

Human Rights and Peacebuilding: Bridging the Gap

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Abstract

In view of academic and policy discussions about a persisting gap between human rights and peacebuilding in the UN system, this article examines how peacebuilding has been integrated into the work of the UN Human Rights Council (HRC). The analysis draws on interviews with UN Member State attachés and representatives of non-governmental organizations, as well as a range of HRC documents focusing on Myanmar between 2006 and 2021. The findings complement the existing academic literature with nuanced insights into the interaction between human rights and peacebuilding practitioners from a human rights, institutional perspective. The analysis reveals that the HRC is aware of the link between human rights and peacebuilding, implicitly supports peacebuilding and seeks to strengthen institutional cooperation through the prevention resolutions. However, despite efforts to increase engagement, explicit linkages and coordination with the UN's peacebuilding institutions in New York remain rare. Institutional silos, concerns about sovereignty and mandate overlap, fears of politicization as well as a lack of political will and capacity constraints present obstacles to cooperation. This article points to the need for a better information flow and stronger interaction between human rights and peacebuilding actors in Geneva and New York to enhance mutual understanding. Improving synergies between human rights and peacebuilding institutions in Geneva and New York is key to bridging the overall gap between human rights and peacebuilding—both in policy and practice.

Keywords: cooperation; Human Rights Council; peacebuilding; prevention; United Nations

1. Introduction

From the Human Rights up Front (HRuF) initiative to the sustainable development goals (SDGs) or the twin resolutions on sustaining peace, the last years have seen the adoption of numerous initiatives and programmes within the UN system that call for a stronger focus on the link between human rights and peacebuilding. Yet, while the need to promote cooperation¹ between the UN's human rights and peacebuilding programmes has been repeatedly stressed, translating this cooperation into practice has proven challenging. According to former UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, the division of the UN's work into silos hinders the effective exchange of expertise, information and

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¹ This article uses the term 'cooperation' rather than 'collaboration', given that collaboration would imply working towards a common vision or goal, giving up one's own goals and priorities. Cooperation is usually understood as working with others to achieve a successful, shared but independent result or objective, which is part of a larger goal or vision (Castañer and Oliveira 2020; Power 2016). Cooperation seems to be the better fit when referring to the UN system in which institutions have distinct mandates and matches the terminology used in the literature on the subject.

viewpoints, and overall, the relationship between human rights and peacebuilding actors is frequently still characterized by mistrust and misunderstandings (OHCHR 2017).

Given the persisting lack of interaction between human rights and peacebuilding actors within the UN system and the practical challenges of promoting closer cooperation, previous research has focused on studying how human rights could be better integrated into conflict resolution, peacekeeping and peacebuilding (Babbitt and Lutz 2009; Fuentes Julio and Drumond 2018; Mertus and Helsing 2006). The literature primarily analyses the link between human rights and peacebuilding from the perspective of peacebuilding actors, emphasizing the benefits of the human rights community's methods and concepts for peacebuilding organizations. This is in line with the UN's broader approach which prioritizes how a human rights agenda may benefit peacebuilding programmes and missions on the ground. Interestingly, little attention has been devoted to examining how the UN's human rights bodies integrate peacebuilding into their work and contribute to UN peacebuilding efforts. The understanding of human rights actors' perceptions of peacebuilding in connection to human rights and knowledge about their ways of exchanging with peacebuilding actors is hence limited.

This article addresses this shortcoming by analysing to what extent and how peacebuilding has been integrated into the work of the UN Human Rights Council (HRC), and how different actors in the HRC think about peacebuilding and the UN's peacebuilding institutions. This generates new systems knowledge on the dynamics within the UN human rights pillar with regard to peacebuilding. Drawing on conceptual elements from the literature on institutional practices, specifically the work of Martti Koskeniemi (1990; 2009) on the tension between law and politics, this study also provides more diverse insights into the interaction between peacebuilding and human rights practitioners in Geneva and New York² from a human rights, institutional perspective. The analysis thus moves the academic debate beyond its current unidirectional focus and addresses the lack of institutional viewpoints. At the same time, it aims to bring a new impulse to the scholarly literature on how synergies can be fostered, thereby supplying important transformation knowledge (Adler et al. 2018). This is particularly relevant, as several studies highlight the need to further investigate how closer cooperation between human rights and peacebuilding can be promoted, for which a bidirectional understanding is crucial. Closer cooperation between human rights and peacebuilding does not only depend on peacebuilding organizations and their efforts to introduce a human rights agenda into their programming but also on human rights institutions' awareness of how their work can enhance peacebuilding processes and benefit from a stronger connection to peacebuilding (Parlevliet 2017).

