Meeting of Special Rapporteurs, Special Representatives, Experts and Chairmen of Working Groups of the Commission on Human Rights

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MEETING OF SPECIAL RAPPORTEURS, SPECIAL REPRESENTATIVES, EXPERTS AND CHAIRMEN OF WORKING GROUPS OF THE COMMISSION ON HUMAN RIGHTS

Geneva 30 May 1994 - 1 June 1994

Paper by the Special Representative of the Secretary-General on Human Rights in Cambodia

Justice Michael Kirby (Australia)

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MEETING OF SPECIAL RAPPORTEURS / SPECIAL REPRESENTATIVES / EXPERTS

AND CHAIRMEN OF WORKING GROUPS OF THE COMMISSION ON

HUMAN RIGHTS

GENEVA, 30 MAY 1994-1 JUNE 1994

Justice Michael Kirby

Special Representative of the Secretary-General on Human Rights in Cambodia

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I **PURPOSE OF PAPER & CONTEXT**

1. The Assistant Secretary-General for Human Rights has convened a meeting in Geneva from 30 May to 1 June 1994 of Special Rapporteurs, Special Representatives, Experts and Chairmen of Working Groups of the Commission on Human Rights. The meeting is called in pursuance of the *Vienna Declaration on Human Rights* and in the spirit of the *Joint Declaration of Rapporteurs* made in Vienna in June 1993. The context of the meeting is the emphasis placed by the Vienna Conference on Human Rights on strengthening the system of special procedures within the United Nations system. The participants have been invited to offer suggestions to the meeting as a basis for its discussions. This paper contains some suggestions of its author.

2. In approaching the discussions, it is important to appreciate four considerations at least which must govern the performance of Special Rapporteurs / Representatives, etc of their respective functions:

2.1 The terms of reference or mandate appointing the Special Rapporteur / Representative etc express the foundation for the office of the appointee. They are the source of his or her

legitimacy. Necessarily, they are individual and particular to each appointment. General observations about the activities or needs of the appointees must conform, in each case, to the instructions contained in the terms of the appointment and those necessarily inherent in the appointment in order that it may be properly discharged. To this extent general comments about cooperation and coordination must be controlled by the particular terms of appointment of each Special Rapporteur / Representative etc;

2.2 The *ad hoc* / extra conventional procedures which have been developed since the first Special Rapporteurs were appointed in the 1960s have varied in accordance with the needs of the mandates given to the office-holders by the Commission on Human Rights and contained in the letters of appointment written on behalf of the Secretary-General. Those *ad hoc* / extra conventional procedures should not be seen as a true

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alternative, or full equivalent, to the formal procedures established by the conventions. The coordination of the work of the Special Rapporteurs / Representatives etc should not lose sight of the fact that a desirable outcome of their activities will be the enhancement of the regular machinery of the institutions and procedures established by relevant international human rights instruments - not their replacement by new or different procedures of the Special Rapporteurs / Representatives etc;

2.3 General remarks about the coordination of the work of Special Rapporteurs / Representatives etc must also take into account the differentials which exist between them. The differences include those which exist:

(a) Between Special Rapporteurs / Representatives, Experts and Chairmen, as such;

(b) Between those appointees having responsibilities with respect to reporting on:

(i) violations in particular countries;

(ii) technical advice and assistance to particular countries ; and

(iii) thematic matters; and

(c) Because of the political background to the adoption of the resolutions of the Commission on Human Rights proposing the appointment of the Special Rapporteur / Representative etc, necessarily, general remarks must be adapted to these and like considerations, peculiar to the particular appointment in question; and

2.4 Different Special Rapporteurs / Representatives etc bring different backgrounds and skills to their respective positions. These inevitably affect the ways in which they perform their functions. Some are former or current office-holders in national governments. Some have

particular academic, legal or other expertise. Others come from non-governmental organisations (NGOs). It is important that all should perform their duties conscious of the need for independence, integrity and the application of established international human rights norms. The Special Rapporteur / Representative etc is not at liberty to give voice to idiosyncratic notions or public comment which suggest pre-judgment, bias or prejudice. Their duties must be performed within the context of the appointment, relevantly as an office-holder appointed by the Secretary-General of the United Nations pursuant to a resolution of the Commission on Human Rights. This context imposes necessary duties and limitations on the individual office-holder. Cooperation and coordination may enhance but never diminish such duties.

