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Quaker United Nations Office

Integrating Human Rights and Sustaining Peace

Project Report: Exploring the Universal Periodic Review

April 2018



Quaker United Nations Office

The Quaker United Nations Office (QUNO) convenes informal, open conversations at its offices in Geneva and New York, providing a space where diplomats, UN staff and civil society partners can discuss difficult issues in a quiet, off-the record atmosphere away from the public eye. Since its founding in 1947, QUNO's work has been rooted in the Quaker testimonies of peace, truth, justice, equality and simplicity. QUNO sees multilateral institutions as a vehicle for pursuing these aims. QUNO understands peace as more than the absence of war and violence, recognizing the need to look for what seeds of war there may be in all social, political, and economic relationships.

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Cover: *The 29th session of the UPR Working Group meets at the UN in Geneva.* (UN Geneva/Violaine Martin)

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Foreword

This report brings together the learning from a project undertaken from February 2017 to April 2018 to explore the Universal Periodic Review (UPR) as a vehicle for better linking human rights and sustaining peace.

The aim of this project was to contribute to overcoming the fragmentation within the United Nations (UN) and promoting the value of integrated action between peacebuilding and human rights actors on the ground and in the UN system by using the UPR to explore present practice and untapped potential within a specific process.

Primarily, the project sought to explore and illustrate how, through better use of existing resources, the prevention of destructive conflict and the prevention of human rights violations can be made more effective and mutually reinforcing. It sought to achieve this through provision of elements of evidence and a basis for a consultative process resulting in specific recommendations on ways forward. The project also aimed to raise awareness of the sustaining peace concept, educate through engagement, and build relationships across civil society, diplomats and the UN from both human rights and peacebuilding communities.

This report is intended to provide input to the discussions following the Secretary-General's Report to the General Assembly on Sustaining Peace¹ and to consideration of how to take this work forward in the UN.

Why focus on the Universal Periodic Review?

The UPR is built on the concepts of universality and inclusivity². Under the UPR, all States are subject to review, and the peer nature of the process has created a high level of acceptance and legitimacy. It draws on a three-strand input by States, UN agencies, civil society and National Human Rights Institutions. Significantly, the process not only provides the opportunity for input from a variety of actors, but also provides valuable output that can be used as a source of early warning and prevention, such as tensions that are indicators of potential root causes of destructive conflict. The value of the UPR lies in the universality of rights covered as well as States covered – as such all dimensions of rights can be explored through the UPR, lending itself to bridging between human rights and sustaining peace. Furthermore, the Security Council Resolution 2282 specifically encourages 'United Nations Member States participating in the UPR process of the Human Rights Council to consider the human rights dimensions of peacebuilding, as appropriate.'³

Project Outline

The project had several components running in parallel, the principal elements being awareness-raising around the concept of sustaining peace and its relationship to human rights and supporting the engagement of peacebuilders in the UPR. It included open meetings such as the briefing (together with the Geneva Peacebuilding Platform) of diplomats ahead of the High-Level Mainstreaming Panel at the 34th Session of the

1 <http://www.un.org/en/peacebuilding/pbso/pdf/SG%20report%20on%20peacebuilding%20and%20sustaining%20peace.As%20issued.A-72-707-S-2018-43.E.pdf>

2 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement>

3 [http://undocs.org/S/RES/2282\(2016\)](http://undocs.org/S/RES/2282(2016)) Op 11

Human Rights Council⁴ as well as informal exchanges with diplomats and civil society in both Geneva and New York.

In parallel, six case studies of countries undergoing their UPR review in 2016 and 2017 were considered. The countries represented different stages of the peace continuum, from prevention and peacekeeping to peacebuilding, and including armed violence. The intention was to bring peacebuilding perspectives into the UPR by identifying relevant local peacebuilding organizations and supporting them to engage with the UPR process including through the submission of papers on their priority concerns and attending the relevant UPR Pre-Session and informal meetings with Missions in Geneva.

These activities helped identify a constituency of interested stakeholders, and informed discussions with them and the generation of lessons and conclusions of the project, as well as reflections on the broader scope of engagement between the human rights, peace and security, and development pillars of the UN.

The findings of a one-year project exploring a multiyear process are necessarily limited regarding long term impact. However, the dialogues that were started, and the challenges and opportunities identified, in the course of this work provide a solid basis for further work to better link human rights and sustaining peace through the UPR. The report therefore looks at both where and how links are already being made and where gaps exist, before going on to make recommendations on ways forward.

UPR Process Overview

Under the UPR, the human rights situation of all UN Member States is reviewed every 5 years during Working Group sessions.

The result of each review is reflected in the Final Report of the Working Group, which lists the **recommendations** the State under review will have to implement before the next review.

The UPR is a full-circle process comprised of **three key stages**:

1. Preparation for the Review and reporting on implementation – this includes reporting from civil society and UN agencies, and the UPR Pre-Sessions
2. Review of the human rights situation of the State under Review and adoption of the Report
3. Implementation of Recommendations and reporting at mid-term.

upr-info.org/en/upr-process/what-is-it

⁴ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21242&LangID=E>

Sustaining Peace and Human Rights

Background

Since UN Secretary General Boutros Boutros-Ghali produced his 1992 report ‘An Agenda for Peace’, peacebuilding has been understood within the UN as a set of exclusively post-conflict activities. Prevention of destructive conflict has struggled to find a home within the UN system despite periodic calls for a change of emphasis towards preventive approaches and away from reactive policies and actions which are acknowledged as far costlier in terms of human suffering as well as finance.

As a corrective response, the term ‘sustaining peace’ was used in the report of the Advisory Group of Experts on the Review of the Peacebuilding Architecture in 2015.⁵ In the parallel ‘twin’ resolutions on this review, the Security Council and the General Assembly reaffirmed their commitment to ‘sustaining peace’.⁶ This is understood as an inherently political process aimed at preventing the:

“outbreak, escalation, continuation and recurrence of conflict, addressing root causes, assisting parties to conflict to end hostilities, ensuring national reconciliation, and moving towards recovery, reconstruction and development”⁷

Moreover, it is understood to be a matter for the whole of the UN ‘at all stages of conflict, and in all its dimensions’.⁸

The twin resolutions also reiterated the widespread concern about the fragmentation of the UN system

in its approach, not least the lack of coherence and institutional collaboration that hinders effective prevention of both human rights violations and destructive conflict in a whole range of societies.

