

Protecting human rights in Colombia: Reflections on the work of OACNUDH

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Fieldview Solutions

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FIELDVIEW SOLUTIONS

advancing field protection and human rights

Introduction

This study forms a part of broader project, “Protection through expanding UN Human Rights Field Operations: Assessment and lessons learned” which is looking globally at the achievements of expanded human rights operations since 2005 (see annex 1). The research in Colombia was the third field case study, preceded by studies in the Democratic Republic of Congo and Nepal.

These are preliminary reflections after spending two weeks interviewing key stakeholders in Bogota, Medellin, Arauca, and Bucaramanga. Liam Mahony met with over 20 of the staff and management of OACNUDH; with 15 representatives of civil society, including NGOs, church, journalists and indigenous leaders; with international NGOs, diplomats and UN representatives; and with over 20 different representatives of the Colombian state entities, including in the Ministries of the Exterior, Interior, Justice, Defence and DAS, as well as numerous representatives of the Fiscalía, the Defensoria, the Procuraduria, Personerias, and one Senator.

Given the scale and complexity of the human rights problems in Colombia, a two week research visit to four places is obviously insufficient. These preliminary reflections, therefore, do not pretend to be an exhaustive evaluation of the work of the office. We look forward to feedback from OACNUDH, and expect that additional inputs will correct any errors of interpretation or fact. At the end of the broader project these results will be integrated into a global analysis which will be distributed to all human rights field operations.

It is relevant to note here that the author carried out a very similar study in Colombia in 2005, enabling a comparison between inputs received in 2011 and those received six years earlier. That research contributed to the 2006 book “Proactive Presence: Field strategies for civilian protection” and was also the basis for paper written for High Commissioner Louise Arbour as a contribution to the 2005 process of creating the “Plan of Action” for OHCHR. (see annex 2.)

1. Basis for the protective impact of OACNUDH

OACNUDH has earned a high degree of credibility and legitimacy during over 15 years of service for human rights in Colombia. It is considered a fixture on the human rights scene, and its leadership and guidance are highly respected – and expected – from human rights advocates both in government and in civil society. Words like “a beacon”, “a guidepost”, “a reference point for human rights”, “landmark,” and “lighthouse” were used repeatedly to describe the office’s impact. The office is perceived to effectively represent and wield the political clout of the UN system in favor of human rights – in fact beyond the UN system it is seen as the pre-eminent representative of the international community in Colombia on these issues.

This credibility and clout are a result of hard work, high-quality and consistent investigations and reporting, diplomacy characterized by impartiality and a consistent commitment to human rights principles, and constant contact building. The office’s weight in Colombia is also a result of the political support of many other actors, including civil society mobilization for human rights that preceded and called for the office’s arrival in Colombia and consistently supported it, as well as high levels of support from the international diplomatic community.

This combination of political clout and unassailably competent work has generated what appears to be a nearly-universally shared perception of legitimacy that puts the office in a very strong position

to stand up for protection of human rights even when such stances involve confrontation with very powerful Colombian forces. Even those entities that might wish the office gone seldom consider it politically wise to say so. Most interlocutors agreed that the resulting impact of this reputation can be felt in every activity of the office – from the dissuasive value of a simple visit to the countryside or a private phone call to a Ministry, to the universally respected impact of its annual reports.

2. High-impact protection practices

This study asked all interlocutors to reflect on the question, “Which aspects of the work of OACNUDH have had the most notable impact on the protection of the human rights of Colombians?” The responses were fairly consistent across a diverse range of people, highlighting the following areas of work:

- a. Field presence (sub-offices) and rural visits – especially joint visits to communities with other entities.
- b. Consistent, rapid and visible responses to urgent needs.
- c. Interlocution and advocacy with authorities
- d. Convening multiple actors – especially bringing state, civil society and international actors together.
- e. The public voice of the office, especially the Annual report
- f. The facilitation of visits by special procedures and the HC.
- g. Strategic combinations of monitoring and advisory work with state (especially in the extrajudicial executions example).
- h. Close following of legislative projects.
- i. Presence in legal processes, hearings, trials, etc.
- j. Providing case-based and high-level analysis to diverse Colombian actors.

Recognizing a bias among many interlocutors to express positive feedback about most of the office’s work, interview methods were tailored to encourage a more limited prioritization, to elicit a clearer relative ranking of where people saw the greatest impact. In response to such questioning, the feedback from the vast majority of interlocutors high-lighted the first five items with remarkable consistency: regional and rural field presence, rapid response to urgent needs, advocacy with authorities, convening multiple actors, and public reporting and statements. We will look at each of these in a little greater detail.

2.1 Sub-office presence and visits to the regions outside the big cities

The presence of every sub-office is perceived as a strong message of the concern of the international community for what happens at the regional level in Colombia. These offices have enabled the development of long-term relationships with high-level authorities at the departmental levels, which is vital in a country with such diverse regional human rights dynamics. The sub-office deployment is also crucial to enabling the efficient and frequent access of UN human rights officers to rural areas. The credibility of OACNUDH is vitally linked to this de-centralized deployment – as several respondents put it, “Without the field presence, the reports and recommendations would not be so relevant.”

Even more emphasized than the general office presence were the regular missions out to the field. The dissuasive impact of field visits to communities was stressed over and over. Over the years, Colombians have seen repeated evidence of this impact, citing case after case of notable changes in behavior of authorities, paramilitaries and others as result of OACNUDH visits to areas of tension. This dissuasive impact is something OACNUDH needs to claim greater credit for, and continue to facilitate and maximize its impact. In areas where OACNUDH visits are sporadic or infrequent, respondents always want more, but they also point out that each visit is remembered for a long time, and the potential of a return visit has a continuing and cumulative impact on moderating abusive behavior.

When the “higher-level actors” of OACNUDH visit the regions and communities this dissuasive impact is even stronger. Colombians tend to have high respect for authority and status, and the field visits of the HC’s representative or deputy, or the regional releases of public reports, are very notable at the local and regional level. Similarly, the more the heads of sub-offices get out into the communities on the field missions, these higher-status visit can be used to add to the politically dissuasive impact.

When the office engages in joint field missions together with national actors (such as the fiscales, defensores, or other state actors) or international ones (such as members of the diplomatic corps) the protective impact is felt on multiple levels. Each entity in such joint visits brings its own status and clout into the dissuasion impact. Often the OACNUDH participation facilitates and even protects the field visits of national actors. Furthermore, the OACNUDH presence often opens up channels of communication between local communities and victims with state entities, overcoming a frequent generalized distrust of state entities. In essence, these visits allow a certain transfer of legitimacy – through which the reputation of OACNUDH enables the state agents to build their own positive reputation as human rights actors.

