Ever since the Charter of the United Nations was signed in 1945, human rights have constituted one of its three pillars, along with peace and development. As noted in a dictum coined during the World Summit of 2005: “There can be no peace without development, no development without peace, and neither without respect for human rights.” But while progress has been made in all three domains, it is with respect to human rights that the organization’s performance has experienced some of its greatest shortcomings. Not coincidentally, the human rights pillar receives only a fraction of the resources enjoyed by the other two—a mere 3 percent of the general budget.

The spring of 2014 saw the twentieth anniversary of one of the two emblematic failures of the United Nations: the genocide in Rwanda in April 1994. Two weeks after the killings began, the Security Council reduced the number of peacekeepers in the country to just a tenth of the mission’s original 2,500. Had UN peacekeepers been kept in place and authorized to take action, it might have been possible to save many of the 800,000 people killed over the following twelve weeks. Next year will mark the similarly tragic anniversary of the 1995 genocide at Srebrenica, where—massively outnumbered, bereft of air cover, and finally overrun by Bosnian Serb forces—UN peacekeepers were gulled into handing over thousands of men and boys to soldiers who promptly carried out the bloodiest mass execution in Europe since World War II.

“Never again,” intoned various leaders of the international community after Rwanda and Srebrenica, and they meant it sincerely. UN Secretary-General Kofi

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Annan commissioned two powerful reports in 1999, one on each of those tragedies, which unsparingly pointed out where responsibility lay within the UN system for failing to respond to these atrocity crimes, and which drew lessons from these disasters in order to avoid future ones. But just a decade later, in early 2009, several hundred thousand civilians found themselves hemmed into a shrinking area in northeastern Sri Lanka. From the south and west came the advancing Sri Lankan army; to the east and north lay the sea. In their midst were the Liberation Tigers of Tamil Eelam (LTTE). Unlike in Rwanda and Bosnia, in Sri Lanka the United Nations did not have troops on the ground, and its presence in that country was primarily to address development issues—not issues of politics or human rights. Over the following months the Sri Lankan army relentlessly shelled the region, and every hospital and medical facility within the area was hit. Meanwhile, the LTTE prevented anyone from fleeing, shooting those that tried, and concealed their fighting positions among civilians. As many as 40,000 people are thought to have died over a six-month period.

A number of committed individual UN staff members did everything they thought possible to alleviate the suffering of the Sri Lankan population, and to prevent the worst from happening. Moved by reports that the organization as a whole could have done a lot better to protect human rights and prevent atrocity crimes there, UN Secretary-General Ban Ki-moon set up an Internal Review Panel to look into UN actions during the final stages of the conflict. The panel reported back in 2012, describing a “systemic failure” of UN action extending across the UN’s various departments and agencies, at both the field and Headquarters level, and reaching to UN member states. After immediately making the report public, the Secretary-General asked his Deputy, Jan Eliasson, to identify ways to implement the panel’s recommendations on improving the UN’s response in future situations. The result of this directive was an internal document that became known as the “Rights up Front Action Plan,” adopted by the Secretary-General in September 2013. Since it is strongly hoped and believed that the approaches outlined in this plan will become embedded in UN policies, actions, and culture—thereby helping to ensure that the UN response will be more effective in the future—it is worth examining some of the central points contained in the plan.

Rights Up Front Action Plan

Rights up Front takes a broad approach to the protection of populations, based on states’ obligations under international human rights and humanitarian law. Those
involved in formulating the initiative avoided getting into what was seen as an unproductive debate on the distinction between the “protection of civilians” and the “protection of human rights,” as Rights up Front is committed to both. After all, in many instances civilians have been subjected to egregious human rights violations amounting to crimes against humanity and war crimes, while at the same time facing man-made humanitarian emergencies. Civilians must be protected from both. Syria is a prime example, with citizens subjected to detention and torture on a massive scale, as well as to rape, summary executions, and forced disappearances. Tens of thousands of civilians live virtually under siege, with no food or medical supplies allowed into their areas. In such situations of simultaneous human rights and humanitarian emergency, the relevant professionals on both fronts need to work in a common effort and avoid putting one above the other. Rights up Front is designed with this in mind—a system-wide UN commitment to engage in timely and effective prevention and response.