According to the twin resolutions, sustaining peace is ‘a goal and a process to build a common vision of society’,⁹ crucially including the need to address root causes. This brings the UN in line with the longstanding theory and practice of much of civil society, where peacebuilding was seldom narrowly confined to a post-conflict activity. Echoing the universality expressed in the 2030 Agenda, where each and every country is responsible for sustainable development, the task of sustaining peace is each and every State’s responsibility.

The Secretary General’s report on peacebuilding and sustaining peace,¹⁰ published in February 2018, recognized the importance of the human rights normative framework as a ‘critical foundation for peace’, offering that crucial element of sustainability. It also recognizes that human rights violations should be understood as indicators of root causes of destructive conflict. This understanding should provide a foundation for technical assistance and capacity building on human rights both to prevent human rights violations and to prevent conflict. The report also widens the scope of engagement, from the UPR specified in the twin resolutions to ‘all the human rights mechanisms, including special procedures, the UPR and treaty bodies’ – and emphasizes the role of the 2030 Agenda as the ‘best defense’ against the risks of violent conflict, while also encouraging a strengthened role for the Peacebuilding Commission towards providing ‘coherence through its cross-pillar mandate’.

5 <https://www.un.org/en/peacebuilding/pdf/150630%20Report%20of%20the%20AGE%20on%20the%202015%20Peacebuilding%20Review%20FINAL.pdf>

6 [http://undocs.org/S/RES/2282\(2016\)](http://undocs.org/S/RES/2282(2016))

7 [http://undocs.org/S/RES/2282\(2016\)](http://undocs.org/S/RES/2282(2016))

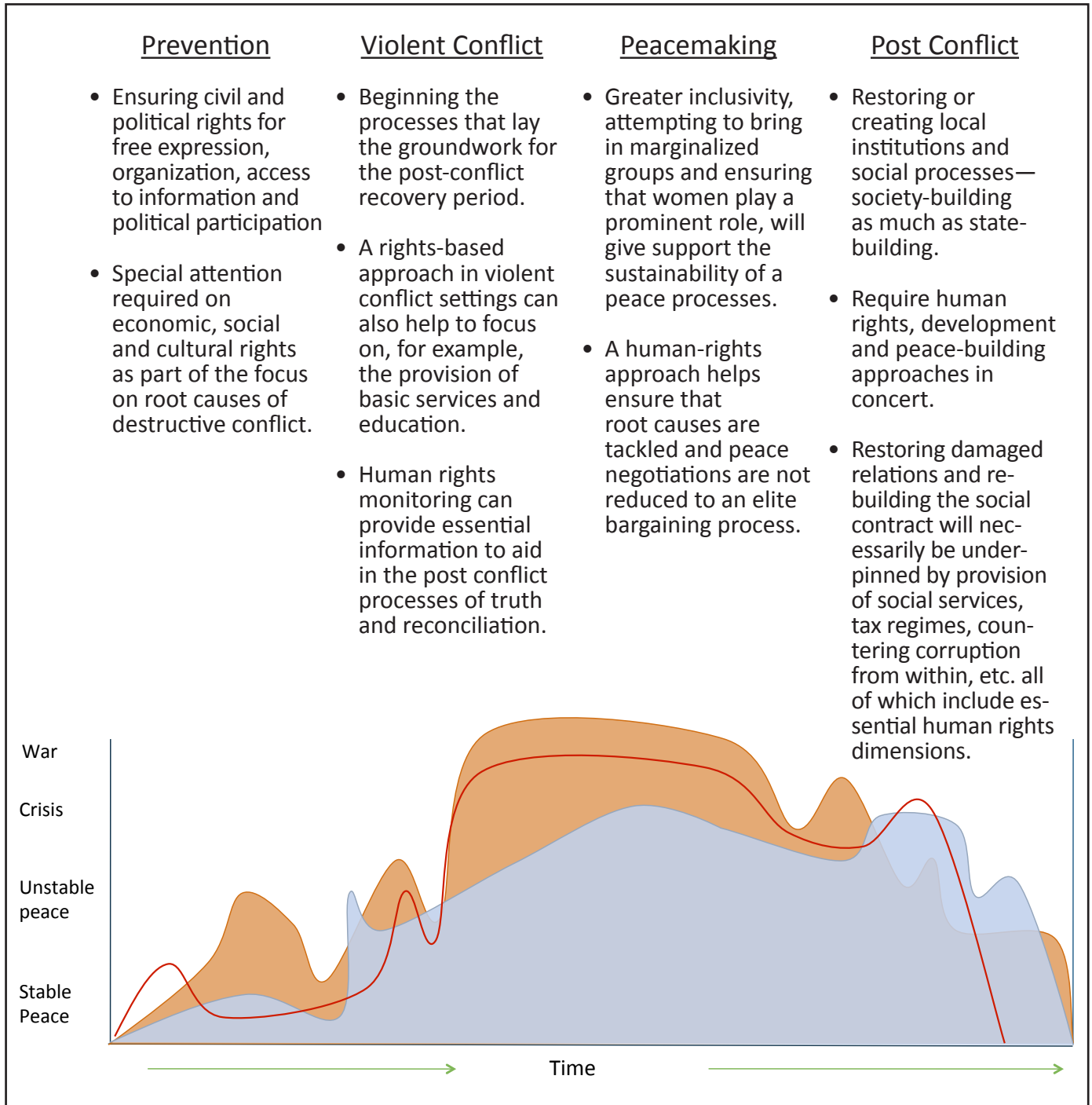
8 [http://undocs.org/S/RES/2282\(2016\)](http://undocs.org/S/RES/2282(2016))

9 [http://undocs.org/S/RES/2282\(2016\)](http://undocs.org/S/RES/2282(2016))

10 <http://www.un.org/en/peacebuilding/pbso/pdf/SG%20report%20on%20peacebuilding%20and%20sustaining%20peace.As%20issued.A-72-707-S-2018-43.E.pdf>

Illustrating Human Rights in the Course of Sustaining Peace

In the work of sustaining peace throughout the peace/conflict continuum, the role of human rights generally, and the UN human rights mechanisms in particular, is central. Human rights violations are both the cause and effect of destructive conflict and therefore also play a central role in early warning¹¹, preventing destructive conflict, providing the basis for accountability through to rebuilding societies.