Unfortunately, for the same reasons, the *absence* of field presence and visits is also very strongly felt in the regions. Respondents stressed how limited the rural coverage is – the huge areas covered by a few understaffed offices, and the infrequency of missions to some highly sensitive areas. When the sub-offices have suffered gaps in staff, the reduction of presence has been felt immediately. There is considerable concern in the regions that re-structuring of OACNUDH may result in staffing losses in sub-offices that will reduce this vital protective impact at the field level. Civil society and state actors alike are very cognizant of changes – when OACNUDH visits become less frequent they perceive it as a blow to their protection. Some also expressed concern that field missions were being constrained by what they perceived as an exaggerated increase in security caution by UN agencies in general – as one respondent put it, “When things are difficult is when we need them most.”

Maximizing this protective impact of field presence is a question of resources, of structural and policy decisions, and of concrete work planning. Clearly any fundraising and policy decisions (both in Bogota and Geneva) that can over time increase the staffing of sub-offices will notably increase this level of protective impact. In this respect, OACNUDH deserves credit for the recent expansion of opening pilot offices in Pasto and Villavicencio, and ideally this trend will continue. In the meantime, within the status quo of existing constraints on permanent posts and funds, the office should continue to seek flexible solutions to increase the sub-office staffing, and the participation of staff in

field visits, for instance by ensuring that field missions comprise an increasing component of the work plans of all program staff rather than primarily the ‘observation’ teams.

Finally, the maximizing of field visits is a question of work planning. Given the very few staff in each field office, conscious attention must be paid to limiting the amount of internal administrative, writing and meeting demands that may impede their ability to travel. This is especially true for the sub-office coordinators and Bogota-based management, whose field visits can potentially have greater impact, but who are often too overloaded with internal institutional and supervisory demands to get out of the office or the main cities frequently enough.¹

2.2 Rapid responses to urgent needs

The power of TRUST (confianza) cannot be underrated in the context of high-risk human rights work. OACNUDH has successfully generated a powerful quota of trust among many allies by consistently responding rapidly to their calls for help in critical moments over the years. Human rights advocates both in state agencies and in civil society repeatedly expressed their gratitude for this responsiveness, which they credit with keeping them or their colleagues safe when they were at risk, or with calming a tense situation with a timely intervention. As one civil society representative put it, *“We call. OACNUDH comes. And the paramilitaries leave.”* Or as one worker in the Fiscalia described it, *“When we faced threats from the military, we always get a more effective response by calling the UN [OACNUDH] than by calling the Ministry of Defense.”* Others pointed out how the office can sometimes efficiently investigate a high-risk situation and make a public pronouncement with preventive impact within a day or two. In other cases a few quiet phone calls contributed to the release of someone illegally detained.

The trust generated by this kind of responsiveness is long-lasting. When it exists, people in civil society and the government who may at times be critical of OACNUDH’s choices will tend to give the office the benefit of the doubt, sustaining their alliance and support despite these differences.

Sustaining and implementing this capacity to respond is also *efficient*. For although it is mostly likely stressful and demanding to mobilize a response with little warning or planning time, the impact of such short-term mobilizations of interventions will far outweigh the cost, because the preventive or protective impact of a single correctly-timed intervention can far exceed that of some longer-term investments, while the stronger relationships and alliances these interventions promote will often generate many unexpected subsequent benefits.

The *reliability* of this responsiveness is also very important. Just as trust is created when the office is perceived to come through under pressure, trust can be seriously damaged when the office fails to respond in a timely or adequate manner to an urgent need. This is a daunting challenge: obviously OACNUDH cannot respond to *everyone’s* urgent needs. But it needs to make choices based on a clear understanding of the benefits and costs of each response or non-response. The reliability of

¹ Supervision, administration and planning are vital functions, so we are in no position to suggest specifically *how* work plans might be adapted. The point here is that as future strategies and work-plans are constructed and these difficult work-allocation decisions are made, that an effort should be made to increase the priority given to these “outside the office” functions of staff and management.

OACNUDH's rapid responses also should have a deterrent effect: the more that state actors come to understand that certain types of attacks or threats will never go unnoticed, the more they will calculate the political cost of these responses into their decision-making, and refrain from acts that will provoke such costs.

2.3 Interlocution and advocacy with authorities

OACNUDH carries out important direct advocacy with state authorities, calling for protection of communities, human rights defenders or other targeted actors. This advocacy occurs in Bogota and in the regions, and takes place on multiple levels, deliberately targeting the institutions and individuals that can have the most impact. A community reports certain threats and vulnerabilities, and OACNUDH goes and visits the local authorities to encourage them to take preventive action, while simultaneously talking to national authorities about the need to either pressure or support these same local actors. A civil society activist is suddenly detained for no apparent reason, and OACNUDH can immediately talk to its contacts in the police or prosecutors offices to clarify what is going on, immediately increasing the probability that due process will be followed. Examples of these interventions emerged in nearly every interview.

But OACNUDH's relationships with state authorities are not simply about direct advocacy for protection. Like every other substantial field presence visited in this study, OACNUDH in Colombia plays an important door-opening role between civil society and state authorities. Just by speaking to authorities about the concerns or work of civil society, OACNUDH gives these local actors more credibility and prestige, increasing the chances that state interlocutors will meet with them and give weight to what they say.

This "door-opening" role goes in the other direction as well: OACNUDH has enough trust among communities and civil society that it can generate confidence in state authorities whom they would otherwise distrust. Numerous state respondents stressed the importance of this trust-building, admitting that they could achieve have the same access to victims and communities without OACNUDH's facilitation.

State respondents at the regional level also stressed the 'door-opening' role that OACNUDH can play between the regions and Bogota. Regional contacts often feel they have little capacity to influence even their own colleagues in Bogota, and turn to OACNUDH to make a key contact in the capital to help them overcome an obstacle.

2.4 Convening multiple actors – especially bringing state, civil society and international actors together.

Having these channels in both directions gives OACNUDH a unique capacity to convene multilateral processes to address problems or discuss specific themes. Respondents praised numerous initiatives – *comisiones mixtas*, working groups, multi-lateral visits to the field, the *Mesas de Garantias*, in which they believe OACNUDH's promotion or mere presence was a crucial component of achieving any results. According to one civil society respondent, "We have participated in the local '*mesa de garantias*' but when the UN is not at the table it is a waste of time."

In some cases, OACNUDH has taken the initiative to propose multi-lateral spaces which did not exist before. In other examples, OACNUDH has left the initiative to national actors, but supported and

legitimized their efforts. The knowledge that a process has UN support gives it greater credibility and sustainability. Sometimes just the quiet presence of OACNUDH in an observer role in the room has a positive influence on other actors' behavior and willingness to work constructively. Looking back over long-term processes, for instance, the office has been crucial in supporting the process of *Sistema de Alerta Temprana*, the "Cartagena" discussions, as well as many more informal convocations.