Throughout the article, the concept of human rights is understood as referring to human rights defence and promotion activities carried out by actors working through the HRC, with a special focus on political recommendations or reports, as well as technical assistance or capacity-building efforts expressed through resolutions. Peacebuilding includes the various activities carried out or supported by the UN's Department of Political and Peacebuilding Affairs (DPPA), the UN Development Programme (UNDP), the Peacebuilding Commission (PBC), the Peacebuilding Support Office (PBSO) and the Peacebuilding Fund (PBF). The article conceives of peacebuilding activities as efforts which 'are necessary not only once conflict has broken out, but long beforehand through preventing conflict and addressing its root causes' (UN 2018).

2 The terms 'human rights/peacebuilding actors' and 'human rights/peacebuilding practitioners' are used interchangeably. Human rights and peacebuilding actors or practitioners in Geneva and New York include professionals working in the two fields at an institutional/headquarters-level, such as Member State attachés, representatives of NGOs, or UN officials. If not accompanied by the addition 'in Geneva/in New York', the terms 'human rights/peacebuilding actors' and 'human rights/peacebuilding practitioners' refer to all professionals working on human rights or peacebuilding, both at headquarters-level and in the field.

2. The gap between human rights and peacebuilding: evolution of the field

Scholarly interest in the link between human rights, conflict and peace emerged in the early 2000s, with the first studies by [Parlevliet \(2002\)](#) and [Lutz, Babbitt and Hannum \(2003\)](#) focusing on the theoretical and practical divide between human rights and conflict resolution. The authors understand conflict resolution in a narrow way as being centred around mediation at different levels and highlight the tensions between both fields, often arising due to human rights organizations' post-conflict focus on justice and accountability for serious rights violations. This often contrasts with the conflict resolvers' desire to reconcile the needs, interests and concerns of various disputant parties in a constructive way. Beyond identifying areas of tension, both studies also stress the relevance of human rights for conflict prevention, generation and resolution, and explore possibilities for cooperation between practitioners ([Lutz, Babbitt, and Hannum 2003](#); [Parlevliet 2002](#)).

Following these early contributions, numerous conflict resolution and legal scholars further analysed the gap between both fields, focusing on how human rights perspectives can be integrated into conflict resolution. As highlighted by [Mertus and Helsing \(2006\)](#) and [Parlevliet \(2018\)](#), human rights play a key role throughout the entire conflict cycle, since human rights violations can be symptoms, consequences, and causes of violent conflict. The promotion and protection of human rights is thus a critical tool for both conflict prevention and resolution ([Parlevliet 2018](#)). Against this background, several studies have looked at the interaction of human rights and conflict resolution at different stages of the conflict cycle ([Babbitt and Lutz 2009](#); [Fuentes Julio and Drumond 2018](#); [Kirk 2009](#); [O'Flaherty 2004](#)) and in different countries, such as Colombia ([Borda and Gutiérrez 2018](#)), Northern Ireland ([Sharoni 2018](#)), Brazil ([De Campos Melo 2018](#)) or Israel and Palestine ([Ibrahim and Kaufman 2018](#)).

Parallel to growing interest in the link between human rights and conflict resolution, another strand of literature started examining the integration of human rights into peacekeeping, primarily in response to the growing proliferation of UN-led peace operations in the 1990s ([Howland 2006](#); [Månsson 2001](#); [2006](#); [Murphy and Månsson 2006](#)). Authors showed that while UN documents stressed the need to include a human rights presence into peace operations, human rights were often viewed as potentially obstructing political negotiations and conflict resolution ([Månsson 2001](#)). As such studies gained traction, other scholars gradually also started to examine the link between human rights and peacebuilding, with the latter being understood as encompassing activities along the entire conflict cycle ([Bell 2017](#); [Mertus and Helsing 2006](#); [Parlevliet 2017](#); [Schirch 2006](#)). Yet, while scholars focusing on peacebuilding generally claim to adopt a wider understanding of the term which goes beyond the post-conflict stage and conflict resolution activities, many studies still frequently examine peace negotiations or peace agreements and prioritize post-conflict developments ([Bell 2017](#); [Schirch 2006](#)).

