

## INSIDER'S VIEW

# Human Rights in the UN System Since the Demise of the Three Pillars Approach

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*During my UN career, working for gender analysis, human rights, and peace keeping offices, I often came across the contradiction between security demands and human rights requirements in the policies and practice of the organization. Recently, with the emergence of the concept of the Responsibility to Protect (R2P), and its first official application in Libya, the issue is becoming particularly pressing. What is the role and place of the “human rights machinery” within the UN in implementing the concept and contributing to the protection of civilians? How does the rights-based approach affect the Security Council’s debate and decisions. The article attempts to address some of these queries.*

By exposing the weaknesses of the UN system and its inability to protect civilians against gross human rights violations, the tragedies of Srebrenica and Rwanda generated a discussion on how to prevent similar atrocities in the future. From my position as chief of the Gender Analysis Section in the Division for the Advancement of Women at the UN secretariat in New York, I followed, with horror, those events which entailed unprecedented gender-based violence, and observed the efforts of former UN Secretary-General Kofi Annan, to mobilize the governments to undertake the steps necessary to protect effectively populations against such atrocities (United Nations 1999a, 1999b). The debate focused on two main questions:

1. How to protect populations against genocide, ethnic cleansing, war crimes, and crimes against humanity if their own governments are not willing or not able to do so? How to prevent future Rwandas and Srebrenicas?
2. What kind of reform should be undertaken to ensure the UN, particularly its human rights machinery, lives up to expectations and fulfils its statutory role?

The first issue revolved around the interpretation of the concept of sovereignty (Deng et al. 1996, Annan 1999). What are the limits of state’s sovereignty vis-à-vis its own populations; or rather, what are the protection obligations of the international community, UN in particular, if the state is unable or unwilling to fulfil its protection obligations, or when it is violating them actively?

The second issue generated a discussion on the gap between the relative weight of human rights and security within the UN system. While the Security Council (SC) was tasked with

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<sup>1</sup> The opinions expressed in this article are solely of the author and are not necessarily shared in whole or in part by the United Nations Organization.

addressing the threats to international peace and security, it was less clear what it should do about gross violations of human rights if they are not directly threatening to world peace, as was the case, for example, of Rwanda.

Although this was never officially admitted, “inside the UN walls” the sentiment was that member states perceived the events in the small African country as “local” and, therefore, not threatening to international peace and security. Thus, SC remained divided, unable and unwilling to make any decision. The key players feared that any decisive action might lead to sending their ground troops and the memories of the fate of American soldiers during the operation in Somalia were still fresh and discouraging. Although some human rights reports from Rwanda could have been used as an early warning or a call for action, the two realms of human rights and security remained separate<sup>2</sup>.

It was known at the UN and in the diplomatic community that Secretary-General Kofi Annan, who spearheaded these debates, felt morally responsible for the tragedies in Srebrenica and Rwanda that had occurred under his watch as the UN under-secretary-general for peace-keeping operations.

With regard to sovereignty, I remember how strongly he supported various efforts aimed at reinterpreting the concept and creating a new mechanism to ensure the accountability of states to their citizens and the responsibility of the international community. I observed the conclusion of this debate at the UN World Summit in 2005 in New York which culminated with the adoption of the concept of Responsibility to Protect (R2P) by resolution A/60/1 of the UN General Assembly, by consensus on 24 October 2005. Although the result of a political compromise, the document contains provisions on the responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity (para. 138–9)<sup>3</sup>. It explicitly states that each individual state has the responsibility to protect its populations from these atrocities, and that such protection entails prevention and the exercise of responsibility. The text further spells out obligations of the international community to “help states to exercise this responsibility” (para. 138) through the UN, using peaceful means, in accordance with Chapters VI and VII of the Charter, or collective action, in a timely and decisive manner through the Security Council, should peaceful means be inadequate and national authorities manifestly fail to protect their populations (para. 139). The provisions of the World Summit regarding the responsibility to protect were reaffirmed in UN Security Council resolutions 1674 (28 April 2006) on the protection of civilians in armed conflict and 1706 (31 August 2006).

2. The Special Rapporteur on Extrajudicial Arbitrary and Summary Executions alerted the international community to the forthcoming genocide in Rwanda (1993), albeit unsuccessfully.