Preventing serious human rights violations is central to the purposes of the United Nations and must always be a priority. The plan proposes a single mechanism for collecting and analyzing information on serious violations and a regular, timely process for translating this information into action. It calls for a streamlining of preventive and crisis response procedures at Headquarters. It emphasizes that success depends on leveraging the mandates, activities, and presence of the UN’s constituent parts. It obliges the organization to be more candid in apprising member states of the situation on the ground even when it is unpalatable to the government or governments concerned or to other parties involved, and accordingly to stop acting as its own censor on human rights due to political or other considerations. And it requires the United Nations to discharge all its obligations under its founding documents and not just the less controversial ones. In short, it implies the sort of boldness, creativity, and ethical leadership on the part of UN officials that, for some, harks back to the spirit of Dag Hammarskjöld in the 1950s.

The Secretary-General and the Deputy Secretary-General have demonstrated their personal commitment to this initiative and their determination to see it fully implemented. Rights up Front was launched through a “commitment statement” by the Secretary-General sent to all UN staff in November 2013. The statement drew from the UN Charter in expressing the determination of “We the peoples of the United Nations . . . to reaffirm faith in fundamental human rights and . . . to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.”
The Secretary-General recalled the UN’s overall human rights responsibilities and also insisted that these responsibilities are incumbent on him and on all staff individually; they cannot simply be left to the UN’s human rights office.

The action plan simplifies early warning and crisis response by creating a “scanning mechanism” and a forum for the UN’s leadership to discuss the more complex situations. Considerable emphasis is placed on ensuring accountability. The plan is necessarily quite bureaucratic in its specific proposals for reform—in order to bring about the transformation it seeks, rather than remain, as often happens in the United Nations, merely well-intentioned rhetoric—but it also carefully avoids introducing new mandates or functions that might create opposition on the part of member states.

Despite frequent citing of the mantra—coined in the “Brahimi Report” of 2000\(^3\)—that it is essential to tell member states (both individually and collectively) what they need to know as opposed to what they want to hear, the pressures that those same member states can bring to bear on UN staff have in practice meant the organization has often failed to live up to that goal. Equally, when some UN staff in the field have acted and spoken up, they have not always received the support they needed—and should have been able to expect—from Headquarters. Rights up Front calls on UN staff to act with moral courage and, at the same time, requires all staff to be aware of the organization’s human rights responsibilities. It enjoins senior field staff to demonstrate principled leadership, and promises that Headquarters will back them when they do. For example, if a Resident Coordinator—the senior UN development official in a country—seeks to highlight serious violations of human rights and is declared *persona non grata* by the government as a result, this should not act to the detriment of the individual’s future career prospects (as has regrettably happened in the past).

In this way, Rights up Front seeks to reassert the ethos of the international civil servant to defend the values embodied in the UN Charter. As interpreted by Hammarskjöld, this “requires the courage to admit that you, and those that you represent, are wrong when you find them to be wrong, even in the face of a weaker adversary, and [the] courage to defend what is your conviction even when you are facing the threats of powerful opponents.”\(^4\)

**Examples on the Ground**

Rights up Front represents a broad cultural realignment that stresses the centrality of human rights in all aspects of UN work and the importance of demonstrating

\(^{3}\) Andrew Gilmour
moral courage. Practically, it introduces various new internal mechanisms for specific cases where serious violations or atrocity crimes may be imminent. Such mechanisms were activated for the Central African Republic (CAR) in November 2013 and for South Sudan in the following month. Though serious violations of human rights (some of which may amount to atrocity crimes) have undeniably been committed since then in both countries, it is clear that the UN’s response in these crises has benefitted from Rights up Front.

For example, the Secretary-General’s report to the Security Council on the situation in CAR became a far stronger call for action than it would have if not for Rights up Front. Using language that rarely appears in such reports, the Secretary-General clearly invoked the responsibility of member states “to prevent what has the high potential to result in widespread atrocities,” and he called on the Council to “authorize immediate and collective action to protect the civilian population from further violence and attacks.” The Rights up Front approach ensured the primacy of human rights in the UN’s response in CAR and hastened the deployment of the accountability measures authorized by the Security Council. These included the setting up of a Commission of Inquiry as well as targeted measures against individuals strongly suspected of undermining the peace or committing violations of human rights and international humanitarian law, such as the recruitment and use of children in armed conflict and sexual violence.

In an effort to counter the fear and hatred that stoke the violence between religio-ethnic communities, the Secretary-General himself recorded peace and reconciliation messages that were broadcast by local media—including in the local language, Sango.