Overall, studies on human rights and peacebuilding echo the observations made by authors writing about the gap between human rights and conflict resolution. As highlighted by [Shonge \(2017\)](#), human rights and peacebuilding practitioners follow different approaches, with human rights organizations usually prioritizing 'legalistic, law and litigation-focused, prescriptive and outcome-oriented strategies' (*ibid.*: 448). In contrast, peacebuilding is process-oriented and focuses on reconciling conflict parties by encouraging dialogue. Peacebuilding organizations consider human rights as part of a 'legislative framework for establishing strong and accountable state institutions, including security and rule of law institutions' ([Shonge 2017](#): 448). Moreover, tensions between human rights and peacebuilding practitioners frequently tend to revolve around human rights actors' focus on justice and accountability ([Parlevliet 2017](#); [Roht-Arriaza 2009](#); [Schirch 2006](#); [Simpson 2017](#)).

Studies acknowledge that, in recent years, the human rights and peacebuilding fields have moved closer together due to a stronger emphasis on the link between peacebuilding and human rights in UN documents, and a wider understanding of human rights promotion and the facilitation of sustainable peace (Kantowitz 2020; Parlevliet 2017). Nevertheless, authors also point to continuing challenges. Parlevliet (2017), for example, stresses that cooperation between the two fields has not been easy, as human rights and peacebuilding activities often remain separate in the institutional structure of organizations. Along similar lines, Kantowitz (2020) identifies six current challenges to more cohesion which include (i) the operationalization of human rights which is often perceived as top-down, inflexible and prescriptive; (ii) tensions between discourse and practice at the international level versus the country level; (iii) field-specific challenges; (iv) a lack of 'unified global leadership on the promotion of human rights and the prevention of armed conflict'; (v) uncoordinated work; and (vi) a focus on civil and political rights at the expense of economic, social and cultural rights (Kantowitz 2020: 4). To achieve better integration of human rights concerns into the work of conflict resolution or peacebuilding actors, many studies highlight the need to overcome the tension between justice and peace (Baker and Obradovic-Wochnik 2016; Hannum 2006b; Roht-Arriaza 2009; Schirch 2006; Simpson 2017), for instance through human rights and transitional justice provisions in peace agreements or truth and reconciliation commissions (Bell 2017; Roht-Arriaza 2009; Simpson 2017). A different strand of the literature points to the potential of development cooperation and human security for bringing both fields closer together (Armyr 2008; Cahill-Ripley 2016; Krause and Jütersonke 2005; Roesdahl and Varughese 2017).

While the academic literature generally advocates for closer cooperation between human rights and peacebuilding actors, scholars do not suggest that human rights and peacebuilding approaches should be merged. As explained by Parlevliet (2017), the aim is not to turn human rights practitioners into peacebuilding actors or vice versa. However, greater interaction and understanding between the two fields is necessary as excessive specialization 'carries risks that can jeopardize initiatives to improve rights protection or facilitate durable solutions to conflict' (Parlevliet 2017: 351). Increasing awareness of how 'insights and methods from one domain can enhance efforts in the other' is essential to address today's complex 'rights- and conflict-related problems' (Parlevliet 2017: 351).

Despite a multitude of studies having examined the inclusion of human rights into peacebuilding (or conflict resolution and peacekeeping) processes from different angles, few scholars have looked at the link between human rights and peacebuilding from the perspective of human rights actors. The rare articles adopting a human rights perspective are mainly reports on scattered grassroots-level work, such as a briefing note by Shonge (2017) discussing how human rights lawyers at the grassroots level in Zimbabwe have integrated peacebuilding approaches centred around dialogue into their human rights promotion efforts. Little attention has been devoted to investigating how human rights organizations integrate peacebuilding into their work and how they interact with actors in the peacebuilding field despite repeated calls by authors for closer cooperation and interaction (Fuentes Julio and Drumond 2018; Kantowitz 2020; Lutz, Babbitt, and Hannum 2003; Parlevliet 2002; 2017). This is problematic, as increased cooperation not only requires a greater focus on human rights by peacebuilding actors, but also a deeper understanding among human rights practitioners of how their work relates to peacebuilding and can benefit from closer interaction (Parlevliet 2017).