3. United Nations (2005b) *2005 World Outcome, A/RES/60/1*, 16 September.

Para. 138: Each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the UN in establishing an early warning capacity. Para. 139: The international community, through the UN, also has the responsibility to use appropriate diplomatic, humanitarian, and other peaceful means, in accordance with Chapters VI and VII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping states build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and assisting those which are under stress before crises and conflicts break out.

With regard to the second issue, Kofi Annan presented the idea of “three pillars” on which the work of the UN should be based. In his report “In larger freedom: towards development, security, and human rights for all” (A/59/2005), Annan stated that development, security, and human rights (i.e., the three pillars) are all imperative, interdependent, and mutually reinforcing, and that “we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights” (United Nations 2005a, para. 17). The report called for high level and sustainable UN engagement in human rights; a more active role for the high commissioner for human rights in the deliberations of the Security Council and of the proposed peace-building commission; and the incorporation of human rights into decision-making and discussion throughout the work of the organization (United Nations 2005a, para.144).

In my view, the “three pillar” concept constituted an unprecedented attempt to integrate human rights into the work of the UN on an equal footing with security and development and to provide the human rights machinery with conditions for operating in the mainstream of the UN activities, in close correlation with the Security Council. If implemented, that concept could have created the conditions for a consolidated, systemic UN approach to human rights in all their dimensions and included enacting of the provisions on the R2P.

However, this was strongly opposed by the supporters of the traditional concept of “security,” perceived as the top priority for the organization, as well as the opponents of the protection of human rights and the perception that they are necessary for ensuring lasting peace. Indeed, the concept encountered firm resistance from some member states as well as some entities in the UN system fearing the loss of their traditional “turfs,” and so it was never formally considered.

### **UN Reform and the UN Human Rights Machinery**

Although the concept of “three pillars” has gradually faded away, some parts of the human rights machinery have benefited from some of its principles and have been considerably strengthened in the process of UN reform.

Some of the newly established entities do in fact bear the legacy of its philosophy. The Commission on Human Rights was converted into the Human Rights Council (HRC) in 2006, with a slightly revised mandate; the UN High Commissioner for Human Rights (HCHR) gained more visible role and the activities of his/her office (OHCHR) were extended to the UN peace operations and field offices.

For many years, in my contacts with the then Commission on Human Rights (CHR) and the Office of the High Commissioner for Human Rights (OHCHR) in Geneva, I have heard complaints from member states, human rights NGOs, and the public about the politicization of the commission’s work and selective targeting or praising of states. The east–west divide, replaced in the early nineties by the north–south divide has not made the work of the commission any easier. Moreover, a number of states with poor human rights records, including Libya (which ironically served as chair in 2003), Sudan, and Sierra Leone, had at various times been members of the CHR, which undermined its credibility. This concern was reflected in the report of the UN’s “High-Level Panel on Threats, Challenges and Change” stating:

Standard-setting to reinforce human rights cannot be performed by states that lack a demonstrated commitment to their promotion and protection. We are concerned that in recent years states have sought membership . . . not to strengthen human rights but to protect themselves against criticism. (United Nations, 2004).

In addition to having elections that made it possible for human rights violators to come on board, the body came under further criticism for its short annual meeting times, too numerous membership, its inability to call emergency sessions and respond to gross human rights violations, and its overall inefficiency (Lauren 2007, Alston 2006, Annan 2005).

It is difficult to assess the impact of the reform on the performance of the human rights machinery. Though I do believe that would require a comprehensive evaluation by an independent board, here I outline some elements of my personal, insider's opinion on this matter.

### *The Human Rights Council (HRC)*

In establishing HRC in June 2006, as the successor to the Commission on Human Rights, the General Assembly (Resolution A/60/251, 15 March 2006) mandated the council to serve as the forum for dialogue on human rights protection and promotion with the primary task of preventing human rights violations and responding to human rights emergencies, with additional monitoring and advisory functions (see Ramcharan 2008).

What has changed in HRC's work in comparison to its predecessor? It should be clear that some elements of continuity remained, such as the critical role in establishing human rights standards<sup>4</sup> and the overall substance of the complaints procedure.<sup>5</sup> Moreover, HRC continued to make use of special procedures: Ad hoc mandates given to individuals or working groups to study cases and patterns of rights abuses. Special procedures, with both thematic mandates looking at categories of rights (for example, torture, summary executions) and country-specific mandates (i.e., Liberia) constitute another opportunity to bring to the attention of the council gross violations of human rights or thematic areas of structured discrimination and violence. The special rapporteurs, in particular in such areas as torture, extrajudicial executions, enforced disappearances, arbitrary detentions, and violence against women, are particularly well placed to assess the facts on the ground and suggest means of prevention or action. Special procedures allow for mandate holders to visit the countries, engage in dialogue with respective governments, make public statements on the issues, collect data, request fact-finding on the ground, denounce violators, and demand an emergency session of the council.