11 The work of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on Economic, Social and Cultural Rights (ESCRs) and early warning of conflict speaks to this essential link. For more information see: http://www.ohchr.org/Documents/Issues/ESCR/EarlyWarning_ESCR_2016_en.pdf

Reflections and Learning from the Project

The Value of the UPR

Opportunities for Engagement and Dialogue Throughout the UPR Cycle

A Gateway Tool for Advocacy

For civil society, mainly those concerned with human rights but also some concerned with development, humanitarian assistance and peacebuilding, the UPR process is seen and used as a gateway to access State representatives and share concerns with a broad audience, including UN Agencies and likeminded civil society actors.

UPR Info

UPR *Info* is a Geneva-based NGO that is dedicated to this process, and provides significant support for NGOs – in particular grassroots and national organisations – to engage.

The aim of the Pre-sessions, first introduced in 2012, is two-fold:

1. To provide the diplomatic community with first-hand human rights testimony to be considered for the formal UPR recommendations; and
2. To facilitate direct advocacy for civil society to reach human rights policy makers and impact upon the UPR process, specifically through CSO-suggested UPR recommendations.

upr-info.org/en

For those less familiar with the broader UN human rights system, the clearly structured access to the UPR and the UPR submissions prepared by peacebuilding civil society may also be used in a variety of ways to bring a country situation to the fore. While the content needs to be adapted to make it relevant to the articles of the relevant Convention, submissions could become inputs to other treaty bodies such as the Committee on the Elimination of All Forms of Discrimination against Women or the Committee on Economic Social and Cultural Rights, as well as to Special Procedures. This was done by the Women's International League for Peace and Freedom (WILPF) in the case of Ukraine, which used the same information as the basis for a submission to the Independent Expert on the effects of foreign debt and other related international financial obligations.

A Space for Dialogue

There are opportunities for dialogue in the run up to the UPR Session - both in-country and in Geneva.

National consultations led by the State under Review in the development of their national report are opportunities for opening dialogue in which peacebuilding organizations should also be involved.

Similarly, the possibility of joint reporting can also be a catalyst for dialogue within civil society and across disciplines at the national level.

The UPR Pre-Sessions¹², organised by UPR *Info*, in Geneva are also a space for local civil society and diplomats to exchange in person. This is often complemented by bilateral exchanges. However, the facilitation of broader-based dialogues with a

¹² <https://www.upr-info.org/en/upr-process/pre-sessions>

thematic focus on sustaining peace could enrich the process.

For example, the International Service of Human Rights in Geneva convened a meeting across regions and countries, looking at different experiences of groups using UPR to advance business/human rights-related objectives. Similarly, the Canadian Mission recently held a thematic briefing and dialogue on women, peace and security – this space could be used for civil society to brief specifically on these issues in the context of the UPR. While the latter is not UPR specific, these are nevertheless good examples of how platforms for exchange on sustaining peace related issues can be provided in direct relation to UN human rights mechanisms.

The monitoring of implementation of UPR recommendations at the country level offers a space for all national stakeholders to discuss measures to be taken to address human rights issues.

These opportunities for input and dialogue occur throughout the UPR five-year cyclical process. One off engagement at the time of review is insufficient. This means that time and resource investment in sustaining momentum throughout the cycle, around the Pre-sessions in Geneva and following up through mechanisms in country, is crucial.

Bringing New Issues to the Fore

Over time, the UPR has become a useful space to work on issues that are not high profile or consensus, such as protection of lesbian, gay, bisexual, transgender or intersex persons, and environmental rights. It is also used to encourage ratification of treaties, such as the Convention on the Rights of Persons with Disabilities, the Arms Trade Treaty and the Nuclear Ban Treaty, as well as a space where States report on and receive recommendations on the full range of rights beyond those covered in the treaties that they have ratified.

Language on Peace

The findings below come from an analysis of recommendations undertaken as part of the project, that found few explicit references to peacebuilding and none referring explicitly to sustaining peace. Indeed, much of the language within the UPR recommendations when referring to sustaining peace has focused on Peace Treaty enforcement, discrimination and women's rights during conflict.

While the thematic focus of a given Mission is hard to influence - advocacy at, and more importantly around, the UPR Pre-Sessions can inform the formulation of recommendations. Getting issues picked up as a priority for a State is a different matter and one that can take much more time and other channels. This has been a challenge in getting momentum on addressing Sustaining Peace within the UPR related discussions.

A number of UPR recommendations implicitly address root causes and potential drivers of destructive conflict such as the denial of minority and Indigenous rights. For example, recommending bilingual education to strengthen societal cohesion reflects both a human rights requirement and a conflict prevention measure. Economic social and cultural rights are underrepresented in the UPR process¹³ and yet they are of key importance for sustaining peace. As root causes or drivers of conflict, economic, social and cultural rights need to be better understood in this context and their transformative potential realized to rebuilding a stable society post-conflict.

Recommendations do not often address the impact of States' foreign policy on the enjoyment of human rights in other countries although this is relevant where their activities may

¹³ https://www.upr-info.org/sites/default/files/general-document/pdf/cesr_a_skewed_agenda_2016.pdf

exacerbate tensions internationally as well as nationally, prolong conflict and have an impact on sustaining peace. Recommendations on this could cover the human rights and gendered impacts of arms transfers, the Arms Trade Treaty, the impact of foreign investment and the roles and responsibilities of states as members of international financial institutions.

Further, broader-based, research on language and discourse used in the UPR could illuminate where such implicit reference to prevention of destructive conflict and peacebuilding already exists and recommend how to build on this basis.