The gap in the literature on the inclusion of peacebuilding into the work of human rights bodies and institutions seems to be linked to an overall lack of studies that adopt institutional viewpoints. Although scholars acknowledge that institutional silos within the UN and other organizations are one main reason for a persisting gap (Babbitt 2008; Kantowitz 2020; Parlevliet 2017), even analyses from the peacebuilding perspective mainly focus on peace agreements, peace processes and different actors on the ground without adopting

an institutional lens. Some of the few exceptions are the works by [Butcher and Hallward \(2017\)](#), [Hannum \(2006a\)](#), [Hoffmann and Hoffmann \(2018\)](#), [Månsson \(2006\)](#) and [Summa and Herz \(2018\)](#). Whereas Hoffmann and Hoffmann, as well as Månsson and Summa and Herz, mainly focus on the integration of human rights into the peace and security tasks of the UN and selected regional organizations (that is the Organization for Security and Co-operation in Europe, the European Union and the African Union), Hannum also considers the perspective of human rights actors. Even though his study is concerned with improving the integration of human rights into peacebuilding, it examines the contribution of the OHCHR to the work of the UN's Peacebuilding Architecture (PBA), focusing on cooperation and interaction between the OHCHR and the Department of Political Affairs (DPA) ([Hannum 2006a](#)). [Butcher and Hallward \(2017\)](#) equally seek to shift the focus towards human rights actors, looking at human rights NGOs and their understanding of peace. This article builds on the work by Hannum, Butcher and Hallward by examining the connection between peacebuilding and human rights from a broader human rights, institutional perspective that goes beyond the OHCHR or NGOs, conducting an in-depth analysis of how the HRC as a human rights institution understands the link between human rights and peacebuilding, and integrates peacebuilding into its work. By doing so, it aims to provide a more nuanced understanding of the HRC's engagement with peacebuilding, examining recent developments, obstacles and opportunities for closer collaboration.

3. The politics of international law and institutional practices

From the literature on human rights and peacebuilding it is evident that despite efforts to mainstream human rights throughout the UN system, deep silos between the human rights and peace and security pillars persist ([Hannum 2006a](#); [Kantowitz 2020](#); [Parlevliet 2017](#)). This article thus starts from the assumption that human rights and peacebuilding actors have different understandings of the role of their respective fields and related concepts (for example 'human rights', 'accountability', 'prevention', 'justice', 'peace' or 'peacebuilding'). How institutions understand and interpret these terms and their role shapes their interaction with one another. An example of this is the so-called justice versus peace debate. [Hayner \(2018\)](#) and [Simpson \(2017\)](#) show that the tension between justice and peace has frequently been one of the main points of contention between human rights and peacebuilding actors. At its most extreme, in certain instances, different priorities, role conceptions and understandings seem to clash. According to the authors, this happens when human rights practitioners adopt a narrow understanding of justice centred around criminal accountability, while peace mediators seem to prioritize a negative understanding of peace, focusing on ending hostilities. With peacebuilding actors moving towards a more positive understanding of peace concerned not only with reaching a peace settlement but sustaining long-lasting peace, and human rights institutions expanding their role beyond ensuring accountability towards prevention, some of the tensions could be reduced and bring both fields closer together ([Bell 2013](#)).

In line with these observations, this article is anchored in the literature on institutional practices, specifically elements of the work of [Koskeniemi \(2009\)](#) who describes how 'patterns of fixed preference [and certain vocabularies and understandings] are formed and operate inside international institutions' (ibid.: 9). Focusing on the legal profession, he shows that the vocabulary on human rights is quite open-ended which makes it easy for different actors to adopt their own flexible, malleable understanding of each term. Koskeniemi embeds his analysis of institutional practices within a larger debate on the politics of international law which informs the conceptual background of this article. According to [Koskeniemi \(1990\)](#), our current world order is characterized by a tension between law and politics (or state sovereignty). Legal scholars frequently present the rule of law as being beyond the realm of politics, leading to human rights often being considered

as non-ideological, existing beyond the political system (Koskenniemi 1990). However, as Koskenniemi (1990) shows, 'it is impossible to make substantive decisions within the law which would imply no political choice' (ibid.: 31). All legal decisions occur in a specific social, political and cultural context and the social meaning of rights is determined by institutional politics. This means that human rights are not conditioning or limiting politics, but represent an outcome or effect of politics (Koskenniemi 2011). As Koskenniemi (2011) argues, 'rights do not exist as such – "fact-like" – outside the structures of political deliberation' (ibid.: 160).