The shortcoming of the procedure is that the country visits require an invitation, or at least consent of the host country, and the council has the last word in appointments of special rapporteurs and extension of their mandates. Thus, those who antagonize the member states have low chances for being reappointed. That, however, is the shortcoming of all elective governmental bodies, including HRC and the human rights treaty bodies.

4. Since its establishment in 1946, the CHR's most notable achievements were the elaboration of the Universal Declaration of Human Rights (1948); the International Covenant on Economic, Social and Cultural Rights (CESCR, 1966); and the International Covenant on Political and Civil Rights (CPCR, 1966); which together with the two Optional Protocols to the CCPR constitute the International Bill of Human Rights. It also played important role in assisting in elaboration of other human rights treaties and supporting their monitoring mechanisms.

5. The commission implemented mechanisms to allow for the discussion of human rights violations. The 1,235 procedure allowed for public discussion of a pattern of rights violations in a state, while the 1,503 mechanism gave an avenue for individuals and NGOs to make confidential (though not anonymous) complaints about patterns of rights abuses in a particular country or region.

However, HRC differs from its predecessor in various ways, which I find to have both positive and negative effects:

First, the time allocated to its work was significantly expanded to no fewer than three sessions per year for a total duration of no less than ten weeks (para. 10), with the possibility of holding special sessions in addition, if supported by one-third of the council's membership.

Second, its membership was slightly reduced from fifty-three to forty-seven. Although its members are elected by secret ballot, directly by the GA's majority vote, the strict distribution of the number of seats among all regional groups leaves to their discretion, whose candidacy they put forward for voting. That, in my view, along with the lack of tangible criteria of what human rights record is required from the candidate-states, does not ensure a qualitative change in the composition of HRC, compared to its predecessor. Since its creation in 2006, such countries as Libya, Egypt, Sri Lanka, and Saudi Arabia were and/or are its members.

The only requirement stated in the GA res. 60/251 in this respect is the reference that in electing council's members their contribution to the protection and promotion of human rights and their voluntary pledges should be taken into account; further, if the member of HRC commits "gross systemic violations of human rights" (para. 8) the GA can by the same procedure suspend it from the council. To the credit of the council, this provision has been applied to Libya by the adoption of a precedent-setting resolution A/HRC/Res/S-15/1, on 25 February 2011.

Third, the council's increased ability to respond to gross human rights violations constitutes its major and unprecedented achievement. That, however, would not be possible without strong leadership of the UNHCHR, assisted by the office with staff spread across the globe.

Lastly, was the introduction of a Universal Periodic Review (UPR), which was rightly considered an important positive change in the work of HRC. Because the main criticism levied against CHR had been its politicization and lack of clear criteria of membership and performance, it was unsurprising that one of the first acts of the Human Rights Council was to establish a mechanism that would allow for a more objective, comprehensive review of the human rights situation in all UN states called the Universal Periodic Review (UPR). The review takes place every four years according to the following procedure. The country under review submits its report; other "stakeholders," including NGOs and other member states, provide relevant information to be summarized by the office of the high commissioner for human rights in a ten-page report. Subsequently, the UPR working group, consisting of the HRC members, engages in a dialogue with the country under review, other UN member states who choose to attend the review, and other speakers, including NGOs and members of the secretariat, eligible to attend the meeting. A *troika* of three states selected from HRC by the drawing of lots serve as rapporteurs who manage the review session (limited to three hours, the first portion of which is reserved for the state under review to make its presentation) and prepare the outcome document that includes a series of recommendations to the state under review. The state has the opportunity to accept or reject the recommendations; the recommendations and the responses are to be included in the final report (OHCHR, 2008).