2.5 The Public voice of OACNUDH and the Annual report

The public voice of the office, and especially the release of its annual report each year, have a very high-profile in Colombia. The office's pronouncements, whether in reports, press releases, radio, television, opinion columns, Facebook, or Twitter, are crucial tools for all the other human rights actors in the country. Government respondents pointed out repeatedly how closely they watch the annual report and other public messages of the office, how clear it is to all key stakeholders that the concerns of the office cannot be ignored – they demand a response.

Civil Society and government human rights workers stressed that although they themselves also issue reports and public statements, it is common knowledge that none of their statements carry the weight of OACNUDH's. For them, therefore, OACNUDH's public voice is crucial – they can use it to reinforce their own, replicating and calling attention to the UN's concerns while complementing the UN's voice with their own pronouncements.

Spokespersons for different ministries admit that although the critique of government behavior is not appreciated by everyone, there is generally a high level of respect for the impartiality and practicality of OACNUDH's public approach: problems are described honestly but practical solutions are proposed and help is offered. This characteristic of the office's voice makes it more difficult to dismiss its concerns. Local government workers pressing human rights issues noted that when their regions or their cases are mentioned in the annual report or any other public statement of OACNUDH, they witness an immediate positive reaction from other authorities prompting a level of collaboration that is unattainable without this pressure.

Many respondents pointed out with grave concern their sense that for several years the voice of the office had become notably milder and quieter, apparently in an attempt by the former Representative to improve relationships with the government, but with the result that the office had lost a good deal of its prior force and clout on human rights issues. In recent years under the current representative, the office has had to make a vigorous effort to recuperate from this setback. Most respondents noted marked improvements in this respect. A key lesson for OHCHR as a whole is to recognize the high cost in credibility and influence that results from a weak voice, and the big effort it takes to reconstruct that trust and credibility once it has been weakened.

The release of the OACNUDH Annual Report is the dominant event in the annual human rights calendar in Colombia. The report has served to focus national debate. By consistently following up on unresolved problems year after year, the report has generated or promoted governmental and multi-lateral processes aimed at practical problem-solving.

Given the report's political importance in Colombia, numerous concerns were also expressed about gaps in the annual reports, about the amount of data and analysis that the office *has* but which does not appear in the report, and about excessive constraints in the form of page and word limits on the

reports imposed from Geneva. Others were concerned that due to changing processes in Geneva, the Annual Report on Colombia was no longer being used to its optimal political effect with the Human Rights Council.

3. Additional good practices

3.1 The facilitation of visits by rapporteurs and the HC.

In the last two years, the office has hosted or supported visits to Colombia by the High Commissioner, the Special Rapporteurs on Extra-judicial Executions, Human Rights Defenders, Internally Displaced People, Ethnic Minorities, and others. Each visit has had a notable impact, and the office is highly praised for its strategic facilitation of these visits. It has been particularly appreciated that the itineraries of these visitors included time spent in different regions and in rural areas.

The Special Rapporteurs themselves spoke out firmly in each case in their area of expertise – sometimes more forcefully than OACNUDH had been able to do prior to their visit. By facilitating and then following up on these visits and their recommendations, the office could take advantage of a ‘good-cop-bad-cop’ dynamic, in which the visitors were able to use tougher words if necessary, and then OACNUDH could follow up within the context of its existing state relationship to collaborate with problem-solving approaches. It is a delicate diplomatic balance, because the office needs to avoid backing away from or undercutting the firmer approach that might be emitted by a specialized rapporteur, which would invite a divide and conquer approach by those being criticized. It must instead be kind of ‘good cop’ that takes advantage of the changed political space created by the ‘tougher’ visitor’s discourse, and further presses the same principled demands but with a style more suited to its longer-term relationship. And this is exactly what the office is credited with having done effectively.

The office also effectively implemented quieter “expert visits” – such as the bringing of a Rwandan fiscal to visit Colombia to discuss comparative modes of approaching the challenge of violence against women. In addition, the office helped national actors take advantage of the work of Special Procedures even without physical visits. One example noted by a representative of Colombia Department of Administrative Security was the constructive way in which the office called their attention to the work on best practices in the work of intelligence agencies in a democracy done by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

The Special Procedures or other high-clout outside actors, with their currently very limited resources and time, face a constant dilemma in prioritizing the limited number of trips they can do each year. On the one hand, there is a strong argument for them to prioritize visits to countries where there is no other UN human rights voice present, because their analysis and statements bring a unique added value. But the Colombia experiences, as well as others we have seen in this research, demonstrate that the impact of a rapporteur’s visit is greatly multiplied when it combines with an ongoing UN human rights field strategy and when a field presence can follow up on its short-term

impact. The rapporteur benefits from the analysis and contacts of a field presence, making their time more efficiently used and their analysis better-informed. The Special Procedures will make their own prioritization decisions around these dilemmas, but OACNUDH should certainly continue to encourage more visits to Colombia, and continue this effective strategy of using these voices to open greater political space that the office can step into and keep open.

3.2 Strategic combinations of observation/monitoring and advisory work with state actors

In the history of human rights field presences there has long existed an excessive division between the concepts and activities of “observation/monitoring/reporting” and “technical cooperation/advice.” At the same time many have recognized that the consequences of this false dichotomy are inefficient, unstrategic, and to some extent confusing. Many key activities considered as classic “monitoring” actually merge directly into productive advisory relationships, and key technical cooperation activities often serve vital monitoring functions. The unique ability of a UN human rights presence to have a protective impact requires strategic combinations of this range of activities aimed towards complex goals of changing abusive behavior.

Different field presences have been attempting a variety of structural and theme-focused approaches to achieve these strategic combinations, and the current re-structuring of OACNUDH work identifies improving this linkage as one of its objectives. There is probably no single structural solution that will optimally facilitate effective strategies in all areas, so as these structures are refined it is important to look closely at successful examples where this combined impact has been successful. And then identify how to maximize similar combinations of efforts towards specific and future in ongoing work. In other words – what matters is not so much how a division of labor looks on a chart, but whether in practice it enables an organic collaboration among the different program areas and between each program area and their relevant counterparts in the regional offices.

One example of a successful strategic combination can be seen in the office’s work on extra-judicial executions, where it is widely seen to have had a dramatic impact. In this case, field-based monitoring painstakingly identified and analyzed what was happening on the ground, and the reporting of OACNUDH and others brought the issue to the forefront of the human rights agenda. Meanwhile, a quiet process of relationship building was going on with the Ministry of Defense, independent of the EJE issue. For instance, an agreement was reached to provide technical expertise to do an assessment of human rights training in the military. This technical assessment involved finding experts the military could trust, and promises of confidentiality about the results, and apparently, together with other contacts, created enough trust to keep the door open for an ongoing relationship.