Arms Control and Disarmament

While forums to address issues of arms control and disarmament exist, the explicit human rights and gender dimensions of these issues are pertinent, not least the right to water and sanitation, and the rights to health among others.¹⁴ These connections are acknowledged in the Human Rights Council resolution on human rights and the arms trade as well as the Arms Trade Treaty. In the case of the Arms Trade Treaty for instance, the parties are obligated to consider the human rights situation in the importing countries and this is an area where a clear connection between human rights and sustaining peace can be made and reflected in UPR reports.

Women Peace and Security

The Global Study on the Implementation of Security Council Resolution 1325 on Women, Peace and Security,¹⁵ one of the three UN peace

14 The first meeting of the Convention on Conventional Weapons (CCW) Group of Governmental Experts on lethal autonomous weapons systems took place in Geneva in November 2017. CCCW attention to this issue, beginning in 2013, was influenced by a report by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions detailing ethical, legal, and other concerns raised by lethal autonomous robots

15 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>

reviews carried out in 2015, clearly identifies itself as rights-based:

‘Resolution 1325 is a human rights mandate. It must not be forgotten that resolution 1325 was conceived of and lobbied for as a human rights resolution that would promote the rights of women in conflict situations. Any policy or programme on women, peace and security must be conducted with this in mind.’¹⁶

The report is quite clear that it aims to explore the role of human rights mechanisms in holding UN Member States accountable for human rights obligations relating to the women, peace and security agenda, including through international treaty bodies, the UPR, and regional human rights courts and commissions. It provides a well-elaborated consideration of the links between human rights and peacebuilding and is a valuable resource for informing the broader discussion.

UN Women is undertaking research on the extent to which Member States, civil society and UN entities specifically use the UPR to draw attention to and advocate for greater accountability on women, peace and security commitments. The research will also provide recommendations to all stakeholders based on current levels of engagement, examples of successful advocacy, and key opportunities for improved engagement on women, peace and security.

Sustainable Development Goals (SDGs)

The SDGs are explicitly grounded in human rights, with Agenda 2030 stating that they ‘seek to realize the human rights of all’ and ‘envisage a world of universal respect for human rights and human dignity’¹⁷ and focus on addressing inequalities in the realization of all civil, political, economic, social

16 [http://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20\(1\).pdf](http://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20(1).pdf)

17 <https://sustainabledevelopment.un.org/post2015/transformingourworld>

and cultural rights for all people. It is interesting to note that more than 50% of the 50,000 plus UPR recommendations made in the 1st and 2nd cycles can be linked to specific SDG targets.¹⁸ This link could be useful for strengthening commitment to implementation. However, some fear that the non-legally binding nature of the SDGs may be given precedence thus undermining binding international human rights law.

The close relationship between sustainable development and sustaining peace is underlined in the Secretary General's Report on Peacebuilding and Sustaining Peace,¹⁹ which emphasises that sustainable and inclusive development is the 'best defense' against the risks of violent conflict.

SDG 16 on promoting 'peaceful and inclusive societies for sustainable development', providing 'access to justice for all' and building 'effective, accountable and inclusive institutions at all levels' is arguably a narrow lens through which to bring in sustaining peace within the UPR. However, it has been perceived as particularly relevant for both the human rights and peacebuilding communities and thus provides a useful bridge to link these two areas. Many SDGs are relevant to prevention of destructive conflict and relate closely to economic, social, cultural and environmental rights.

In this regard, SDG 16 notably includes promoting access to justice for all which is seen as the cornerstone to combating discrimination at many levels, for example when addressing legal identity, a cornerstone to attaining and fulfilling civic rights. Recent research has shown that over 9000 UPR recommendations made in the 1st and 2nd cycle can already be linked to specific SDG 16 targets²⁰.

18 https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/sdg/upr_folder_final.pdf

19 <http://www.un.org/en/peacebuilding/pbso/pdf/SG%20report%20on%20peacebuilding%20and%20sustaining%20peace.As%20issued.A-72-707-S-2018-43.E.pdf>

20 https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/sdg/upr_folder_final.pdf

Civil Society Engagement in the UPR

The Human Rights – Peacebuilding Divide?

Our engagement in the 3rd Cycle of the UPR thus far has highlighted the context-specific differences in perception of the relationship between human rights and peacebuilding at the field level. From our case studies we have learned that, whilst at the international level there is often a clear division between civil society working on human rights and those working on peace, at the local level this varies considerably depending on context. It is often the case that civil society employs whichever tools and language appear more useful in the situation, whether these would be classified as human rights based or peacebuilding. In some settings there is a spectrum of work for peace and justice that does not reflect a strong divide, regardless of whether we would call it peacebuilding or human rights, essentially it is both. In settings suffering from a high level of violence but not engaged in civil conflict as such, peacebuilding takes the form of armed violence reduction and prevention with human rights closely allied to this work.²¹ In some post conflict settings, where peacebuilding processes have not delivered the political, social and economic changes hoped for, there is a marked distrust towards peacebuilding initiatives and belief that human rights approaches will be more effective in addressing historic injustices and impunity. In ongoing violent conflict, peacebuilding actors can become the target of human rights violations with them being stigmatised to the point of being openly categorised as traitors.

Coalition Building at the National Level

The preparation phase provides an opportunity to build local coalitions, which, in addition to preparing joint submissions with mutually reinforcing messages, have the potential to increase understanding and collaboration beyond the UPR and can strengthen follow up of

21 For example, in some Latin American contexts

recommendations in the implementation phase. Similarly, inclusive approaches to consultations for the UN compilation at the field level can have similar networking benefits for UN agencies, funds and programmes and value added in the implementation phase. For peacebuilding civil society, engagement with such a process can thus bring many benefits in terms of access, impact and sharing of resources. While peacebuilders can bring a different perspective through their conflict analysis, they can benefit from the structure and discipline of a human rights framing for their strategies and communication.