Although UPR is generally considered the biggest achievement of the reform, the results seem to be mixed, and we should not rush to judgment. On the positive side, it could be noted

that all countries have gone, by now, through the review and that it provided comprehensive material on all aspects of human rights in these countries creating solid bases for the comprehensive discussion. Some countries have taken the process seriously, while others have been less concerned or tried to manipulate it. Such practices as mobilizing friendly speakers and “regional” solidarity, submission of reports of government-friendly NGOs, and attempts to suppress regime critics have been observed (Sweeney and Saito 2009). Thus, certain aspects of UPR reminded me of the practice in the Commission on Human Rights. For example, China rejected out of hand most recommendations and admitted almost no areas of concern in the country report (Human Rights Watch 2009). China also demanded that the recommendations and comments rejected by the state under review should not be included in the final report. On the other hand, the U.S., under the administration of President Obama, accepted most of them and opened up the outcome of the review to a broad, civil-society-led discussion. During the review of Tunisia under the “old” regime, out of sixty-five statements, fifty were favorable and made mainly by African and Middle-East countries while the most critical observations of the human rights situation in the UK were made by non-Western countries (Abebe 2009: 19–20). Both Russia and Libya received some positive comments on their reports, praising their commitment to the review requirements. The statements, however, overlooked the grave, although distinct violations of human rights in both countries. In the case of Russia, most states seemed to “overlook” the ongoing gross human rights violations in the North Caucasus that had begun in the 1990s; as regards Libya, HRC drastically reversed its assessment later on, by recommending suspension of their membership in February 2011.

Although UPR provides a nondiscriminatory venue to “blame and shame” for human rights violations and some of the sessions were very tense, I am not sure if it had any tangible impact on the countries with oppressive human rights systems. They seem to protect successfully their domestic sphere from the international scrutiny. It is to be seen to what extent the second review can be built on the outcomes of the first one; deepen the focus on the weaknesses which had emerged and follow on the declared plans and promises of states, to check if they were fulfilled in four years; and, above all, to ensure that final reports include full records of the debate.

#### *The Role of the UN High Commissioner for Human Rights and that Office (OHCHR)*

The post and office of the UN High Commissioner for Human Rights (HCHR) was established by GA Res. 48/141 in 1993. The mandate of HCHR and the office has not changed since then but has been substantively strengthened through a number of internal decisions in the context of the UN reform.<sup>6</sup> The size and budget of the office was significantly increased; human rights field presence was established in all UN peace missions in conflict and post-conflict countries and in all UNDP offices (currently UN integrated field offices). I saw in these changes, which rescue the main spirit of Kofi Annan’s efforts to create a “three pillar” system, a reflection of the former secretary-general’s view that had the work of the organization been better coordinated and its presence in the field stronger in the nineties, the massacres of Srebrenica

6. Its mandate focused on the promotion and protection of human rights throughout the world and prevention of human rights violations; human rights education and their mainstreaming throughout the UN system; monitoring human rights situation world-wide and reporting thereon to the HRC and GA; and, in some situations to the SC (i.e., as briefings by HCHR on the human rights situation in countries under SC consideration; outcomes of special inquiries, like the recent one on Syria). The office also acted as the secretariat of CHR (now HRC).

and Rwanda could have been prevented, and his conviction of the need for a greater human rights field presence during times of crisis to provide timely information to UN bodies so they could prepare a crisis response.

The position of the UNHCHR became more visible and significant due to its increased exposure to the global media, and raising sensitivity of the public to the human rights abuses and larger participation of the civil society in various human rights activities worldwide, including monitoring of the UN bodies. Governments of countries with relatively democratic systems have to take into account the views of their electorates; other countries want to refrain from being publically blamed and shamed. All these factors open the opportunities for HCHR to ensure a higher profile of the office, broader outreach to mass media and the civil society and, consequently, more flexibility and independence. Moreover, as HCHR members were elected directly by the general assembly, they were less susceptible to the direct pressures of the great powers.

The new demands and opportunities had impact on the quality of the candidates appointed to the job. When I recall the first two HCHRs, both men, coming from the governmental structure and UN bureaucracy respectively, Ayola Lasso of Ecuador, and Ibrahim Fall, a UN high ranking official, and the three women with strong legal backgrounds and leadership qualities who succeeded them, I am amazed by the difference in the visibility, style, and the ability to make a mark on the work of the human rights machinery by the latter. Moreover, I remember the occasions when female HCHRs took strong stands on the issues, disregarding the risks of antagonizing some governments and other power brokers.