Building on Koskenniemi's insights, this article assumes that the tension between law and politics and the desire to keep them separate also shape the relationship between human rights and peacebuilding institutions within the UN system. In his analysis of the OHCHR and the DPA, Hannum reveals that OHCHR staff were sometimes worried that closer interaction between the human rights and peace and security pillars might compromise the independent, principle-based role of human rights and give rise to a more political approach in which human rights become politicized or misused for political purposes (Hannum 2006a). Such worries suggest that the tension between law and politics influences human rights actors' understanding of their own role, which then shapes their relationship with peacebuilding actors. At the same time, the tension between law and politics not only plays out between the different institutional actors in the peacebuilding and human rights domains, but also within the human rights field itself. The HRC, for instance, has frequently been characterized as extremely politicized, and state interests often seem to clash with pure human rights concerns (Hannum 2006a).

4. Methodology

This article studies the integration of peacebuilding into human rights work by examining how actors in the HRC understand peacebuilding and relate to peacebuilding practitioners in New York and how peacebuilding is incorporated into the Council's resolutions and reports. To carry out the research, this study relied predominantly on two types of qualitative primary data: semi-structured interviews and documents produced by the HRC and its mechanisms (including resolutions, decisions and Special Rapporteur reports).

Conducting semi-structured interviews with actors working through the HRC (Member State attachés, NGO representatives) provided a broader view of the Council's activities and aimed to shed light on perceptions of the institutional link between human rights and peacebuilding, recent developments, challenges, and obstacles. The interviews helped to find out how these actors understand the integration of peacebuilding into their human rights work, and how they interact with the UN's peacebuilding institutions. To select interviewees, this study relied on the snowball or chain referral sampling method (Biernacki and Waldorf 1981). Given the political nature of the topic, all interviews were anonymized and not recorded. Direct quotes by the interviewees are cited anonymously throughout the text. In total, 13 interviews were conducted online between March and June 2021, including ten with Member State attachés, and three with NGO representatives.

Documents by the HRC were chosen to complement the interviews and move beyond broad thematic discourses, revealing to what extent the Council makes an explicit connection between peacebuilding processes and its work on human rights. Combining them with the interviews represents a means of data triangulation which increases the validity of the research conclusions (Stake 2005). To make the analysis more tangible, the study focuses on documents related to a single country case—Myanmar. Taking a single country case instead of examining documents from different contexts allows for a more in-depth analysis, including a bigger selection of documents that spans several years. The selection of the country case was based on three criteria: (i) the country should figure prominently on the Council's agenda due to its human rights situation and be a key focus of the UN's

peacebuilding efforts, having experienced or experiencing conflict; (ii) the country should have been on the HRC's agenda for several years so that the analysis can take into account the potential evolution of the link between human rights and peacebuilding over time; and (iii) the Council should have established specific mechanisms and mandates relating to the human rights situation in the country concerned (for example a Special Rapporteur mandate, Commissions of Inquiry (CoIs), or Fact-Finding Missions (FFMs)), as these can provide more in-depth information regarding the HRC's link to peacebuilding. Compared to other potential candidates, including Sri Lanka, South Sudan, and Burundi, Myanmar has figured on the Council's agenda for the longest amount of time, with at least one resolution adopted each year, and is the only country which has its own Special Rapporteur. Myanmar is an interesting case, as it has not reached a post-conflict stage yet. Even though a nationwide ceasefire agreement was signed in 2015, the country's peace process is stalling (International Crisis Group 2020) and in recent years, the country has seen turbulent developments, including a military coup followed by outbreaks of violence (UN News 2021).

Documents by the HRC on Myanmar include country resolutions and reports by the Special Rapporteur adopted by the Council under item four ('human rights situations that require the Council's attention'), reports and decisions adopted by the Council under item six ('Universal Periodic Review') and reports by the UN High Commissioner for Human Rights or the OHCHR under item two ('annual report of the UN High Commissioner for Human Rights and the Secretary-General'). For reasons of time and feasibility, only documents under items four and six were systematically collected for analysis. The analysis drew on other reports where appropriate. All documents were collected via the Universal Rights Group's (URG) database (URG n.d.) and the Official Document System of the UN (UN 2022), covering the period 2006–2021. In total, 46 documents were identified: 18 Special Procedures reports and 28 HRC resolutions.