This opportunity for coalition building is all the more valuable in fragile or conflict contexts, where such dialogue and cooperation is often neither possible nor allowed, and can be a contribution to a peace process burgeoning or being sustained. WILPF managed to support this momentum in Syria, where a coalition of Syrian grassroots women's organizations organised to submit a report to the UPR. In different fragile contexts, women peace activists of WILPF Cameroon used the momentum created by the UPR to overcome the silos and mobilize action for the adoption of the National Action Plan on Security Council resolution 1325. In doing so, they not only strengthened women's participation in all aspects of society but also addressed the illicit flow of arms.

Conflict and fragility not only shrink civil society space on the ground but have knock-on effects in Geneva, whether from lack of resources, access to information, or even travel restrictions and fear of reprisals.

Challenges in Facilitating Access to the Geneva UPR Process

Despite the efforts of UPR *Info* and other international civil society facilitating access to the UPR process, inclusive civil society engagement in international processes remains a challenge.

This can compound the barriers to peacebuilding organizations engaging effectively with the UPR.

There are limited financial resources and availability of specific civil society funds to both access the UPR and implement the UPR recommendations - especially when it comes to covering costs for national actors to attend the various sessions in person.

Furthermore, often materials and training in Geneva are only available in one or two languages. Local, and locally based, international civil society organizations, attempt to fill this gap through translation into local languages and training at local level. However, even where these resources are available in the relevant language, the use of human rights 'jargon' is a barrier in many cases. Such language and discipline barriers make another kind of translation and interpretation necessary in order to be able to draw in peacebuilding (and other) communities to enhance the UPR process.

UN Agencies' Engagement with the UPR

During the project, we reviewed how UN agencies and processes relate to the UPR around the issue of sustaining peace, and where gaps exist.

Both the compilation of inputs from UN agencies into a report ahead of the UPR by the Office of the High Commissioner for Human Rights (OHCHR), and the use of the ensuing recommendations in the Working Group's report are an excellent, yet underutilised, opportunity for strengthening sharing of information across the UN's three pillars. Furthermore, the UN agencies' inputs and therefore the UN compilation to the UPR typically do not include conflict relevant or conflict analytical input.

The constraints within the UN System on communication and collaboration between the human rights and peacebuilding/prevention agencies and processes (whether due to financial,

time, or interpretation between different disciplinary languages and cultures) inhibit comprehensive input into the UPR process. They also undermine the utility of the UPR reports and processes for early warning and prevention and ultimately hinder the streamlining of follow up measures and implementation.

Office of the High Commissioner for Human Rights

OHCHR's Geneva-based UPR branch oversees the compiling of UN information coming from UN Country Teams. Work is underway on developing their internal capacities towards better integrating sustaining peace into their work. The creation of a team looking specifically at Prevention and Sustaining Peace, set up in 2017 in New York, is indicative of more support throughout the Office towards mainstreaming the notion of sustaining peace. This could include support to UN Country Teams on their input to the UPR and strengthening the linkage with the UN Development Programme's Global Focal Point on the Rule of Law in Post-Conflict and other Crisis Situations. As a new feature to the 3rd cycle of the UPR, OHCHR has renewed its focus on recommendation implementation through letters from the High Commissioner highlighting their priority concerns for the State under review²². This may be an additional entry point for a new focus on conflict analysis and the introduction of sustaining peace language from the OHCHR.

Other Engagement by UN Agencies Regarding the UPR and Sustaining Peace

This section draws on discussions in Geneva and New York which addressed existing engagement by Agencies with the UPR, explicitly in relation to sustaining peace.

²² <https://www.upr-info.org/en/news/ohchr-takes-steps-to-focus-on-implementation>

The United Nations Educational, Scientific and Cultural Organization, with economic, social and cultural rights at the core of its mandate has put an emphasis on a 'culture of peace' in its work²³ and on peace education internationally.

While the link between human rights and sustaining peace does not feature explicitly, in their work, the United Nations Children's Fund is engaging in the Human Rights up Front²⁴ initiative towards strengthening their work on prevention of serious human rights violations and early warning through their 'Monitoring and Reporting Mechanism' in situations of armed conflict and their engagement in the UN Inter-Agency Task Force meetings.

The UN Development Programme already uses UPR recommendations as part of the basis for their planning, and has guidelines supporting Country Teams 'to interact with all the human rights mechanisms'²⁵ including the UPR as a grounding for country planning and to promote human rights mainstreaming in their assistance to national development strategies with a strong focus on prevention. A key area for enhancing a holistic approach to sustaining peace also lies in the joint UN Development Programme and UN Department of Political Affairs programme that deploys Peace and Development Advisers²⁶. However, an emphasis on human rights training and closer collaboration with human rights colleagues from the UN and civil society is arguably still lacking. This could strengthen situation analysis and strategy or programme development in countries where Peace and Development Advisers are deployed. The UN High Commissioner for Refugees' Human Rights

²³ <https://en.unesco.org/partnerships/partnering/promoting-culture-peace-and-non-violence>

²⁴ <https://www.un.org/sg/en/content/ban-ki-moon/human-rights-front-initiative>

²⁵ <https://undg.org/human-rights/strengthening-engagement-with-the-international-human-rights-mechanism/introduction/>

²⁶ <http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/conflict-prevention/joint-undp-dpa-programme-on-building-national-capacities-for-con.html>

Liaison Unit supports country offices in their submission, but despite their privileged engagement with a broad variety of actors and contexts, notably on finding sustainable solutions and returns, they have not appeared to engage on this within the UPR.

From the above reading of UN agencies' engagement with the UPR as well as with sustaining peace, there is clearly scope to more systematically and coherently augment some of the input from the UN Country Teams, the Peacebuilding Architecture²⁷ and from agencies such as the Food and Agriculture Organization of the UN that are reframing their work to integrate a sustaining peace perspective.

Furthermore, the value of such an engagement also lies in the political space that the UPR opens to Resident Coordinators and UN Country Teams that can provide opportunities for discussions with national partners on interlinked sustaining peace, development and human rights issues.