Mary Robinson (1997–2002), a former president of Ireland, was a strong advocate of the human rights of women, equal rights for gay and lesbian, and historical and legal reassessment of all human rights violations related to the slavery. She also dared to speak up against gross human rights violations in Chechnya by Russia, as one of a few voices at the international arena and, for sure, the only one at the UN.

Louise Arbour of Canada (2004–08), a former chief prosecutor for ICTFY, strongly advocated the “three pillar” concept and accountability for all through ending impunity for past and ongoing human rights violations. She also created a rapid response unit in her office to step up efforts to ensure timely and systematic response to human rights violations requiring urgent action (UNHCHR 2001). I know from my field experience, that such priorities were not welcomed by supporters of compromises with local warlords and the advocates of the priority of the peace process over justice. Also unpopular among the local authorities and some heads of UN field offices was her demand for public reporting on the human rights situation in various states where human rights offices were located.

The role of the current HCHR, Navi Pillay of South Africa, a former judge of ICC and ICT for Rwanda, became particularly visible during the “Arab Spring.” She supported strongly, although not always successfully, independent investigations into the gross human rights violations in Libya, Syria, Yemen, and Bahrain, and made numerous interventions thereon to HRC and the Security Council. She also made her voice heard requesting inquiry into the disturbing circumstances of Colonel Khadafy’s death, unlike some Western diplomats who claimed that he “got what he deserved.”

## REPORTING FROM THE FIELD ON HUMAN RIGHTS SITUATIONS

The issue of reporting on human rights situation deserves, in my view, a broader reflection. During the term of Louise Arbour as UNHCHR, and in accordance with the secretary-general's policy committee decision 2005/24 on human rights in integrated missions, human rights components in DPKO integrated peace missions began thorough periodic and thematic public reporting on the human rights situation in host countries. These reports, shared with local authorities and the public were often launched at press conferences. If the head of the UN peace mission feared that a given report could negatively affect his/her relation with the host country, the reports were issued under the name of UNHCHR. There were also many discussions as to the format of such reports, often too bulky, not sufficiently analytical, and always perceived as objectionable by the host country.

As the director of the Human Rights Section at the United Nations Mission in Liberia (UNMIL) and representative of UNHCHR in Liberia (2004–07), I was responsible for such reports. Although they addressed all aspects of the human rights situation in the country in a given period, they excluded, to my dismay, the alleged human rights violations and misconduct by the members of the international community, including the UN staff. These incidents, although committed by a very small percentage of the staff (mainly military and policemen), were highly visible and deeply resented by the local population. There was the sense of prevailing impunity and double standard, as the alleged perpetrators have been quickly sent home, with no tangible consequences, due legal process open to the victims, or any form of legally defined retribution or properly assessed compensation. Although the cases of misconduct and human rights violations by UN staff were not part of the mandate of UN human rights field offices but various parts of the mission's administration (the code of conduct unit, the office of personnel, and offices of various contingents' commanders), and were subject to different reporting lines, much less visible, this issue affected the credibility of UN reporting in some countries and made my role even more difficult.

With time, OHCHR redefined the format of public reports, making them shorter, more concise and analytical, focussing on the issues rather than individuals (i.e., ministers, or other individuals/institutions on the ground) responsible, thus less irritating to the local authorities. It remains to be seen if these reports had any practical impact on the development of human rights in the country. I also wonder if their content has been used in the relevant SC debates or as an element of the early warning system.

## HUMAN RIGHTS ENTITIES AND THE "ONE UN"

Another change introduced in the context of UN reform is the "one UN" policy aimed at consolidating UN field presence in the country under common leadership of a UN resident coordinator (humanitarian coordinator in DPKO peace-keeping missions). Currently, OHCHR is represented in all UN peace missions and fifty-four country teams. Some mandates, in particular in the DPKO integrated missions, are very comprehensive and include, in addition to reporting, some aspects of transitional justice, support to victims of human rights violations, training, and advocacy. While the concept of one UN country team has numerous advantages (consolidation of resources, better coordination of work among various agencies, reduction of overlaps), its impact on the protection and promotion of human rights should be carefully



assessed. I know, for example, that in post-conflict countries, the cases involving human rights abuses by influential politicians, often create a tension between the human rights officers' attempts to end impunity and the UN political leadership's to refrain from antagonizing local authorities and promoting the peace process. On the other hand, I am also aware of cases in which the work of human rights units benefited from support by the political leadership of the UN in the field, as high-level involvement with the local authorities paved the way for accepting otherwise unpopular findings or actions. Thus, the role of human rights officers and units in the framework of "one UN" should be revisited to bridge better between the two areas of security and human rights.