Overall, the study followed a grounded theory-inspired approach, whereby the preliminary framework is not set in stone, but evolves iteratively with successive rounds of data collection and analysis (Charmaz 2006). For the interview analysis, an open-coding approach was applied to the interview notes to identify recurrent themes which then represented the categories for analysis (Bowen 2009; Charmaz 2006). By focused coding, involving a comparison of interview notes, the identified themes were explained and synthesized. The document analysis was carried out in a similar manner, adopting an open-coding approach to identify and formulate patterns and themes which were then compared and matched with the themes identified through the interview analysis. The interviews provided the structure for the analysis and were connected with the findings from the document analysis and other relevant sources.

5. The Human Rights Council's integration of peacebuilding

5.1 Human rights and peacebuilding: theory versus reality

Since the publication of the UNDP Human Development Report in 1994, the UN's discourse has placed a strong focus on highlighting the link between its human rights, development, and peace and security pillars, with subsequent Secretary-Generals taking action to create enhanced coordination between the three. In recent years, reform initiatives, such as the HRuF initiative established by Ban Ki-moon in 2013, or António Guterres's prevention agenda launched in 2016, have specifically targeted forging a closer relationship between the UN's human rights and peace and security pillars (Limon and Montoya 2020).

Against this background, it comes as no surprise that regardless of their view on institutional cooperation and integration, all interviewed Member State attachés agreed that in principle, there is a strong connection between human rights and peacebuilding. As emphasized by one diplomat, 'you cannot have sustainable peace unless you have respect for human rights' (Interview with a Member State attaché, 31 March 2021). In every conflict

situation, human rights are violated and unless these human rights violations are addressed, society will be unable to achieve peace. Member State attachés also stressed that human rights concerns and violations are usually among the root causes of conflict, meaning that ‘if you want to prevent conflict from happening, ensuring respect for human rights is critical’ ([Interview with a Member State attaché, 20 April 2021](#)). This perspective is reflected in several Council resolutions and Special Rapporteur reports on Myanmar, for instance report 28/72, which highlights that, ‘historically entrenched inequalities, land and natural resource rights issues, discrimination against minorities and widespread human rights abuses’ lie at the heart of the conflict and need to be addressed to move towards sustainable peace and prevent conflict from escalating ([HRC 2015: 11](#)).

Beyond agreeing that, in principle, there is a clear link between human rights and peacebuilding, Member State attachés also pointed to the UN Charter which clearly specifies the mutual interaction between the UN’s three pillars, and hence suggests a close relationship between human rights and peacebuilding. Yet, despite the Charter’s acknowledgement of the intrinsic linkages between human rights and peace and security, all interviewees agreed that in reality, there is a lot of disconnection between the two pillars, with little formal interaction taking place between the HRC and the UN’s peace and security institutions. While the peace and security pillar has made some efforts to integrate human rights into its work, for example by including human rights advisors in peace operations, from the perspective of the HRC there has been little linking or contact. As one interviewee highlighted, there is a ‘massive disconnect with Geneva being seen as the human rights hub of the UN, while all peacebuilding-, conflict- and security-related issues are addressed in New York’ ([Interview with an NGO representative, 21 April 2021](#)).

According to the interviewees, although this siloed approach might have the advantage of allowing people to become experts in their fields, it ultimately prevents the UN from acting holistically and makes it difficult to see the UN as an integrated system. This can have serious consequences for the organization’s actions on the ground, as illustrated by the UN’s failure in Myanmar. Following an escalation of violence against the Rohingya minority and allegations of genocide in 2017 ([UN News 2017](#)), an independent inquiry into the involvement of the UN in Myanmar between 2010 and 2018 evaluated the UN’s performance in Myanmar as a ‘systemic failure’ to protect human rights and prevent atrocities that repeated the organization’s flaws in Sri Lanka ([Rosenthal 2019: 16](#)). According to the investigator, the UN’s failure can be attributed to its ‘fragmentation in virtual silos’ which fuelled and further accentuated the effects of alternative or competing strategies by different UN actors involved in Myanmar ([Rosenthal 2019: 13](#)).