Taking advantage of circumstances, open-minded individuals, and a propitious invitation from the defense ministry, the office took the opportunity to quietly present its case analyses of EJEs in full detail to all the regional commanders around the country where cases existed, thus playing a crucial internal advisory role that indirectly contributed to the emission by the Ministry of a policy of “15 Measures” to stop illegal extra-judicial executions.

Finally, the office negotiated its current advisory project with the Ministry of Defense to assess the internal processes of monitoring compliance with some of these 15 measures. At the same time, the

field monitoring and observation of the office has been able to document a dramatic reduction in the number of such executions by the military.

This process took years. But at a level of strategic protection, one could hardly ask for better “impact indicators.” There were measurable positive changes at the level of policy and internal practice, but also at the more important level of statistics of abuse and reduction of victims.

Looking ahead, the ongoing confidential internal advisory with the Ministry of Defense role necessarily requires that OACNUDH can continue to monitor these external impacts. Some observers expressed concern that the military might be subtly changing its modalities of abuse without a real reduction. When OACNUDH engages at such an internal and confidential level with abusive institutions, therefore, its credibility with multiple stakeholders demands that it sustain its capability to monitor the *real* outcomes for rights-holders.

OACNUDH is now engaged in many other complex problems where this kind of strategic combination is essential. Consider, for example, the nascent process of land restitution launched by the Santos government. The monitoring/observer work of OACNUDH has already played a major role over the years in identifying the historic and ongoing problem of illegal land-grabbing. It has also used this analysis, combined with its analysis of international norms and best practice, to advise the government with respect to the *Ley de Victimas* and the appropriate approaches to land restitution. But all are aware of how dangerous this process is for land claimants, and only if this advisory role is accompanied with sufficient monitoring to press the state to institute adequate protection will it represent a net benefit for rights-holders.

3.3 Close accompaniment of legislative projects and policy development with protection consequences.

For a state to fulfill its own protection obligations, it must have the right legislation and policies in place: which are consistent with international norms, which effectively facilitate protective action by responsible state agents, and which do not themselves create new protection risks.

Respondents credit OACNUDH with a highly professional and persistent approach to this – representing the firm voice of international norms with respect to numerous legislative and policy initiatives whose normative weaknesses risked contradicting the advances in human rights they purported to serve. Three examples were cited frequently: its consistent critique of the *Ley de Justicia y Paz*; its pressure and advice towards achieving an adequate *Ley de Victimas*; and its advisory work on the implementation of new approaches to the constitutional right to *Consulta Previa*. One Ministry representative stressed, “Whenever there is pending legislation, we call OACNUDH for advice. We don’t see this as interference but as an opinion based on experience.”

Even when political will is very weak, and implementation of laws is imperfect or politically manipulated, having the right laws and policies on paper creates vital tools for all human rights advocates, to hold the state accountable to its own standards, as long as there is sufficient subsequent monitoring to ensure this accountability.

Consider, for example, OACNUDH's work helping the state implement *Consulta Previa*. OACNUDH risks being implicated in a process that may ultimately be illegitimate in many instances, either because the consultation process is superficial, because the results of good consultation are not taken into account in actual legislative and policy decisions, or because participants in these consultations who stand up to powerful interests behind major economic development initiatives may be threatened or attacked for doing so. This does not mean that OACNUDH should not engage in supporting this right to participation, but in doing so it also has to ensure adequate resources are invested in monitoring the consultations themselves, the subsequent decisions by policy-makers and the safety of participants.

3.4 Presence in legal processes, hearings, trials, etc.

Substantial and competent human rights work in Colombia has prompted numerous important investigations and prosecutions. But the implementation of these is frequently constrained by political pressures and physical intimidation. Numerous respondents stressed the powerful impact that they have seen when OACNUDH actually shows up at hearings and trials and other such events. In some cases victims, prosecutors and judges were all facing high levels of intimidation by military elements, but when OACNUDH showed up, the intimidation rapidly diminished. This is a vital contribution to an essential process of protection, because unless witnesses feel safe to testify and prosecutors and judges are allowed to do their job, impunity continues unabated. For instance, if intimidation of legal processes succeeds in preventing condemnations in the cases of extra-judicial executions, impunity will be reinforced rather than weakened, despite all the substantial achievements to date. This kind of follow-up monitoring would be one more example of a 'strategic combination' described above.

Beyond physical presence, the office is also credited for other types of "accompaniment" of legal processes. A phone call by OACNUDH can help a Fiscal get better collaboration from the military in an investigation. Advice about possible actions to a less experienced fiscal can make the difference between action and inaction. The mere fact that powerful abusers know that OACNUDH has a special interest in a case represents a certain level of protection for the prosecutors and witnesses.

This kind of presence and accompaniment has also been vital when the prosecutorial process is being used as a tool of repression. Civil society activists have been targeted with countless "judicializaciones" based on "secret" evidence from state intelligence sources or dubious affirmations of former paramilitaries. The widespread nature of this dynamic suggests a systematic strategy of using the judicial system to constrain and intimidate civil society from doing its work. OACNUDH has helped call attention to this dynamic, and its inquiries and presence help to call into question unsubstantiated accusations or condemnations.

3.5 Providing case-based and high-level analysis to diverse Colombian actors.

Colombia has many competent human rights investigators, in its NGOs and in its state agencies. The quality of human rights investigation and political analysis capacities amongst Colombians is arguably amongst the highest in the world. Nevertheless, many respondents emphasized how OACNUDH has provided uniquely important case-research and analysis that has qualitatively contributed to protection and confronted impunity. In many situations, OACNUDH has confirmed and verified situations that were already known to other actors, and its case research primarily

reinforced and legitimized what others had done. In other cases, the contacts and confidence that OACNUDH has built up with multiple actors has given it access to testimony and analysis that other actors could not obtain.

The quality and impact of OACNUDH's research and analysis is not due solely to the undoubted competence of its individual human rights officers, but is also a result of the confidence people have in the institution. Witnesses and victims in communities feel safer reporting to OACNUDH than they do with state investigators. Sometimes they feel safer testifying to OACNUDH than to Colombian NGOs – not because they do not trust those NGOs but because they are counting on some level of security from association with the UN. At the same time, OACNUDH has access to information from trusted contacts inside state entities, and these channels are not available to most NGOs. This access gives OACNUDH a unique combination of sources. Combining this data with good judgment and political analysis has sometimes allowed OACNUDH to provide crucial analytical perspectives on not only the dynamics of human rights abuse in Colombia, but also on the potential avenues for addressing these dynamics.

In a country with such high capacity, OHCHR needs to be careful in choosing how to best contribute without substituting or usurping the space of Colombian actors. One risk of having so much credibility is that the analysis of other human rights actors can lose impact. People can fall into the trap of not believing a human rights analysis from a national voice until they hear it from the voice of OACNUDH. Other human right actors themselves fall into this trap, often wanting all of their own analysis and messages re-broadcast by the UN in order to have greater impact. This is a double-edged sword – because they may indeed achieve greater impact on their cases or issues in the short-run, but they may not be strengthening their own longer-term credibility by depending so much on the 'legitimate' voice of the UN. Ideally, most human rights case research and hard-hitting reports should be being done by the many competent Colombian human rights actors, with OACNUDH focusing on areas of investigation where its unique access to channels of information cannot be matched by others.