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3. It is particularly timely for a meeting to take place now. It coincides with an initiative taken by the Commission on Human Rights itself at its 50th Session to establish, under its chairman, a working group of the whole to study the rationalisation of the Commission's own procedures. This working group is scheduled to have its consultations with regional groups in June 1994 and a general consultation in September 1994. It would appear to be desirable that the consideration by this meeting should be coordinated, in an appropriate way, with the work of this working group of the Commission.

4. More fundamentally, the advancing anniversary in 1995 of the 50th year of the establishment of the United Nations affords an opportunity for reflection upon the machinery of the organisation and in particular the *ad hoc* / extra conventional activities which have been developed by Special Rapporteurs / Representatives etc. The changing international environment, the changing perceptions of the role of the United Nations and the many demands for its involvement, the enlarged agenda of human rights and the growing outreach of technical advice and assistance all suggest that this is an opportune time for a reflection upon the functions of Special Rapporteurs / Representatives etc. The meeting should ensure that those functions are seen in the wider international and organisational context, whilst never forgetting the peculiarities, express and implied, of each mandate by which a Special Rapporteur / Representative is appointed. I have left aside - as beyond the purposes of the meeting or of this paper - wider questions, such as where, in the United Nations system, the machinery for human rights should ideally be placed. This is a matter which may need to be addressed in due course by the General Assembly and Security Council having regard to the *Vienna Declaration on Human Rights* and the growth of "peace-building" strategies, including by "preventive deployment" of United Nations personnel.

5. This paper recalls some of the relevant passages in the *Vienna Declaration on Human Rights*. It calls attention to portions of the speech of Secretary-General at the opening of the

Vienna Conference, relevant to the meeting. It recites relevant remarks of the newly appointed High Commissioner for Human Rights. It then contains a number of suggestions about the possible needs of Special Rapporteurs / Representatives etc, provision of which would enhance their effectiveness and promote proper coordination of activities which it is the purpose of the meeting to explore. It then turns to the relationship of the Commission on Human Rights with the Special Rapporteurs / Representatives etc. It concludes with some proposals for action which might be considered.

II COORDINATION, EFFICIENCY & EFFECTIVENESS

6. A repeated theme of the *Vienna Declaration and Programme of Action* adopted by the World Conference on Human Rights in Vienna on 25 June 1993 is the need for increased co-ordination of human rights initiatives within the United Nations system:

6.1 In the preambular recitals, it is recited that the "activities of the United Nations in the field of human rights should be rationalised and enhanced in order to strengthen the United Nations machinery in this field and to further the objectives

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of universal respect for observance of international human rights standards";

6.2 In para 34 of Part I of the *Vienna Declaration*, a call is made for the strengthening, as well as the "more efficient and transparent" conduct of the programmes of advisory services and technical co-operation under the Centre for Human Rights so that these may become a major contribution "to improving respect for human rights";

6.3 The whole of sub-part A of Part II of the *Vienna Declaration* is concerned with "increased co-ordination on human rights within the United Nations system". It calls for increased co-ordination in support of human rights and fundamental freedoms within the United Nations system. To this end, it urges all United Nations organs, bodies and specialised agencies dealing with human rights "to cooperate in order to strengthen, rationalise and streamline their activities, taking into account the need to avoid unnecessary duplication". The theme of effectiveness, efficiency and expeditiousness is also taken up in numerous paragraphs of Part II. See esp para 11. So is the perceived need for "a coherent approach". See para 12. The need for regular programme and project evaluations, held periodically, is reflected in para 16;

6.4 The priority proposal for the establishment of a High Commissioner for Human Rights (Part II, para 11) must itself be seen as a proposal for the improvement of the "coordination, efficiency and effectiveness" of the United Nations human rights organs; and

6.5 The urgency of improved coordination is reflected in the proposals, at the close of the *Vienna Declaration*, concerning implementation and monitoring methods. See Part II, paras

83ff. Thus para 88 recommends consideration of the study of "existing human rights treaty bodies and the various thematic mechanisms and procedures with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks".

