference to protection realities on the ground. But this deployment will only be effective if these human rights officers make proactive and strategic use of the best tools available. Human rights operations need to learn from each other’s best practices and integrate these lessons into ongoing training and other capacity-building efforts. This study will address this challenge by providing a thorough assessment of the field-innovations arising from the recent growth of human rights field presences, carrying out capacity-building workshops in the field, and producing ‘lessons learned’ tools to improve training for future field work.

Human Rights Field Operations are alsosometimes hampered by insufficient support from donors and member states. This is in part due to a lack of understanding in the international system of the particular protective impact that such operations can have. By assessing both the strengths and weaknesses of these operations, this project will contribute to a clearer understanding of their impact by the broader international community, enabling further support and expansion.

Project activities

Stage one activities – completed September 2009 through February 2010

- 50 Telephone interviews with human rights officers, field managers and other relevant institutions.
- An initial paper presented to OHCHR. (“Strengthening the protection impact of Human Rights Field Presence: Concept paper for the OHCHR Annual Meeting of Field Presences”, February, 2010), available upon request.
- Delivery of a half-day workshop on field protection to all heads of human rights field presences (OHCHR and DPKO, February 2010).

Stage two: field research and field-level capacity-building workshops, April 2010 August 2011.

Field research includes first-hand interviews with local citizens (beneficiaries), human rights defenders, host government officials, NGOs (local and international), and other UN partners, in order to gather diverse data and opinions regarding the field impact of the human rights presence. Field studies will document the effectiveness of the use of classic human rights tools on the ground, as well as the new and creative approaches that have been developed to meet the challenge of protection.

Fieldview Solutions also provides capacity-building “lessons learned” trainings to human rights officers in the field during each field visit. These field workshops will draw from existing training programs, and enhance them with the latest learning as it emerges from this study. Additional consultants on board for the project also have both research and training expertise.

- First major case study carried out to the Democratic Republic of Congo, July, 2010. Workshops implemented in Goma, Kisangani and Kinshasa.
- Brief field visits also carried out to the OHCHR Middle East Regional Office in Beirut, Lebanon, and to the Human Rights component of the Peace operation in Cote D’Ivoire.
- Second major case study carried out in Nepal, September 2010. Workshop implemented in Kathmandu.
- As a result of the analysis done in Nepal, Fieldview Solutions consultant Roger Nash was invited back for an additional month of consulting to help OHCHR-Nepal articulate its field strategies for 2011 (funded by the Danish Embassy in Kathmandu).
- Third major case study carried out in Colombia, January 2011. Workshop implemented in Bogota.
- Delivery of a half-day workshop on initial findings of the project to all heads of human rights field presences (OHCHR and DPKO, April 2011).
- The fourth field study, carried out in July 2011, involving a trip to Uganda and Kenya (which will include research on the OHCHR presence in Uganda, the Human Rights Advisory role in Kenya and the Human Rights Component of the UN Mission in Somalia – UNPOS.)
- Additional research interviews with staff in other regions as well as Geneva and New York.

Stage three: Editing, Publication, Dissemination and further Capacity-Building

(through December 2011)

- Publication of a complete report including the results of all country field studies.
- Summary report of key findings for broader distribution
- Fieldview Solutions will work with the OHCHR training unit to integrate these new tools into their ongoing training methodologies.
- Fieldview Solutions will facilitate workshops in New York and Geneva
- Further dissemination efforts to be strategized with donors.

Expected Immediate Outcomes

- New tools and publications for improving the quality of human rights field work by the United Nations (detailed in section above), by improving the quality and creativity of training processes as well as bringing new ideas to managers in the field when planning their protection strategies.
- Catalyzing internal efforts by OHCHR to improve upon weaknesses identified in the assessment and to learn from experiences of other field presences.
- Expert trainings and workshops on field protection will be delivered to UN human rights officers and management in the field and in Geneva.
- Human rights officers will have a better understanding of their potential protective impact on the ground.
- The donor community, UN member states, the international human rights community, and the rest of the UN system will have a clearer understanding of the protective impact of human rights field operations.

Expected Ultimate Outcomes

- **Better training for human rights officers:** The publications and workshops of this project will add to OHCHR's existing tool kit for training and preparation of field officers.
- **Stronger political support for human rights operations and their impact on the ground:** The study will also identify how embassies on the ground and other international actors can best assist and support human rights field operations to maximize their protective impact.
- **Better protection** on the ground for people who need it: More efficient and nuanced field protection strategies within field operations will result from better cross-pollination and sharing of best practices.
- **More protection** on the ground for people who need it: Human Right Field Operations will continue to expand, in part because this study helps donors, member states, and the international community at large to more fully appreciate their impact.

Fieldview Solutions

Fieldview Solutions is an independent consulting collaborative bringing together experts who wish to improve the quality of work of international organizations working in the field to protect human rights. With three decades of experience, Fieldview Solutions' founder Liam Mahony is a recognized leader in the field of international protection analysis and training, who has successfully completed other studies of this scale. He was an external consultant member of Louise Arbour's select working group which developed the 2005 OHCHR Plan of Action, and he has since developed field protection training models for OHCHR, UN-OCHA, UN-DPKO, WFP and other institutions. His major prior studies in this field include: Unarmed Bodyguards: International Accompaniment for the Protection of Human Rights (Kumarian Press, 1997 – based on research funded by the MacArthur Foundation) and Proactive Presence: Field strategies for civilian protection (Centre for Humanitarian Dialogue, Geneva, 2006). This latter book has since been directly integrated into the (not yet published) current revision of the OHCHR Training Manual on Human Rights Monitoring and Protection.

Roger Nash, Fieldview Solutions' co-founder, has worked on protection, human rights and humanitarian issues in the field in Afghanistan, Colombia, Sudan and Sri Lanka and in 2007 was awarded the SNELS prize from the University of Essex Human Rights Centre for his academic work on the creative use of field presence by UN human rights field missions. Additional research consultants have already been chosen, based on their substantial field and research experience in protection.

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