4. Balancing the relationship with state authorities

This study is looking at a global level at the complex relationship between a UN Human Rights presence and state authorities. How can a presence best take advantage of its unique positioning and credibility with civil society and the state? What are the optimal ways to sustain a public principled critical observer role while sustaining trust and influence with the state?

Many respondents stressed that relationships with authorities were very personality-dependent, stressing that different HC Representatives have had very different styles and impact. At the regional level this was also mentioned – how the style of the head of sub-office significantly affected the local relationships. Obviously the personal characteristics of individual authorities have an equally powerful effect.

Despite this personal variability, we found a good deal of agreement among respondents regarding the qualities and skills and approaches that are necessary to have an effective relationship with state

authorities.² Five elements seemed especially important: a) reliability, b) linking monitoring to a problem-solving approach, c) sustaining a wide array of state contacts, d) professional diplomatic style, e) having a powerful base of support, and exercising that power. We will look at each one in turn.

4.1 Projecting reliability

Respondents stressed that the office must be consistent, dependable and predictable. It needs to project reliability: its partners need to know what the office stands for, what kinds of things it will say or not say, how it is likely to act in any given situation. There are many aspects and sources of this reliability.

- Flawlessly accurate information based on its own independent monitoring. No mistakes.
- Projecting a clear understanding of the mandate of the office and acting consistently with it. Many state actors have inaccurate understandings of the OACNUDH mandate – including stereotypes that link it NGOs or subversive groups. The office needs to constantly correct these stereotypes with a clear discourse that explains its actions, including its most critical statements, within the mandate accepted by the Colombian state, and consistently clarifies how monitoring and constructive public critique is aimed at facilitating collaboration rather than closing doors.
- Consistency in message. The office can't use double-speak, or back down or negotiate on principled positions. This consistency has been projected in a disciplined manner. The office consistently seeks an impartial and objective approach and tone, and tries to avoid surprises – through ongoing private contact and dialogue and by providing key stakeholders the opportunity to see and comment on public reports before they are released.

This clarity and consistency is not as simple as it may sound, because the office has gained considerable credibility by taking the risk of engaging in very complex issues and getting its hands dirty in providing analysis and recommendations when stakeholders are polarized and polemics dominate the debate, and where the answers are not unambiguous or easy.

- *Consistency in behavior: predictable responses.* State agents should know what to expect from a human rights presence. Certain state actions should consistently generate a supportive response from the office, others should consistently result in public or private statements of concern.

Projecting this reliability generates respect. It is the essence projecting a clear identity – and a clear identity is fundamental to the relationship.

² Respondents included a many representatives of state bodies, including the Ministries of the Interior, Exterior and Defense, the Vice-Presidency office, the Fiscalía, Procuraduria, Defensoria, Personeria. Also interviewed were diplomats and international NGOs who also sustain ongoing relationships with the state. However, it should be noted that most interlocutors were either close partner of OACNUDH or representatives of branches of their Ministries with considerable public relations experience in dealing with human rights discussions. There are undoubtedly other players in the Colombian state with much harsher opinions of the office who were not interviewed. However, in many cases the more moderate voices interviewed were willing to share their analysis of how the office should best relate to some of those more difficult interlocutors.

4.2 Monitoring inextricably linked to problem-solving cooperation

According to one key government respondent, “It works best when there is less focus on attributing guilt. The process needs to be: identify problems, discuss them, and work together to overcome them.” The office is perceived to be effectively offering solution proposals, or opening up bi-lateral or multi-lateral dialogue processes for seeking solutions together, mutual processes. Its approach needs to be perceived as “helpful” even while its public and private reporting and advocacy need to be uncompromising and hard-hitting. Government respondents cited numerous examples of productive suggestions and technical advice from OACNUDH, including bringing in highly qualified technical experts when needed.

“Identifying problems to seek solutions” is a much more productive way to present the role of monitoring and reporting than the over-stereotyped concept of “name and shame,” but we can’t lose sight of the fact that the name-and-shame dynamic is still a vital political process that creates a range of pressures and influences external to OACNUDH that facilitate the state’s openness to find solutions. State actors in most countries will prefer technical support to public criticism, and it is not an uncommon strategy for state agents to request technical support to reduce or distract such criticism. The office needs to continue to stay focused on problem-solving strategies in which expert advice is specifically linked to priority concerns arising from its monitoring, avoiding the trap of ‘servicing’ state agencies with more general technical support.

Given the relatively high level of internal technical capacity in Colombia, OACNUDH needs to be able and willing to distinguish between failures of political will and lack of capacity, avoiding getting distracted into capacity-building when the primary problem is will. The problem-solving approach should actually expose an absence of will rather than hide it. The approach should also help to identify where real will exists: at the regional level, for instance, the office has sometimes effectively identified state actors who have the will to try to make a difference but sincerely lack capacity, and in such cases focused technical and advisory support can make a significant difference.

4.3 Diverse contact-building

A key factor that has helped OACNUDH weather some very difficult moments in its relationship with the Colombian state has been the wide range of state contacts it has nurtured over the years. Even when President Uribe and some of his allies sustained a decidedly polarized stance towards OACNUDH several years ago, OACNUDH still sustained a wide range of working relationships with various Ministries. Also important has been the independent relationships sustained at the regional level. Many respondents affirmed that the relationship with local authorities at the sub-office level were insulated to some extent from frictions at the national level.

These contacts have to be actively sought out and nurtured. State actors shift around, responsibilities change, and OACNUDH officers need to be disciplined in knocking on doors and creating new links all the time. Once a connection is made, it requires frequent contact to sustain. The office and sub-office management need to prioritize the work-planning time that this contact-sustaining process demands, especially during difficult transition or reductions of staffing.

4.4 Diplomacy

Clearly the actual style of interaction with state authorities must be calm, respectful and professional approach at all times. State actors appreciate praise for the positive actions they take, and acknowledgement of the constraints and difficulties of their task.

Sometimes this diplomacy requires a special effort of learning the language and perspectives of different sectors. The military, for instance, has a very different vision and perspective than the human rights community, with different priorities, different ways of operating, different educational backgrounds, etc. But their 'language' is also based on values, principles and standards – such as honour, duty, service, or discipline, which are in many respects coherent with human rights values. Human rights advocates could communicate this linkage and can create more fluid relationships if they make an effort to study and understand these different languages.