7. The specific proposal for the harmonisation and rationalisation of the work of Rapporteurs, Representatives, Experts, etc is contained in Part II, para 95 which reads:

"The World Conference on Human Rights underlines the importance of preserving and strengthening the system of special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, in order to enable them to carry out their mandates in all countries throughout the world, providing them with the necessary

human and financial resources. The procedures and mechanisms should be enabled to harmonise and rationalise their work through periodic meetings. All States are asked to cooperate fully with these procedures and mechanisms."

Proposals for the follow-up of the recommendations of the World Conference on Human Rights were contained in paras 99 and 100 of Part II of the *Vienna Declaration*. This meeting can therefore be seen as a response to the *Vienna Declaration* and to the recommendations there made for follow-up.

8. In responding in this way, the World Conference on Human Rights answered the call of the Secretary-General (Mr Boutros Boutros-Ghali) in his address at the opening of the Vienna Conference on 14 June 1993. In the course of his remarks, the Secretary-General said:

"What do human rights amount to without suitable machinery and structures to ensure their effectiveness, both internally and internationally? Here again, the Vienna Conference must not lapse into unproductive debates or futile polemics. To avoid this, the conference must go back to the very essence of human rights in international society, and to what is unique about them. ... Human rights give rise to a new legal permeability. They should thus not be considered either from the viewpoint of absolute sovereignty or from the viewpoint of political intervention. On the contrary, it must be understood that human rights call for cooperation and coordination between states and international organisations. The Vienna Conference has therefore rightly decided to evaluate methods and machinery for guaranteeing human rights with a view to improving them. It is indeed important that all of us here be aware of the changes that have taken place, where such forms of control are

concerned, at the administrative and jurisdictional levels and in the operational sphere." (emphasis added)

See "Opening Statement of the United Nations Secretary-General, in *World Conference on Human Rights*, United Nations", 13-15.

9. Later in his address, the Secretary-General acknowledged candidly (*ibid* 15):

"Within the United Nations, a proliferation of bodies each entrusted with monitoring implementation of a specific convention can even be noted."

10. After reviewing the enormous range and complexity of the demands for United Nations support for human rights initiatives, the Secretary-General concluded with a call to the Vienna Conference to offer suggestions, innovations and proposals "to give increasing substance to this human rights diplomacy". He underlined the importance which he attached to human rights in action by asserting that they "permeate all activities of our Organisation, of which they are, simultaneously, the very foundation and

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the supreme goal". Special Rapporteurs / Representatives etc must be encouraged to see their activities in the wider context of the mission to the United Nations under the *Charter*. That context includes an appreciation of the changing role of the United Nations itself, as explained in the Secretary-General's *An Agenda for Peace*.

11. In his first address to the Commission on Human Rights the United Nations High Commissioner for Human Rights (Ambassador Jose Ayala Lasso) touched many of these themes. Human rights is increasingly entwined with other activities of the United Nations (para 4). The *Vienna Declaration* is itself a "most striking manifestation of the process of the maturing of the conscience of mankind" (para 5). The post of High Commissioner is to provide "the voice of the moral conscience of mankind" (para 7). But there is a need for cooperation and support and "the closest and most coordinated dialogue, including with the organisations of the United Nations system, other inter-governmental organisations, national human rights bodies and NGOs". The theme of increasing effectiveness runs through the High Commissioner's address (see also esp paras 14 and 16).

12. In his address to the 50th Session of the Commission on Human Rights, the Assistant Secretary-General on Human Rights (Mr I Fall) also emphasised at numerous points, the need to enhance the efficiency of the machinery of human rights and to follow up the achievements of Vienna. Amongst his particular concerns are, inevitably, the needs for self-discipline and efficiency on the part of Special Rapporteurs / Representatives etc:

12.1 In the timely presentation of their reports to the Secretariat;

12.2 In the presentation of reports which conform to the requirements of the General Assembly on length and time for translation;

12.3 In the provision of documentation in a form suitable for presentation as a report to the Commission on Human Rights; and

12.4 In the presentation of reports in such a way as to facilitate their proper consideration by the government(s) affected and by others with a special interest.

Unless these requirements are observed, the Commission's operations are impeded and the effectiveness of the Special Rapporteurs / Representatives may be damaged.

13. The following comments are advanced by a comparatively newly appointed Special Representative (November 1993). What some of them lack in maturity of experience and length of reflection, others may compensate by a fresh perspective.