Planning, Monitoring and Reporting Opportunities

The revised guidelines on the UN Development Assistance Framework²⁸ now recognize the need outlined by the twin resolutions for joint analysis for effective strategic planning across the development, humanitarian and peacebuilding entities in order to support prevention, sustaining peace and peace building in fragile and conflict-affected settings. These revisions build on previous references to Human Rights up Front which led to the development of the Conflict and Development Analysis Tool and its companion piece, the UN Conflict Analysis Practice-Note. In line with this, the Common Country Analysis is intended to consider 'multihazard risks, human rights, and humanitarian and peacebuilding dimensions

27 The Peacebuilding Fund covers a broader range of countries than those on the agenda of the Peacebuilding Commission at the moment.

28 https://undg.org/wp-content/uploads/2017/05/2017-UNDAF_Guidance_01-May-2017.pdf

in a holistic way'²⁹ and the UN Development Assistance Framework guidelines now call for the Humanitarian Needs Overview to be considered a 'source of information on people's vulnerability for the Common Country Analysis in crisis contexts'.³⁰ The guidelines also call on agencies to support States to 'promote and implement [the States'] obligations and commitments under international law, including [...] the recommendations of the Universal Periodic Review'.³¹ However, the relative novelty of these revisions in the guidelines means it is too early to know whether they will improve agencies' systematic input into the UPR and their consideration of UPR recommendations when formulating country strategies.

The United Nations Development Group is currently developing an online planning, monitoring and reporting platform called 'UN Info' that digitizes UN country-level strategic results frameworks (UN Development Assistance Frameworks and annual action plans), likely to be part of standard UN Country Teams strategic planning processes in 2019. The narrative section could potentially facilitate integrating language linking back to elements of conflict analysis and sustaining peace. For example, UN Country Teams could include references to 'social cohesion' or 'sustaining peace' in their explanations as to the relevance of particular Treaty Bodies or UPR recommendations.

UN Member States' Engagement with the UPR

Resistance to Linking Human Rights and Sustaining Peace

The High Commissioner for Human Rights noted that: "There remains a degree of suspicion of the

29 <https://undg.org/programme/undaf-guidance/key-approaches-for-integrated-programming/>

30 https://undg.org/wp-content/uploads/2017/05/2017-UNDAF_Guidance_01-May-2017.pdf p.14

31 https://undg.org/wp-content/uploads/2017/05/2017-UNDAF_Guidance_01-May-2017.pdf p. 23

human rights agenda. We are told that human rights action interferes with efforts to restore a stable governing structure and prevents actors from seeking more pragmatic solutions.³² There is also a perception by some that the UN human rights system is sometimes used for politically-motivated intervention in sovereign affairs. These fears have been echoed in discussions on the link between human rights and sustaining peace. Similar concerns are also mirrored in ongoing discussions on how best to approach conflict or hyper-politicized situations in the UPR. There is a much-needed element of support and preparation for State representatives, and crucially those engaged in the UPR process when it comes to addressing such issues and situations.

More broadly, there remains a need for further awareness and understanding of sustaining peace and mitigating misperceptions and fears of it. Not least as human rights law, through the numerous treaty bodies and now also through the UPR, provides the necessary space for dialogue, nationally and internationally as well as unique forms of international cooperation, which are essential to sustaining peace.

Role of Parliamentarians

Considering that 60-70% of UPR recommendations³³ require actions by Parliamentarians, they are important throughout the process, from consultation to implementation as they play a key role in ensuring that new legislation respect the country human rights obligations and engagement as well as in monitoring public policies. As highlighted by the Resolution 35/29 on Contribution of parliaments to the work of the Human Rights Council and its UPR³⁴ their role extends to translating

32 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21236&LangID=E>

33 <https://www.upr-info.org/en/news/the-role-of-national-parliaments-within-the-upr-discussed-at-the-hrc>

34 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/190/92/PDF/G1719092.pdf?OpenElement>

international commitments into national policies and laws, including by supporting the implementation of recommendations generated by the international human rights mechanisms, especially the recommendations supported by the State concerned in the framework of the UPR.

The Inter-Parliamentary Union works on both human rights and peace and security and is well placed to support the linking of these two areas in the work of parliaments and parliamentarians. At the 2016 Annual Assembly, a Statement was issued on human rights abuses as precursors of conflict in which parliaments play a central role as early responders. This welcome Statement acknowledged the clear link between human rights and sustaining peace, affirming that ‘if abuses become more widespread and serious’ it ‘also creates a fertile breeding ground for violent conflict’³⁵. Building on this, the Inter-Parliamentary Union during its Annual Assembly in 2018 also finalised the draft resolution on ‘Sustaining Peace as a Vehicle for Achieving Sustainable Development’ which reaffirms the links and the role parliamentarians play in effectively upholding human rights, implementing the SDGs, preventing conflict and sustaining peace.³⁶

Recommending States

Embassies, and other in-country representation, are a primary source of analysis to inform recommendations. However, they are often overstretched, particularly in fragile or conflict environments. In such contexts their access to civil society working on sensitive issues is all the more restricted. This compounds the existing challenge for civil society who in Geneva will be recommended by Missions to contact their embassies in the country while embassies in States under Review often do not reply to requests for meetings from civil society wishing to share recommendations for the UPR.

35 <http://archive.ipu.org/conf-e/135/ass-3-inf1.pdf>

36 <https://www.ipu.org/download/4620>

Furthermore, the natural tendency ahead of a human rights process is for Missions to reach out to human rights based civil society and activists. However, this unnecessarily restricts the range of useful input into the UPR. For smaller Missions who do not have a wide network of well-staffed embassies, the UN compilation becomes an important source of information and analysis, and as noted above, this typically does not include conflict relevant or conflict analytical input.

Additionally, there is often an internal division within Missions, including between those leading on the human rights and those on peacebuilding and security, which further inhibits the transmission of relevant information and analysis.

States are generally not well-informed on the important link between human rights and sustaining peace and this has been reflected in the fact that Missions generally have not considered this topic in the choice of thematic focus or even taken it into account in the formulation of recommendations, e.g., by ensuring the recommendation is conflict sensitive and takes into account relevant conflict context.

Recommendations and Questions in Advance

It is a difficult balancing act for recommending States to, on the one hand, draw attention to circumstances of concern and, on the other, acknowledge present limitations on capacities in some fragile or weak contexts. In attempting diplomatic formulations of recommendations, sensitive topics may get lost in overly general recommendations. Furthermore, they may merely be noted if they are perceived as politically motivated.