Given the high level of human rights discourse prevalent in Colombia, one positive approach suggested was to take advantage of this by publicly giving state counterparts the benefit of the doubt, affirming their commitment to human rights, but then using this affirmation as something to continue to hold them accountable. This has even been helpful with some regional authorities who were particularly intransigent: OACNUDH mobilized pressure from Bogota, forcing them to take certain actions they had resisted, but then publicly praised them for these actions in a way that actually improved their reputation and opened a door to continued collaboration.

Other respondents cautioned that the office is going to have achieve a very delicate balance in this respect with the current government: on the one hand the ubiquitous human rights discourse of the Santos administration must be praised and supported and taken advantage of to push forward human rights advances, but many are concerned that this discourse is a not-so-subtle strategies of co-optation without fundamental change beneath the surface. Collaboration with an agile state human rights discourse can be hard to distinguish from complicity with underlying human rights abuses – the integrity of OACNUDH, and its relationships with many other stakeholders, demands a rigorous commitment to continued transparency about what *real* changes are (or are not) being felt by rights-holders themselves.

4.5 Having power; demonstrating power

OACNUDH is has power and influence in Colombia. Some of this power derives from the reserve of credibility and respect that the organization has constructed over time by its own actions. It has created an identity that is difficult to attack, and a voice that people are prone to listen to with respect.

But even with the highest level of diplomatic skills, expertise and public respect, it is dubious that OACNUDH could have the impact it has without having created and sustained an external political support base. Its power derives from the support of the international community, from the support of Colombian society and from the Colombian's state's high level of sensitivity to national and global opinion.

The role of civil society in standing up for the office is crucial, because Colombian civil society is itself linked to a broad international support base through a myriad of connections. As one

respondent explained: “We may complain about things that OACNUDH does not do, but we also know that we have to protect and defend it.”

These external sources of power need to be constantly renewed, by nurturing close relationships of support with the diplomatic community, external donor states and civil society. The consistent media visibility of the office helps to sustain this support as well.

Power must be exercised regularly to sustain its influence. OACNUDH uses its power in many ways. In regional and rural areas, for instance, an international institution like OACNUDH is perceived to be a kind of authority – in some eyes an authority of equal or even greater status than that of a local government official. As one observer described Colombia, “*Here there is more respect for Authority than for the Law.*” This reality of a power base and the consequent image of authority underlie the dissuasive influence of OACNUDH’s many diverse interventions.

Another way in which the office has effectively used its power in its relationships is by offering the “carrot” of international linkages and reputation to its state counterparts. When the office facilitates an appointment for a state authority with a high profile international visitor, this can be a real feather in their cap – a point of pride and reputation. Similarly, when OACNUDH arranges for the high-level leadership of the Colombian intelligence sector to go to Germany and meet their professional counterparts, this is not only technical support and a search for solutions to problems, it is also a message to these state actors that OACNUDH has the power to facilitate high-status international connections for them.

UN human rights field presences often underestimate their own power, losing opportunities in the process. But OACNUDH in Colombia is frequently credited with having enough confidence in its power to show strength when necessary, respectfully saying “No” for instance when the state has put pressure on it to do things it thinks should not do, or firmly defending itself against unjust attacks or defamations. Nevertheless, many interlocutors felt that the office greatly overestimated its vulnerability to state pressure after the departure of Michael Fruhling, and the next Representative chose an approach in the next few years which was weak and lacking confidence, contradicting some of the very clarity and consistency that were noted above as fundamental ingredients of a good relationship. The long-run costs of those years of perceived weakness are still being felt today by some respondents.³

Paradoxically, the crucial relationships of a human rights field presence with state authorities are in many cases only useful if the field presence feels powerful enough and confident enough to put them at risk sometimes – and withstand a certain level of necessary friction. A field presence and its leadership need to continually exercise the clout they have, putting pressure on abusers or calling attention to state failures even though such pressure may be a source of annoyance to the authorities and may cause temporary friction in relationships.

³ This is not to say that a strategy of softening the approach in order to successfully negotiate a longer mandate renewal is *necessarily* wrong. Many respondents in and out of OHCHR believe it went too far, We cannot know at this juncture what would have happened to the mandate had a firmer approach been sustained. The point here is to recognize that this choice came with a very high cost. By visibly showing weakness at the highest level, OHCHR actually lost credibility and strength.

This last point is key: state authorities never want pressure, and will frequently seek strategies to counter-act it, or to punish those who exert it. If a field presence's strategy is to avoid such friction, it will never apply pressure. A strategy of human rights pressure, therefore, must always have a component of political damage-control within it, to sustain or rebuild relationships that will logically suffer from the application of necessary pressure. A field presence needs to see this as a constant cycle: PRESSURE -> FRICTION -> RE-STRENGTHEN RELATIONSHIPS. The relationships should not be recuperated by apologizing for the pressure, but by constant respectful diplomacy that sustains UN principles, by ongoing joint collaboration in a search for solutions, and by provision of services that authorities need. And a clear sense of confidence and power is vital to carry this out.

4.6 Strategic choices

With these five components of a strong relationship in place (projecting reliability, problem-solving approach, wide contact network, diplomatic skills, and a powerful support base), the field presence still faces difficult strategic choices in these relationships. For instance:

- *When to show flexibility?* State counterparts appreciate flexibility, and the appearance of rigidity or self-righteousness will not help these relationships. The office needs to always carefully assess where and when it can modify its own recommendations or positions in the search for practical solutions, without damaging the credibility of its principle-based identity.
- *When and how to agree to confidentiality in a relationship?* The relationship with the Colombian military is just one example where a willingness to agree to confidentiality has helped build trust. But confidentiality constraints can easily be abused, and contexts and understandings can change after such agreements are made. OHCHR has to protect itself from the risks of silent complicity with the actions of state actors it has made such agreements with. It also needs some level of transparent communication with other key stakeholders (for instance in civil society) in order to avoid suspicion or loss of trust. One approach is to have clear bottom lines within such agreements, such as never agreeing to silence oneself in the face of criminal action. Beyond the 'do no harm' concern, confidentiality agreements should also be regularly reviewed and assessed strategically. Presumably a confidential approach is originally chosen because it is judged to be the most effective way to achieve a good human rights outcome. Given the significant risks of these agreements, the office should try to limit their duration and build in processes to regularly revisit this calculation.

5. Multiplier impact

One dynamic which emerged very clearly in this research were the many ways in which other key human rights actors make use of OACNUDH's inputs, and multiply their impact. Many other human rights advocates call attention to the emblematic cases in OACNUDH reports, or mobilize advocacy around recommendations in OACNUDH reports, or cite UN reports within their own. OACNUDH press releases are redistributed by local actors when they see that the message will help legitimize their own work or protect them. State human rights workers explained how they "*use the international community as a kind of threat [with other authorities]...letting them know that without cooperation we can call in the UN.*" When the UN does a joint visit to a locality with a state human rights entity, these state actors continue to call attention to the UN's interest in their subsequent visits to the same locality.