In South Sudan, Rights up Front provided conceptual cover and institutional backing for what was an unprecedented and courageous decision by the leadership of the UN Mission in South Sudan (UNMISS)—the opening of the gates of UN bases to protect a flood of civilians desperately seeking safety. This followed the barracks shoot-out provoked by a spectacularly selfish power struggle between two factions of the ruling party, with killings quickly spreading to other parts of the capital city, Juba, and then to three other states in the country. Hundreds of people did not make it to the UN’s bases and were shot or butchered as they fled in the days following December 15, 2013. But over 75,000 people—civilians, foreigners, even disarmed security personnel—made it to the UN camps, where they found UN peacekeepers willing to receive and protect them, as well as offer food, shelter, and medical assistance.
There have been occasional instances in the past of UN peacekeepers allowing civilians inside their premises in order to protect them, but never before has this been undertaken on such a large scale and as a matter of policy. The consequences of this decision in Juba are not yet fully known but are clearly far-reaching, and not just for the thousands of people who were undoubtedly saved. Terrible though the situation in South Sudan has been since December 2013, it would almost certainly have been vastly worse had several thousand more people been killed in the early days, with even more intense mass ethnic retribution being provoked in many other areas of the country.

The actions taken by UNMISS are arguably the single most successful measure ever taken by the United Nations to directly protect the lives and human rights of civilians, and are therefore a crucial precedent for UN peacekeeping in other situations. Having said that, the risks are significant. Growing political, security, and public health problems in those UN camps could, if they spiral out of control, lead ultimately to a backlash against the decision to open the gates in South Sudan. But even if they do, that decision saved tens of thousands of lives and was an impressive example of the moral courage that Rights up Front seeks to encourage.

The involvement of the Rights up Front forum for UN senior leaders at Headquarters (known as the Senior Action Group) on South Sudan had implications for the redeployment of peacekeeping troops within and outside Sudan and for designating human rights staff as “critical” and not, therefore, subject to relocation when staffing levels were reduced for safety reasons. As in CAR, the Secretary-General recorded peace and reconciliation messages to be broadcast by radio, reminding all parties in South Sudan of their responsibility to protect the population, and a senior staff member from the Secretary-General’s own office in New York was immediately dispatched to Juba to assist in the response at the start of the crisis.

Of course, attempts to improve the UN’s response to serious violations of international human rights and humanitarian law have been made in the past and have not succeeded in bringing about systemic change. Thus, skeptics may be forgiven for thinking that there is not going to be much difference this time either, especially given the low-key launch of Rights up Front. But the launch was deliberately done “softly”: there was a desire to get on with implementing the internal reforms that are required to improve the UN’s performance without making a public fuss about the initiative, which in any case might have provoked a
push-back from quarters that do not want to see the UN improve its capacity in this area.

There are reasons to be cautiously optimistic about Rights up Front. One key difference between this and previous initiatives is the emphasis on changing attitudes and reinserting human rights into the “lifeblood” of the organization. As Deputy Secretary-General Eliasson said in a recent letter to all UN Resident Coordinators, “in seeking to strengthen our prevention of large-scale human rights violations, Rights up Front goes to the heart of our responsibilities as United Nations staff. . . . For this initiative to succeed, it is essential that every staff member of the United Nations understand what the commitment of the United Nations to human rights means for the Organization and themselves.”

Only through such an evolution of the UN mindset, combined with various structural changes, can the spirit of this initiative hope to survive beyond the term in office of those who have brought it about.

It is nevertheless a highly ambitious goal—and is recognized as such—to commit an entire bureaucracy to an ideal, even if it is an ideal that is contained in the organization’s founding documents. The plan foresees the accomplishment of this goal primarily through training for all UN staff, tailored to function and level. In addition, senior managers will have human rights objectives built into the appraisal compacts through which they are managed. Through Rights up Front, for the first time accountability will be introduced at all stages of UN action and decision-making in situations where there is the potential for serious human rights violations. The actions envisaged should change the way staff relate to their roles within the United Nations, the way the UN’s various entities and the Secretary-General relate to member states, and—eventually, so it is hoped—the way member states relate to serious human rights violations on the ground. An evaluation framework is being developed that ultimately will provide the indicators and measures of success.

While the ultimate goal of the initiative is to ensure that our actions prevent atrocity crimes from occurring, even an informed, impassioned, human rights-committed, and early-acting United Nations cannot always succeed. Rather, the question to be asked is: “Have we done everything—and truly everything—in our power to prevent or end these atrocities?” It is against this measure that the United Nations failed in Rwanda, Srebrenica, and Sri Lanka. Through Rights up Front, the hope is that the organization may be able to answer that question differently in the future.
OTHER UN HUMAN RIGHTS TOOLS