III SPECIAL RAPPORTEURS / REPRESENTATIVES ETC

14. **Need for a Manual** - Special Rapporteurs/ Representatives etc do not necessarily come to their task without a background of experience in international agencies. In the nature of things, most of those appointed have had some experience, in diplomacy or government service, in other

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international bodies or in non-governmental organisations. Otherwise most would not be entrusted with the high responsibility of appointment as a Special Rapporteur / Representative etc. By the same token, some will come to their posts without a precise knowledge of what is expected. Assumptions of what is known by the appointee may prove unwarranted. For these reasons, it is desirable that a manual should be prepared containing the context-setting material relevant to the discharge by the office-holder of the general duties of office. It would be desirable for such a manual to include, in addition to basic and specific United Nations texts:

14.1 A note (to be prepared) on the history and achievements of past Special Rapporteurs / Representatives etc;

14.2 A reflection on the need to pursue achievable goals within the context of the United Nations' own functions and objectives;

14.3 A list of current Special Rapporteurs / Representatives etc with telephone and fax contacts in case of overlap between the several concerns of, eg, country and thematic appointees;

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14.4 A note of basic data concerning the Human Rights Commission and the General Assembly and of the procedures adopted for the presentation there of reports of the Special Rapporteurs / Representatives, etc; and

14.5 Notes of guidance on dealing with the media, given the positive role which the media can play in sustaining United Nations efforts on human rights (see Address of the High Commissioner, para 18).

15. **Updating material** - Although on my appointment I received much useful data specific to my Mission, general material was not supplied. In order that Special Rapporteurs / Representatives, etc, can place their own efforts within the context of the overall direction of United Nations initiatives and priorities on human rights it is important that they should be provided with:

15.1 Copy of the *Vienna Declaration and Programme of Action* June 1993;

15.2 Copy of the Opening Statement to the Vienna Conference by the Secretary-General of the United Nations;

15.3 Copy of the *Joint Declaration of Rapporteurs* made at the Vienna Conference;

15.4 Copy of the Inaugural Statement by the High Commissioner for Human Rights to the 50th Session of the Commission on Human Rights, 3 March 1994; and

15.5 Copy of subsequent important human rights statements by the Secretary-General, the High Commissioner and the Assistant Secretary-General for Human Rights during the Special Rapporteurs' / Representatives' terms of office.

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Only if this is done will the Special Rapporteurs / Representatives etc be able to ensure that they keep up to date with the broader picture of human rights initiatives being undertaken within the United Nations by the Commission on Human Rights, the High Commissioner, the Assistant Secretary-General for Human Rights and the Centre for Human Rights.

16. **Consultations - UN agencies** - Emphasis upon coordination among UN agencies is given by the High Commissioner's address (para 11):

"I have been entrusted with the immense task of coordinating these activities within the United Nations system. I should like, on this occasion, to mention the important work which is being carried out in their respective areas by UNESCO, ILO, WHO, FAO, UNDP, UNICEF, UNHCR and of course the Secretariat. Coordination with these and other bodies of the United Nations will be directed in an effective manner towards ensuring the common objective and this will have a multiplying effect in terms of benefits and will avoid

unnecessary duplication. I shall endeavour, to the greatest possible extent, to draw upon the experience of these bodies, and I shall be guided by the desire to help them to be as effective as possible in the area of human rights."

Following my appointment for Cambodia, I diverted from another visit to Europe to consult in Geneva with officers at the Human Rights Centre and others.

17. In the context of my own appointment to Cambodia, the unique participation of so many United Nations agencies and the express requirement of the mandate of the Special Representative for Human Rights in Cambodia, necessitated consultation with relevant United Nations agencies in Geneva. Other non-United Nations bodies of an international character having a presence in Cambodia were also involved, including the International Committee of the Red Cross and the Inter-Parliamentary Union. A similar meeting was also had in Phnom Penh. A third meeting was held in Geneva at the time of the presentation of the first report to the Human Rights Commission. These meetings proved extremely productive. Not only did they help to minimise the possibilities of institutional territorial conflict. They also maximised the exchange of information, suggestions concerning priorities, coordination among the agencies themselves, the reduction of duplication and the enhancement of efficiency. All of these are the objectives of the *Vienna Declaration*, the Secretary-General, the High Commissioner and the Centre, under the Assistant Secretary-General for Human Rights. Thought might be given, in appropriate ways, to institutionalising consultation of this character by Special Rapporteurs / Special Representatives etc.