This multiplier effect should be consciously calculated into OACNUDH's strategic decisions. Numerically speaking, OACNUDH staff comprise a very small proportion of the people actively promoting human rights in Colombia, but most of that larger non-UN majority are looking for ways to use OACNUDH's efforts to strengthen their own. This is a key reason why the *public* voice of OACNUDH is so important to them: OACNUDH may do many good things through quiet diplomacy, but other actors can't capitalize on those things as they can on the visible public output.

This secondary utilisation of OACNUDH's work by so many others probably has far greater human rights impact than OACNUDH's efforts alone. OACNUDH should therefore be asking itself this question about each of its own plans: not only *"How do we maximize our own impact?"* but also *"How can we mold this plan in a way that will facilitate other actors' use of it, and maximize the impact they can achieve with it?"* The answer to this question should yield important adaptations and nuances of strategy, from choices about contents of reports and public statements, to choices about travel and presence, among other things.

This "multiplier thinking" might be an argument for considering issuing "thematic reports". An in-depth UN report on a specific theme that many other actors are working on (such as land restitution) can contain a deeper analysis and have a much longer shelf-life than the annual report. It can become a key mobilizing tool for all the other human rights actors focused on that theme.

6. OACNUDH's longer-term future in Colombia

Remarkably, despite OACNUDH's long presence in Colombia and some substantial political changes, hardly any respondents questioned OACNUDH's future or suggested any major change was necessary. This stands in stark comparison to feedback from research in Nepal, where after only 5 years "exit strategy" is a hotly debated topic, or the DRC (Democratic Republic of Congo), where departure is the built-in assumption of a peacekeeping operation, and "drawdown" is in process.

OACNUDH still has a great deal to offer to Colombia for many years to come, and as we will suggest in our recommendations, it should seek to grow rather than shrink at this juncture. Nevertheless, internally, OACNUDH *should* be thinking ahead about its longer-term future in a proactive manner. Unfortunately, human rights field presences usually find themselves unprepared and on the defensive when their continued presence is questioned. But in a country with such high capacity as Colombia, it is essential to consider how the gaps currently being filled by OACNUDH can eventually be covered by Colombian actors. The OHCHR field presence should develop its own analysis of its future under a range of potential scenarios – an analysis that will help other actors understand its changing potential roles in different stages of possible transitions.

One Colombian respondent suggested the following approach: *"There are three factors that characterize Colombia: a long extended conflict, intense displacement, chronic crimes against humanity. Until Colombia has overcome all three of these we will need this international presence."* These may not be the exact criteria for sustaining a substantial long-term presence, but office should be thinking along these lines about what are the characteristics of the Colombian reality that require its presence – and what kind of presence different characteristics require. Consequently, when those characteristics change, OACNUDH will be prepared in advance with ideas of how the presence

should adapt. It should not be allowed to fall into an oversimplified “stay or go” discussion, but a much more nuanced analysis that allows for a range of options.

7. Recommendations

7.1 Make the protection impact more transparent

If OACNUDH is to sustain the important protection work it is doing, it is essential that it make this work more visible and transparent to its supporters and donors and to the general public. It is remarkable that the aspects of OACNUDH’s work that most respondents agree have the greatest protection impact in Colombia are not very visible in OACNUDH’s own presentations of itself and its strategies. These key tasks, such as sustaining sub-offices, making regular field visits to communities, responding rapidly to urgent needs, or constant advocacy with state actors demand substantial resources and staffing. Yet their protective impacts are seldom transparently described or claimed, even internally.

The term “**observation**,” frequently applied to a substantial chunk of this work, is simply insufficient to describe these protective functions. The fundamental objectives of the High Commissioner for Human Rights, since its inception in 1993 is to “**protect**” and “promote” human rights. “Observation” (or “monitoring,” as it is commonly described in many other missions), are not objectives in themselves, but only tools for achieving this protection. When these terms are used without explaining this linkage, they project a passive image of simply gathering data. Annual reports, strategic plans and many other documents repeatedly promise or list activities of observation and monitoring without explaining WHY these activities make a difference. Similarly they list advisory functions without explaining their strategic impact in changing behavior and making people more secure in the long run. As a result the impressive protective impact of OACNUDH’s presence in Colombia is largely undervalued except by those few stakeholders who have the closest contact with it.

In times of budget pressure and competition for resources, an institution has to make its impact transparent and describe and defend those aspects of its work that demand substantial resource investment. These protection impacts create a powerful justification for the investment.

Specifically, budgets, appeals to donors, strategic plans and reports should explicitly explain:

- the need for sub-offices and how they contribute to the office’s capacity to carry out protective field missions as well as increase its availability for vital rapid response to urgent needs in the regions.
- the dissuasive impact of field missions to communities, including not only the importance of the collected information, but also the immediate protective influence of the visit itself, of the visibility of the office in the area, of the direct contact with authorities, and the implicit dissuasive message to armed groups even without direct contact.

- the importance of keeping staff time available for rapid responses to urgent cases. Successful responses should be described and shared with partners. The strategic impact and efficiency of these short-term investments should be made transparent. If the office does not acknowledge and defend their importance, it could easily reach a point in which its resources are increasingly invested in other projects and this response capacity will diminish.

It is important to note that making these impacts transparent does not in any way contradict or undermine the fundamental responsibility of the state to protect. They can be described – as many other aspects of the work are described – as efforts that assist the state’s fulfillment of these responsibilities.

7.2 Sustain the courageous public voice of the office

The office has done an excellent job of repairing the relationships and trust that were damaged by the previous period of weak coherence and consistency of its public image and voice. The lesson of this experience should help the office, and OHCHR as a whole, to be more aware of the long-term costs of sacrificing one’s public voice for political expediency. .

7.3 Build “multiplier thinking” into the planning and implementation of the work

Recognizing the significant capacity of other human actors in Colombia, and the important ways that they make use of OACNUDH’s work, OACNUDH should maximize this multiplier impact, by seeking ways to implement its work, its projects, reports and other efforts that facilitate this secondary use by others. This might include:

- Taking on specific themes where analysis of other actors’ capacities suggests that they are in a good position to make effective use of OACNUDH’s efforts.
- Continuing to facilitate as many visits as possible by rapporteurs and working on the follow-up to these, while also encouraging other Colombian actors to take advantage of these external voices.
- Producing thematic reports with deeper analysis and written in a way to have a longer life, thus providing a mobilizing resource to Colombian actors working on these themes.

7.4 Develop strategic combinations of monitoring work and technical/advisory roles – and make the protective impact of these combinations more transparent.