Though Rights up Front is a deeply significant innovation in the UN’s arsenal for advancing human rights—both in its cultural change aspect and its specific ways of preventing and confronting atrocity crimes—it is not the only recent UN development in the human rights sphere. For example, the Responsibility to Protect principle, known colloquially as “RtoP” and now nearly ten years old, has achieved wide acceptance despite persistent disagreements and sensitivities on when and how to invoke its so-called third pillar concerning military intervention, especially regarding Libya in 2011. The annual General Assembly informal debate on the Responsibility to Protect in 2013 drew the largest number (sixty-nine) of member states since its start in 2009, with most comments being very positive. In addition, states that have in the past been critical of aspects of RtoP (including Russia and Iran) delivered statements that supported the thrust of the Secretary-General’s report—that RtoP is first and foremost a responsibility to prevent the committing of the four acts outlined in the 2005 World Summit Outcome Document: war crimes, crimes against humanity, ethnic cleansing, and genocide.

The Special Adviser of the Secretary-General on RtoP, Professor Jennifer Welsh of Oxford University, has emphasized that the principle should serve as a catalyst for debate and, at a minimum, demands a “duty of conduct” by the international community. A false test, she notes, is that we continue to evaluate the strength of RtoP in terms of whether it generates military action in a particular case. Indeed, the concept clearly spells out that military action should be used only as a last resort. In addition, each situation will demand a prudent assessment of whether coercive means will achieve desired results and not do “more harm than good.” The implied connection between RtoP and the use of force has also fed suspicion of it as a formula for great power intervention—in her words, a “Trojan horse for forceful, colonial-style interference in the affairs of sovereign states.”

Hence, Welsh emphasizes that RtoP is designed to support states in the fulfillment of their sovereign responsibilities, and that it requires not just an effective response to crises but also a readiness on the part of the international community to prevent crises from emerging and escalating. Atrocity crimes are processes, not singular events with a single cause or set of causes, and therefore there are multiple opportunities for actors to prevent the slide into violence.

To counter the perceptions that RtoP is just an idealistic-sounding cloak for naked realpolitik, and to ensure the future credibility of the principle, Western
member states may come under pressure to take greater responsibility in contributing to peacekeeping and protection of civilians’ mandates, and not leave it to South-Asian and African countries to provide the majority of UN peacekeepers. In CAR, the Secretary-General appealed to European states to provide troops and police to support an African Union force (MISCA) to help protect the communities under threat. Reluctance to put troops on the ground to save lives is strong, and politically understandable, but it also underscores the suspicion in other parts of the world that Western support for the concept of RtoP is sometimes more in the realm of rhetoric than genuine principle. As regards the responsibility of the Security Council, it is worth noting the recent French initiative to have the permanent five members commit themselves to refrain from the use of the veto when faced with atrocity crimes. RtoP is perhaps most needed as a vehicle for creating early political consensus among member states on action to prevent and end serious violations.

Common to both RtoP and Rights up Front are two important ideas. The first is the notion of a collective responsibility (and not just a discretionary right) to act in the face of serious violations of human rights. The second is the imperative to protect, through prevention, by helping states to fulfill their international human rights obligations. Respect for basic human rights principles of nondiscrimination and equality—be they legal or constitutional protections—such as access to social and economic opportunities, freedom to run for political office, and the ability to practice one’s religious confession or sexual orientation diminishes the risk that the atrocity crimes under RtoP are likely to occur. Ten years ago Kofi Annan emphasized that the goal of RtoP was not to develop new law but rather to strengthen states’ commitment to existing legal obligations—not only civil and political rights but equally the full range of economic, social, and cultural rights. A recent example was raised by the Commission of Inquiry on Human Rights in North Korea, which stated that crimes against humanity had been committed against starving populations through decisions and policies that violated the right to food. According to the commission, these policies were applied for the purpose of sustaining the present political system in full awareness that the decision to do so would exacerbate the famine and starvation-related deaths.

Another debate currently underway in the United Nations centers on the question of how closely the post-2015 development agenda will be aligned to international human rights standards. Representatives of nongovernmental organizations (NGOs) have expressed concern that member states’ deliberations on a set of
sustainable development goals do not make sufficient reference to the existing human rights obligations of states. Education seems to be an exception, but poverty eradication, food, health, water and sanitation, decent work, and social protection are not currently recognized as matters of human rights in the context of these hugely important discussions. NGOs have made calls for a development framework that goes beyond references to “human rights” and that asserts international human rights law in such a way that it provides states and the international community with a framework of clear obligations and responsibilities (which was not the case with the Millennium Development Goals). Such a framework would make a direct link between development and UN human rights monitoring mechanisms, such as the relevant treaty bodies, special procedures, and Universal Periodic Review that reviews the performance of states in the implementation of the core international human rights treaties.