18. **Consultations with NGOs** - The crucial role being fulfilled by human rights non-governmental organisations in the present protection of human rights was acknowledged by the Secretary-General in this way:

"Nothing would be more detrimental to States themselves than to leave private agencies or non-governmental

organisations to take sole responsibility for protecting human rights in individual States."

19. The positive functions of non-governmental organisations and the vital stimulus which they provide to respect for human rights found reflection in the *Vienna Declaration*. In Part I para 38 the *Declaration*:

"Recognises the important role of non-governmental organisations in the promotion of all human rights and in humanitarian activities at national, regional and international levels. The World Conference on Human Rights appreciates their contribution to increasing public awareness on human rights issues, to the conduct of eduction, training and research in this field and to the promotion and protection of all human rights and fundamental freedoms."

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20. Immediately following my own appointment as Special Representative, I convened in Geneva (and later in Phnom Penh and Battambang in Cambodia) meetings with the relevant international and national human rights organisations. A further meeting with certain NGOs relevant to Cambodia was held in Paris. Upon the presentation of my first substantive report to the Commission on Human Rights a still further such meeting was convened in Geneva. Again, this provided a stimulus of ideas, suggestions for priority areas for attention and, upon the presentation of the report, opportunities to respond to searching questions concerning the report and the future programme. Better that such questions should be examined and ideas exchanged face to face rather than that criticism and suggested failings be read for the first time in the media. Often NGOs have immediate and sustained contact with relevant individuals and groups that can be of great assistance to Special Rapporteurs / Representatives etc. Regular meetings with key NGOs, including in Geneva, should be considered and, in appropriate cases, institutionalised. The willingness of Special Rapporteurs / Representatives etc to respond to interrogation and suggestions by such bodies is a way of enhancing accountability and reducing the risks of oversight, duplication, false priorities, inefficiency and, worst of all, failure. This said, it is always important for a Special Rapporteur / Representative etc to remember that the office held is *sui generis*. Whatever the officer-holder's own background, the office is not that of a government official or of an NGO officer. Nor is it that of mediator. The office-holder must maintain a necessary neutrality and avoid being involved too closely in the internal government or local controversies of the country or countries within the mandate. The officer-holder's responsibility to the Commission on Human Rights and the Secretary-General must never be forgotten. It imposes duties which must constantly be observed.

21. **Consultations with resolution sponsors** - The sponsors of resolutions which give rise to the appointment of Special Rapporteurs / Representatives etc may, or may not, have an enduring interest in the subject area of concern. There is, however, often a likelihood of a continuing interest. Thought might be given to a procedure, in appropriate cases, for consulting such sponsors as may wish to take advantage of such an opportunity. This was done in the case of Cambodia. The cross-section of sponsors may reflect differing perspectives about the appropriate priorities for human

rights concerns. Sensitivity to those perspectives can not only be useful to the Special Rapporteur / Representative etc in the field. It may help avoid mistakes and facilitate the passage of recommendations and the continuance of support by the Commission on Human Rights. It is important to emphasise that the fundamental purpose of any such consultations should be to afford the office-holder a clearer understanding of the terms of reference so that they can be accurately and faithfully discharged. In any such consultations the Special Rapporteur / Representative should clearly understand that, once adopted by the

Commission on Human Rights, the resolution providing for the mandate is that of the Commission, not the sponsors. The ultimate duty therefore lies to the Commission, not to the sponsors.

22. **Overview** - If an important aspect of the High Commissioner's role will be coordination of the work of Special Rapporteurs / Representatives, the promotion of that work and ensuring the resources necessary, thought might be given to the ways in which the reports of individual office-holders could be simplified for communication through:

22.1 Media releases;

22.2 Short notes in any *Annual Review* by the High Commissioner or the Centre for Human Rights concerning the main points of the Special Rapporteur's / Representative's work and notable achievements; and

22.3 Preparation of a *Newsletter* covering such work and sharing throughout the United Nations system knowledge of activities of more than specialised concern.

23. Such proposals have budgetary implications. But international support for the work of Special Rapporteurs / Representatives etc depends, in part, upon communicating throughout the Organisation and to the international media, in a digestible form, information on the work done, achievements made and even failures in human rights protection which need priority attention.