The field missions of OHCHR need to dismantle the false dichotomy between technical cooperation and monitoring. The example described above of the multiple efforts applied to the dynamic of extrajudicial executions demonstrates how a strategic combination of different skills and activities leads to a protective impact. “Technical cooperation” and “monitoring/observation” do not define two areas of work. On the contrary, OACNUDH carries out diverse combinations of activities including visits, meetings, data collection, interviews, advisory consultations on legislation or policy, technical studies, policy development mechanisms and many others, and the multiple impacts of these activities should be constantly intertwined. A written report gives technical advice. An advisory meeting has protection advocacy potential, as it is also a friendly reminder that government behavior is being watched. Data collection helps identify technical needs, but it also involves visible

travel and contacts with dissuasive protective effect. Technical projects set in motion follow-up processes that are essentially monitoring. These links are manifold and to take full advantage of them, the structure of work has to maximize their interaction. The diversity of approaches is the basis for a complex relationship that is fundamental to having any real influence.

These strategic combinations also need to be described and shared with OACNUDH's partners and contacts. People tend to be familiar only with the aspects of OACNUDH's work they see directly. Since the technical advisory work is specifically targeted towards certain Ministries or state bodies, other actors are unlikely to know about it or understand its place in a protection strategy, unless OACNUDH tells them. This communication is important, both to minimize suspicions that civil society may have about alliances with state actors, and to help all stakeholders better understand the combined multiple approaches that can effectively promote human rights advances.

7.5 Pushing the resource limits

OACNUDH in Colombia is not big enough. It never has been.⁴ The fact that it has always been one of the largest of all of OHCHR's field presence is a testament to OHCHR's difficulties in fielding large presences, but not a sign of it being sufficient to achieve its potential in Colombia. All of the protective impacts described in this study would be significantly increased if more staffing were available, especially for the sub-offices, and if more sub-offices were established, with logistical capacity for increased travel. Each sub-office currently covers an impossibly large territory with insufficient staff, and must say no to the majority of useful potential field visits that could have further protective impact.

The facts that some human rights statistics in Colombia are improving, that the current President has a pro-human rights discourse, and is openly discussing re-opening a peace process might lead some to suggest it is time to start thinking about reducing the presence. This would be a serious mistake. Even in the ideal scenario of a peace process and human rights improvements, given the reserve of trust that it has generated, OACNUDH could do much more to assist in helping Colombia through a constructive transition with a larger, not smaller, presence.⁵

The currently imposed limits on creating new permanent posts in OACNUDH are a serious hindrance to this proposed growth. Unfortunately, this research is not yet in a position to assess the reasons and dynamics behind these limitations. But the recent success in funding several million dollars worth of special projects shows that there is still considerable donor support for OACNUDH's work in Colombia that does not compete with OHCHR's efforts beyond Colombia. We can only urge OACNUDH to continue to keep this dialogue with OHCHR Geneva open and to continue to press for a loosening of the constraints. Greater sub-office deployment demands more permanent posts, and a solution needs to be found that can apply targeted donor support to their creation.

⁴ See the 2006 comparative analysis of different field missions done in the study *Proactive Presence: Field strategies for civilian protection*, (Center for Humanitarian Dialogue, 2006) pp 130-131, in which Colombia had the lowest coverage of international field presence *per capita* or per thousand square kilometer of all missions studied.

⁵ In fact, in the event of the opening of a peace process with guerrillas, OACNUDH has greater political legitimacy in Colombia than any other international actor to step into the role of monitoring the human rights aspects of such a process, and should consider positioning itself for this role, but only if OHCHR is prepared to take on the challenge of increasing its scale of presence considerably.

OHCHR field presences (and FOTCD as a whole) need to take a multi-pronged approach to resource constraints⁶:

- Long-term advocacy and mobilization for substantial additional core resources.
- Taking advantage in the meantime of any opportunities to expand funding and staffing, for instance through donor-supported projects. Being flexible and creative in designing such projects in a way that allows the added staffing energy to be applied at least in part to these protection impacts.
- Reviewing work-plans, divisions of labor, and management structures to maximize the amount of time that staff have available for the tasks outlined here that most contribute to protection.

Looking briefly at the second prong involving donor-supported projects. In several cases the thematic content of these projects clearly demands a monitoring element, and in some cases this is already outlined clearly in the proposals. During the implementation of these projects, the office could seek to maximize how their outputs/activities achieve some of the protection impacts described in this study. Consider a few hypothetical examples⁷:

- The project on land-theft calls for an in-depth analysis of selected cases of land-grabbing and its linkage to human rights violations. Such an investigation can involve numerous field trips and discussions with victims, authorities and other key players. These visits – even in purely investigative context – carry an implicit dissuasive advocacy message, showing the office’s concern and commitment to follow future events. The choice of interlocutors and the discourse chosen can further strengthen this impact.
- The project on *Consulta Previa* calls for “advisory and technical support to be provided to national, local and regional authorities.” Regional and local visits to authorities to provide this support also have this implicit protective effect – demonstrating the interest and concern of the office, and calling attention to authorities the importance of the issue being dealt with appropriately. Here also, the choice of interlocutors and the discourse chosen can strengthen the protective impact.
- The same *Consulta Previa* project states that “The Office will monitor selectively the implementation of free prior and informed consultation,” opening the door to a wide range of protective visits to sensitive processes in selected regions.
- The project on Extra-judicial executions calls for regular visits to all eight territorial military divisions and navy units. Clearly each of these visits has potential for dissuasive and protective impact that extends beyond the details of procedures that are being examined.

⁶ *Strengthening the protection impact of Human Rights Field Presences* - Concept paper for the OHCHR Annual Meeting of Field Presences, February 2010. Fieldview Solutions.

⁷ Note – these ideas are only hypothetical, based on a brief review of limited documentation of the planned projects. They are included here only to illustrate the kind of creative thinking that can allow project-work to supplement the specific protection activities discussed. If the plans of implementation of the projects are already well-advanced in other directions, different creative ideas can be considered.

- The project on the *Ley de Víctimas* calls for consultant support to “the monitoring of selected voluntary depositions attended by OHCHR Colombia staff.”

As we can see in these examples, the direct protection activities (visits, advocacy, etc.) are in some cases already explicit, and in others they are implicit. If the office chooses to try to maximize these activities and their impact, clearly there are a range of creative ways in which project implementation can be nuanced to do so.

8. Concluding remarks

Most of what this paper has described is already understood by OACNUDH, and OACNUDH provides many positive examples of protection strategies that other field presences can learn from. It might appear, if anything, that these reflections are far too positive and are insufficiently critical. But one critique that can be applied broadly – to OACNUDH and other human rights field missions – is that they suffer from a tendency to either undervalue or take for granted their own impact, and as a result fall short of their potential.

What OACNUDH has achieved in Colombia is very impressive – a broad-based credibility, an image of legitimacy, and substantial influence at many levels. And it has been achieved and sustained despite notable state animosity during many periods. The importance of sustaining credibility and reliability cannot be underestimated, because these characteristics multiply the impact of every move the office makes, and allow other human rights actors to take maximal advantage of its work.