### **The Arab Spring as a Test for the New UN Human Rights Machinery**

One of the critical questions defining the credibility of the UN, including its human rights machinery, is how the system responds to gross violations of human rights. In my opinion, the record is mixed but improving.

While it seems that in the first years of its existence HRC had not been able to address gross human rights violations efficiently (for example, in the case of Darfur), it has revived and sharpened its focus since the beginning of the "Arab Spring." Not only has it managed to call a special session to discuss the situation in Libya, condemning the atrocities committed on her citizens, but, in view of the lack of positive respond from Libya, HRC called for Libya's suspension from the council. The GA acted accordingly and Libya was suspended on 25 February 2011, without a vote and by consensus (A/HRC/Res/S-15). The High Commissioner for Human Rights (HCHR) also reported on the alleged gross human rights violations by the Libyan authorities to SC and emphasized the need to protect civilians. Subsequently, UNSC adopted resolution 1973 (17 March 2011) which, invoking the R2P principle, led to a military action by NATO.

The UN human rights machinery has been less successful in the case of Syria, but it has been persistent in its efforts pressuring SC. HRC held two special sessions in April and August 2011, drawing attention to the violation by Syria of its protection obligations, due to ongoing gross violations of human rights of its citizens. It also appointed a fact-finding mission that concluded that the scale of violations amounts to crimes against humanity.<sup>7</sup> HCHR briefed SC members of these outcomes, calling for their referral to ICC. However, as SC had not taken any decisive action, HRC established another Commission of Inquiry in August to investigate crimes against humanity in Syria. The new commission reiterated conclusions of the previous report and transmitted a preliminary report to all relevant UN bodies, including SC, in December 2011 (United Nations 2012).<sup>8</sup> Still, SC has not decided on any action due to the opposition of its two permanent members, Russia and China. The traditional security and sovereignty concerns once more prevented the action aimed at protection of human lives.

Despite the efforts of HCHR and some delegations, encouraged by the pressure from the public, HRC failed to take a comparable action in the cases on Bahrain and Yemen. Although the atrocities are similar, the initiatives met the opposition from a number of countries,

7. As Syria had refused the team access to the country, the report was based on a variety of other sources. See Report on the Fact-Finding Mission on Syria pursuant to HRC res. S-16/1 of 29 April 2011.

8. The final report will be presented in March 2012.

including the United States. Like SC, HRC is a political body, and its actions are dependent on and limited by the will of the member states.

### Conclusions and Recommendations

Mediating between the two elements of the UN's dual focus on peace and security has proven a difficult balancing act, reflecting what some perceive as competing rather than complementary agendas. Moreover, the practical test offered by the Arab revolutions of 2011–12 has returned mixed results. Five years after the major reform of the UN human rights machinery, it is time to take stock of how the system performs, to analyze if and to what extent it fulfils the expectations of the reform, and, foremost, whether it contributes to the improved protection and promotion of human rights worldwide.

Such evaluation, in my view, should concentrate on selected critical issues only, such as:

1. The role of the human rights machinery in preventing and addressing gross human rights violations:
  - What is the interrelationship between SC and HRC and how does it manifest in times of crisis? How can the human rights machinery quickly alert UNSC? How can the connection between the two councils be further facilitated and strengthened, including improved access of HCHR?
  - What is the role of the human rights machinery, HRC and HCHR in particular, in the R2P related cases: The assessment of the situation in the country, participation in the decisive SC deliberations, presence on the ground during and after the intervention?
  - What is the role of special procedures in this respect?
2. Changes in the work of HRC compared to CHR, with special emphasis on:
  - Its membership and current criteria of election. Can more coherent criteria be introduced?
  - UPR, after completion of the first cycle of reviews (four years, 174 countries)—its shortcoming and advantages and the way forward.
3. The role of human rights offices/officers in the field in the context of “one UN” (peace-missions and RCs offices):
  - Their mandate, place, role, budget, and reporting lines in the country office.
  - Reporting its quality, independence, addressees, and impact on the host country.
  - Practical possibilities and ways of addressing politically controversial issues (for example, high level corruption, abuse, and impunity).

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