24. **Assessment and follow-up** - It is essential that Special Rapporteurs / Representatives etc should not consider that the writing of detailed reports constitutes the entire fulfilment of their mission. That mission is to translate respect for human rights into "increasing the effective guarantees" (the Secretary-General, p 21). It appears to be essential that more consideration should be given to the follow-up of reports. Not only will this be an auditing procedure for the compliance by member countries of the United Nations with the guarantees of human rights. It may also be a useful audit of the work of the Special Rapporteurs / Representatives etc themselves. From the scrutiny of measures and approaches to that work, some lessons may be derived concerning the approaches that should be taken in fulfilling such international assignments. This appears to be a possible area of significant weakness in the present arrangements. It deserves the closest attention for it is of cardinal importance to the utility of Special Rapporteurs / Representatives both to the Commission and the Secretary-General and to the practical protection and advancement of human rights.

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IV THE COMMISSION ON HUMAN RIGHTS

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25. **Its central role** - The *Vienna Declaration*, the statement by the Secretary-General and the address by the High Commissioner for Human Rights all emphasise the central importance of the Commission on Human Rights, its marvellous and continuing achievements and the need for it to be supported. The High Commissioner observed:

"[The] globalisation [of human rights] and internationalisation are also, undoubtedly, one of the substantive results of this almost half century of activities of the Commission on Human Rights. Through its work, many injustices have been corrected, many deviations in human conduct have been rectified and many hopes have flourished everywhere. For this reason, the Commission on Human Rights deserves the gratitude of mankind ..."

26. Nevertheless certain possible inefficiencies appear, respectfully, to have crept into the current operations of the Commission. In particular, the way in which Special Rapporteurs / Representatives make a brief oral presentation and leave, uninterrogated, soon thereafter, suggests the possibility of a failure to maximise the utility of the presence of the Special Rapporteur / Representative in the company of so many distinguished international participants - governmental, non-governmental and expert. Some at least of them might be expected to have a particular interest in the work of the Special Rapporteur / Representative etc beyond hearing the brief oral presentation. In this context, some reconsideration might be called for in respect of the term of appointment and obligation of report of Special Rapporteurs / Representatives etc. In the case of Special Rapporteurs reporting on alleged violations in particular countries twice yearly reports and short appointments may well be appropriate. Some thematic Rapporteurs have a longer (3 year) appointment. In the case of Special Representatives having a duty to provide technical advice and assistance, a longer term of appointment may be appropriate to the very nature of the function . As well, less frequent reports - at least where there is no important matter calling for action or consideration - might be appropriate to particular cases. In short, the procedures should be more flexible. Purely formal reporting, without appropriate scrutiny and follow-up, needs to be reconsidered if only on grounds of economy and a proper utilisation of time and priorities of the Commission, which is so over-burdened by presently necessary functions that true priorities and urgent tasks may be lost, or dealt with in a haste required by the sheer necessity to complete the agenda.

27. **Accountability** - Thought might be given to new procedures for the presentation of supplementary reports by Special Rapporteurs / Representatives etc at sessions where representatives of governments and non-governmental organisations were present. This would help to increase the accountability of Special Rapporteurs / Representatives etc for their reports. It would permit relevant feedback, criticisms, suggestions for future activities and comments on perceived duplication or overlap which may have escaped attention. If the Special Rapporteur / Representative etc merely presented his or her report, waits around for a short time for informal discussions in the lobbies and then leaves Geneva or New York, an

important opportunity for accountability and interchange of ideas has been lost. The utility of the physical presence of the Special Rapporteur / Representative etc is not thereby maximised. Some consideration may need to be given to the reorganisation of the work of the Commission, to provide for subordinate sessions where the Special Rapporteurs / Representatives etc could be rendered more accountable for their reports and for the efficient expenditure of the resources devoted to them.

28. **Coordination** - Consideration might be given to coordinating meetings of particular Special Rapporteurs / Representatives etc with common interests and / or all Special Rapporteurs / Representatives etc at some time during the Commission on Human Rights when their presence was not required before the Commission. This would help minimise travel and other costs necessarily involved in such meetings. It could also help to facilitate the interchange amongst Special Rapporteurs / Representatives having common interests in overlapping themes.