Recommendations will often reflect one or more thematic priorities of a given Mission which may not easily be adapted to input on conflict preventative themes. However, there is scope in framing 'Questions in Advance'³⁷ to broach a topic

or initiate reflections that cannot fit into the short recommendation time or thematic priorities. These have also been used to prompt additional interaction, not least on sensitive topics, which are then encouraged to be taken up by the State under Review in their country report Statement.

Questions in Advance, while not mandatorily answered during the National Report at the UPR Session, are often included in their considerations. These are often positively viewed as an act of interest from Recommending States and as opening a space for more dialogue bilaterally.

States under Review

States under Review are 'encouraged' to hold a 'broad consultation process at the national level with all relevant stakeholders'³⁸ towards compiling their National Report for the Review. These consultations are an opportunity for inclusive dialogue with a wide range of civil society actors such as the National Human Rights Institution, civil society, human rights defenders, local associations, grass root organizations, trade unions, Indigenous peoples, peacebuilding actors and others.

States under Review who do not take back the recommendations they receive during the Working Group session to their capital for consultation, often forego the additional and crucial opportunity to create spaces for dialogue and consultation at the national level. A crucial element of national ownership, which is key to fostering coalitions and cohesion at country level, is then left out.

Finally, national mechanisms for follow-up and review are not only central to ensuring the implementation of recommendations but a key and continuous base for consultation with, and within, government departments, civil society and the UN.

37 <https://www.upr-info.org/sites/default/files/general-document/>

pdf/upr_info_guide_for_recommending_states_2015.pdf p. 15

38 Resolution A/HRC/RES/5/1

Recommendations and Possible Follow-Up Activities

The next section outlines some recommendations for stakeholders engaged in the UPR process towards greater coherence and synergy between actors at their respective levels of engagement as well as between silos. Emanating from the year's conversations and experiences, they remain non-exhaustive and with no claim to being comprehensive, but they attempt to illustrate how, through better use of existing resources, the prevention of destructive conflict and the prevention of human rights violations can be made more effective and mutually reinforcing throughout the UPR process.

Civil Society

In Country – Programme Level

National Human Rights Institutions, human rights and peacebuilding civil society should actively coordinate and build coalitions towards inclusive inputs to the UPR to further integrate human rights and sustaining peace.

Human rights and peacebuilding civil society should collaborate to produce education material on the UPR that avoids human rights jargon and makes the process accessible and relevant for a broader audience.

Request meetings at embassies to include various portfolio holders, especially peace and security.

Invite UN agency staff with peace and security specialization into consultations and engage them during the follow-up.

Make use of peacebuilders' skills in dialogue and facilitation during multi-stakeholder consultation and implementation.

Headquarters - Policy Level

Review existing UPR recommendations with a peacebuilding dimension as examples of how to use rights-based language in crafting sustaining peace related recommendations.

Use the recommendations made within other human rights processes and Treaty Bodies, such as the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights, to formulate stronger recommendations.

Encourage the attendance of a broader range of national civil society representatives at the UPR Pre-Session, to include peacebuilding civil society.

Create platforms for exchange and spaces that address sustaining peace related themes with diplomats, international civil society and UN agencies, as well as with other civil society working in that context.

Ensure that sufficient country context is given to recommendations within civil society submissions to the UPR to provide a holistic picture regarding the broader societal dynamic.

Better integrate UPR recommendations into country-based programming and in strategic advocacy planning.

UN Agencies

In Country – Programme Level

Ensure capacities are dedicated to ensuring conflict awareness into country reports and recommendations, and conflict sensitivity in the implementation support.

UN agencies engaged in peacebuilding programmes should ensure they submit reports to the UPR process, in consultation with human rights and peacebuilding civil society.

Ensure conflict analysis more broadly and elements of prevention, conflict transformation and peacebuilding dimensions are included in UPR submissions as well as in their recommendations.

Ensure National Human Rights Institutions are included in country specific discussions, as a source of additional qualitative and quantitative information on the human rights, peace and security situation in a country.

Ensure UPR recommendations, specific convention articles, recommendations from relevant Treaty Bodies, or Special Procedures, or other international human rights bodies, notably those recommendation and articles relevant to sustaining peace are part of the basis of programme planning and implementation, as already described in the UN Development Assistance Framework guidance.³⁹

Headquarters – Policy Level

UN peace and security programmes present in States under Review should provide analysis on conflict dynamics and any facts and insights gained in the course of their work relevant to the human rights situation and its implications. Recommendations should include suggestions for mutually reinforcing approaches.

UN peace and security agencies should make use of UPR reports, particularly stakeholder and civil society inputs, to inform situation analysis, including early warning and prevention of destructive conflict.

³⁹ https://undg.org/wp-content/uploads/2017/05/2017-UN-DAF_Guidance_01-May-2017.pdf

OHCHR should develop capacities dedicated to conflict analysis, particularly in their UPR branch that prepares the UN and Stakeholder compilations for the UPR.

OHCHR should ensure that issues such as recommendations relating to arms proliferation and arms transfer get included in the compilation.

The Letters from the High Commissioner for Human Rights to States under Review should include conflict analysis, early prevention and an emphasis on elements relevant to sustaining peace.

UN Member States

Embassies in States under Review

Use information from human rights defenders to feed into prevention and early warning of destructive conflict and highlight this analysis in UPR recommendations and Questions in Advance.

Consult across all portfolios, including peace and security, to provide input to capital for the UPR report.

Engage in-country with UPR *Info* and other international civil society actors that coordinate UPR inputs and follow-up to encourage inclusion of a sustaining peace dimension in their in-country work.

Broaden civil society engagement, specifically around the UPR, to include national or local peacebuilding activists, organizations, associations and platforms.

Recommending States

Systematically bridge the silos within Missions to ensure that human rights information is effectively being channeled towards prevention

and early warning of destructive conflict, by, for example, consulting on UPR recommendations.

Develop internal capacities on conflict analysis in order to address peacebuilding and prevention dimensions in recommendations.