UN High Commissioner for Human Rights Navi Pillay has recommended that nondiscrimination and equality be two stand-alone goals in the post-2015 development agenda. The main processes leading to 2015 and key reports have recognized the centrality of human rights in the future development agenda. In the words of the Secretary-General’s Special Adviser on Post-2015 Development Planning, Amina Mohammed: “Upholding human rights and freeing people from fear and want are inseparable. An enduring Post-2015 agenda must therefore include peace and stability, human rights and effective governance, based on the rule of law and credible institutions, as both outcomes and enablers of true sustainable development.”

At the same time, just as there is a push for greater ownership and understanding of human rights principles among ordinary people, so is there likely to be a parallel emphasis on increased respect for international rules and commitments by states. Eleanor Roosevelt’s response to her own question “Where, after all, do universal human rights begin?” was “In small places, close to home.” As the head of one NGO said recently, one necessary initiative for the twenty-first century is to start a worldwide movement for all to learn, know, and own human rights as a way of life. Respect for “the other” and for the diversity of ideas, opinions, cultures, and religions must be an integral part of our daily living. The imperative of a bottom-up approach to human rights gains traction in light of surveys that indicate that in parts of the developing world the concept of human rights is seen as an elitist and Western agenda, inaccessible to the poor.
**Some Conclusions**

Even the most cursory review of the UN’s human rights work reveals that there has been progress. During much of the cold war the superpowers prevented the Commission on Human Rights from naming violators. For instance, when in 1973 Amnesty International organized a conference on torture at UNESCO headquarters, it was expelled from the premises just before the start of the proceedings.\(^{15}\) Ian Martin, a veteran senior UN official and human rights expert, has identified a number of the most important UN advances of the past two decades,\(^{16}\) which include (i) the creation of the post of the High Commissioner for Human Rights in 1993 and the subsequent proliferation of representatives of that office, which now has more than 1,000 staff members in some 58 countries worldwide; (ii) the increased readiness of the humanitarian community to work for the protection of civilians; (iii) the tendency of the Security Council to include human rights components in all peace operations and to authorize peacekeepers to prevent or intervene when civilians face massacre; and (iv) new mandates for senior officials whose task it is to work for the prevention of genocide, to promote the responsibility to protect, to reduce sexual violence in conflict, and to protect children from grave child rights violations in armed conflict.

While these are all welcome steps, challenges of course remain. The discrepancy between the funding devoted to human rights in the general budget of the United Nations and the centrality of human rights in the organization is striking. The UN’s human rights field presence has indeed grown exponentially since the first operation deployed by the Office of the High Commissioner on Human Rights in Rwanda twenty years ago, and requests from governments for new field operations are on the increase. But High Commissioner Pillay noted in 2013 that her office is unable to satisfy many requests for important assistance, given the lack of resources. In the past year, additional human rights officers have been urgently required for various crises in Mali, CAR, South Sudan, and Ukraine to provide protection through their presence and to promote accountability. The UN system has not, however, always been able to respond quickly, and reform is needed in this area. Appeals have been made by the Secretary-General to all UN member states to increase budget allocations for human rights, but additional (or even reprioritized) funding has been slow in coming.

People who do not work in a huge organization—particularly an international one like the United Nations, with such a wide variety of values and traditions—often underestimate the internal difficulties involved in getting even minor
reforms adopted, either bureaucratically or culturally. If it was not extraordinarily hard internally, and if the obstacles put forward by member states (who are, after all, the bosses of those who work for the organization) were not so significant, then the UN’s performance on human rights would have improved earlier and more dramatically than it has. It is thus too early, after half a year, to declare with absolute confidence that this time the cultural realignment and the bureaucratic reforms associated with Rights up Front will prevail. What one can say, however, is that this initiative—and the drive of those behind it—has been widely welcomed within the United Nations, and that it has the potential to ensure an earlier, bolder, and more unified UN response to human rights violations. That in itself is not an insignificant start.

NOTES
2 “Report of the Secretary-General’s Internal Review Panel on United Nations action in Sri Lanka,” November 2012, paragraphs 33, 80. According to the report, throughout the final stages of the conflict, member states did not hold a single formal meeting on Sri Lanka in the Security Council, General Assembly, or Human Rights Council. In informal meetings, the Secretariat focused mainly on humanitarian situations, rarely emphasizing the responsibilities of the government, or linking actions by the government and the LTTE to obstacles to humanitarian assistance, or giving full information on the deaths of civilians.
7 Joint letter by the Deputy Secretary-General and the Chair of the United Nations Development Group, Ms. Helen Clark, February 24, 2014.

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