29. **Secretariat staff** - Members of the Secretariat of the Centre for Human Rights undoubtedly form a valuable opinion over time concerning those reports and activities of Special Rapporteurs / Representatives which can be seen as successful and those less so. Whilst "success" is problematical and dependent, in part, upon considerations outside the control of the Special Rapporteur / Representative etc it could be helpful to have the informed reflection of experienced Secretariat officers on their perspectives. This would not inhibit the independence of the appointees.

30. At some future time, it could be useful to seek to identify the qualities which are most valuable in an appointee as Special Rapporteur / Representative etc, conceding that such qualities will vary according to the needs of particular offices. Ways of ensuring a diversity of recommendations to the Secretary-General (including appropriate reflection on gender and other like considerations) need to be examined. The practitioners of human rights must be foremost in observing their precepts.

31. **Organisation-wide concerns** - Special Rapporteurs / Representatives etc should themselves be alert to concerns of the United Nations relevant to the discharge of their respective mandates. Thus, in the mandate on Cambodia, two matters of general concern came to notice and were the subject of specific recommendations. One of these related to the conduct of peace-keeping and other United Nations officials. Certain complaints about United Nations personnel, including those who had been members of UNTAC Forces, led to a proposal by me that Guidelines should be adopted which included instruction of United Nations personnel in social relations with the host population, in proper sexual practices including safe practices to prevent the global spread of HIV/AIDS and in providing for the receipt, investigation and appropriate sanctions for misconduct. See Report of the Special

Representative on the Situation of Human Rights in Cambodia, *Addendum*, page 23, para 80-81. A further matter of general concern was the need for new initiatives on land (anti-personnel) mines. Although a special problem in Cambodia, this is one which extends beyond that country into other areas of United Nations concern. It led to the recommendation to the Secretary-General to convene an international conference for an urgent review of the *Convention on Prohibition and Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to Having Detrimental Effects,* 1980. The

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Commission on Human Rights expressed its grave concern at the indiscriminate use of anti-personnel land mines in Cambodia. It may be hoped that this recommendation (*ibid* page 23, paras 75-79) will receive some stimulus from the Commission's resolution and expressed concern. Such matters of general concern, arising out of particular mandates, should be drawn to the notice of the Commission, the Centre, the High Commissioner and the Secretary-General for such action as they deem appropriate. Special Rapporteurs / Representatives etc should not tailor their reports and recommendations to second-guess the political expediency of their concluded opinions as human rights experts.

32. By drawing on the collective experience of Special Rapporteurs / Representatives etc, and by the sharing of such experience, it may be hoped that the performance of office-holders will be improved, duplication avoided, coordination enhanced, economy promoted and the cause of human rights - which is our common goal - furthered.

V FOLLOW UP

33. The succeeding items might be considered for follow-up, arising out of this paper:

33.1 Recommendation of the preparation of a basic manual to be available to Special Rapporteurs / Representatives etc on their appointment (para 14);

33.2 Recommendation of the supply to such office-holders of the *Vienna Declaration on Human Rights* and relevant statements by the Secretary-General, the High Commissioner for Human Rights, the Assistant Secretary-General for Human Rights and other office-holders as made during the period that the Special Rapporteur / Representative etc holds office (para 15);

33.3 Recommendation of consideration of regular consultations:

(i) with United Nations and other relevant international agencies;

(ii) where appropriate, with sponsors of resolutions and other specially interested members of the Human Rights Commission (paras 16, 18, 21); and

(iii) with appropriate NGOs.

33.4 Recommendations of consideration of an improved procedure of communication through media releases, notes for an *Annual Review* of the High Commissioner or the Centre and, possibly, preparation of a newsletter (para 22);

33.5 Recommendation for improved auditing and follow-up of the reports of Special Rapporteurs / Representatives etc (paras 24, 27);

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33.6 Recommendation for the coordination in an appropriate way of the work of the meeting of Special Rapporteurs / Representatives with that of the working group established by the Commission on Human Rights at its 50th Session (para 3, 28); and

33.7 Recommendation for the periodic examination of the role and functions of Special Rapporteurs / Representatives etc but keeping in mind the need for avoiding over-institutionalising their functions and procedures or the proliferation of still further international machinery, with the costs and inefficiencies inevitably involved in such developments (para 30).