Identify which rights, in addition to their intrinsic value and legitimacy, have peacebuilding dimensions and impact in specific contexts, i.e. what are the human rights issues that, if left unaddressed, could later trigger violence.

Consider the role of economic, social and cultural rights as potential root causes when making recommendations on the implementation of peace agreements, mandates, policies and programs in conflict-affected contexts.

Draw on previous recommendations related to sustaining peace made by treaty bodies such as the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights in order to make UPR recommendations more specific and relevant in this regard.

Meet with a broad range of civil society organizations who attend their UPR Pre-sessions in Geneva and facilitate discussions around thematic issues relevant to sustaining peace with relevant stakeholders, partners and diplomats.

Consider using Questions in Advance more systematically towards opening spaces for dialogue and cooperation on sensitive matters and to address the sustaining peace dimension of human rights concerns. This could also contribute to the acceptance of sustaining peace as a normative framework.

Ensure flexibility within processes for developing recommendations that enable relevance in the

fast-changing situations in fragile and conflict contexts.

Consider what political, financial and capacity building support can be offered for the implementation of recommendations made, whether bilateral or through peacebuilding agencies or the programmatic arms of the UN's three pillars. Information and analysis that comes out of the UPR needs to be better translated into Recommending States' commitment to supporting work of the peace and security agencies.

States under Review

Use a conflict sensitive approach in reviewing their policies, laws and actions for the UPR, drawing on peer support and civil society expertise.

Systematically take back the recommendations they receive during the Working Group Session to their capital for consultation and use this as a key opportunity to create additional spaces for ongoing dialogue and consultation at the national level with civil society.

Draw on the expertise of local peacebuilders in the implementation of UPR recommendations to ensure a sustaining peace perspective is applied in the development of implementation plans and any work on national mechanisms for reporting and follow-up.

Ensure sustaining peace is included in domestic implementation, reporting and follow-up, that engages with peacebuilding organizations as well as relevant parts of the Government, including through national mechanisms for reporting and follow up⁴⁰.

40 http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Donors

Support international civil society actors to produce more accessible guidance material to the UPR, e.g. in multiple languages and jargon-free.

Support the mainstreaming of conflict analysis and sensitivity (and related tools) into funded briefing and training sessions given to Recommending States and States under Review to increase the relevance of Questions in Advance and recommendations for sustaining peace.

Support civil society at the country level, individually or through the creation of a fund, to support broad participation in the UPR process, with a specific emphasis on peacebuilding civil society.

Fund multi-dimensional approaches for implementation of UPR recommendations and promote the inclusion of a sustaining peace perspective.

Ensure financial support is available for national peacebuilding actors to engage in the UPR process – from Pre-sessions attendance to sustaining meaningful engagement throughout the implementation process.

Conclusion

On the UPR

This project sought to explore UPR present practice and untapped potential in linking human rights and sustaining peace, with a view to strengthening both. In the process, it promoted and supported the involvement of peacebuilders from the ground, although clearly a one-year project within a multiyear process such as the UPR can have only illustrative and, hopefully, stimulative effects. However, the cross-silo dialogues initiated at many levels, and the challenges and opportunities identified in the recommendations and next steps here, can provide a basis for further work to better link human rights and sustaining peace.

The special characteristics of the UPR - a universal peer process with multiple stakeholder input and interaction - make it a fruitful ground for further exploration of how the human rights system and community can be useful to peacebuilding and prevention of destructive conflict - in short, sustaining peace - and benefit from the knowledge and skills of peacebuilders within and beyond the United Nations. Additional, perhaps more focused and sustained, examples of how this could work would be valuable in this regard.

Beyond the UPR

The Secretary General's report on peacebuilding and sustaining peace,⁴¹ stresses the importance of the human rights normative framework as a 'critical foundation for peace' and the scope of engagement is widened from the UPR (specified in the twin resolutions), highlighting the

'imperative for the peace and security and development pillars to make better use of the existing human rights mechanisms, such as special procedures, the treaty bodies and the Universal Periodic Review, and their recommendations in support of Member States.'⁴²

The experience of this project showed that how to do this is still underexplored and that there is an openness to suggestions of specific ways forward within existing work plans and responsibilities.

For example, as the Peacebuilding Commission is diversifying its working methods, this could be a good opportunity to further advance its unique role in enhancing 'intergovernmental coherence through its cross-pillar mandate'⁴³ by strengthening the human rights element. Some States⁴⁴ (beyond the agenda countries) have chosen to initiate constructive discussions using the platform of the Peacebuilding Commission. By building on this to create space that allows for holistic discussions that include human rights - economic, social and cultural as well as civil and political rights - the Peacebuilding Commission can further support countries in prevention of destructive conflict, the effective implementation of peace agreements and rebuilding societies.

In considering the link between human rights and sustaining peace, it is important to understand the interaction as mutually reinforcing. Human rights provide a strong underpinning for the work of sustaining peace and are essential in prevention of

⁴¹ <http://www.un.org/en/peacebuilding/pbso/pdf/SG%20report%20on%20peacebuilding%20and%20sustaining%20peace.As%20issued.A-72-707-S-2018-43.E.pdf>

⁴² <http://www.un.org/en/peacebuilding/pbso/pdf/SG%20report%20on%20peacebuilding%20and%20sustaining%20peace.As%20issued.A-72-707-S-2018-43.E.pdf>

⁴³ <http://www.un.org/en/peacebuilding/pbso/pdf/SG%20report%20on%20peacebuilding%20and%20sustaining%20peace.As%20issued.A-72-707-S-2018-43.E.pdf>

⁴⁴ For example, Burkina Faso, Colombia, Kyrgyzstan, Papua New Guinea, Solomon Islands, Somalia and Sri Lanka,

destructive conflict as well as early warning. The human rights system and community can benefit from learning about, and using, peacebuilding resources - from knowledge and information to skills in conflict analysis, dialogue and problem solving. As such, the full potential of the relationship between peace and human rights will not be realized by the inclusion of human rights approaches into peacebuilding and prevention alone. There is a need for a cultural shift, both from the human rights as well as the peace and security actors, in order to bridge the gaps.

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