Due to the siloed approach of the UN, many attachés stated they were not familiar with the UN Security Council (UNSC) or the PBC and did not know how the HRC could contribute to their work. Most of them agreed that this is highly problematic, and that more dialogue and interaction between Geneva and New York would be beneficial. More briefings about peacebuilding and the work of the PBC could facilitate the HRC’s analysis of conflict situations and help the Council in providing recommendations and assistance for states to fulfil their human rights obligations. Only a few respondents questioned the extent to which receiving more information from the PBC could benefit the HRC, given its status as a General Assembly (GA) subsidiary body.

While many diplomats agreed that a better information flow from New York to Geneva is crucial, they acknowledged that for closer interaction between the human rights and peace and security pillars to translate into practice, there needs to be a two-way exchange of information. Some interviewees believed that New York has to take the lead, since it has more ability to exercise influence than Geneva. However, they also suggested that the HRC should transmit reports produced by the OHCHR and different Council mechanisms to the UNSC and the PBC to draw attention to serious human rights violations.

Despite their impression that the overall institutional link between the HRC and the PBC or the UNSC in New York is relatively weak, most interviewees mentioned ongoing efforts to improve information-sharing. They stressed that, especially among the OHCHR and the Council's support staff, there is greater awareness of the link between human rights, peace and security and the need to connect the dots. The High Commissioner for Human Rights is increasingly participating in Arria-formula meetings³ ahead of the UNSC, and recent Council resolutions, such as resolution 45/31, mandate the Chair of the PBC to brief the HRC. Moreover, the HRC is increasingly calling for sharing reports with UN institutions, such as the GA and other bodies. In light of human rights violations in Myanmar, for instance, the Council sought to advance a better flow of information from Geneva to New York by transmitting the reports of the Independent International Fact-Finding Mission on Myanmar (IIFFM) to the GA (HRC 2019). It also recommended that the GA transmit reports 'to all relevant United Nations bodies' (HRC 2019: 6), thereby implying the UN's peace and security pillar.

These examples suggest that despite the continuing siloization of human rights and peacebuilding institutions, the HRC is taking steps towards closer interaction. As will be explained in the following section, such efforts are part of broader developments in the Council, notably a stronger focus on prevention.

5.2 Breaking the silos? The HRC's prevention agenda

When discussing progress in terms of the interaction between the HRC and the UN's peacebuilding institutions, most interviewees referred to the Council's prevention agenda, specifically resolutions 38/18 (2018) and 45/31 (2020). According to the interviewees, the prevention resolutions⁴—and resolution 45/31 in particular—represent a significant step towards closer integration between human rights and peacebuilding in the UN system by operationalizing linkages between the HRC and the UN's peacebuilding structures. Unlike earlier efforts led by groups of Member States (for example the Human Rights and Conflict Prevention Caucus),⁵ the prevention resolutions 'represent the first structured, institutionalized approach of the Council' as a whole towards peacebuilding (Interview with an NGO representative, 21 April 2021).

Many interviewees stressed that, if implemented, the Council would receive information sooner, allowing it to act earlier and more proactively, rather than reactively. One interviewee also highlighted that resolution 45/31 could help strengthen both primary (that is, building human rights resilience through technical assistance and capacity-building) and secondary (that is, identifying and acting upon early-warning indicators) prevention (Interview with an NGO representative, 7 April 2021). In his view, if the HRC engages in both, it can ideally act and respond to situations before they escalate and qualify as concerns of the UNSC as they become threats to peace and security.

While most interviewees welcomed a stronger focus on prevention, they also stressed that resolution 45/31 gives no clear definition of prevention, limiting itself to guidelines and suggestions. One diplomat explained that as prevention strategies need to be context-specific, it would not make sense to prescribe what prevention should entail. Another interviewee

3 Informal meetings convened by a member or members of the UNSC to exchange with individuals, organizations or institutions whose work is of relevance to the UNSC (Security Council Report 2020).

4 When using the term 'prevention resolutions', this article refers to resolutions A/HRC/RES/38/18 and A/HRC/RES/45/31 (building on resolution 38/18). It should be noted, however, that in 2019, the HRC adopted another resolution on prevention—A/HRC/RES/46/6 on 'the role of prevention in the promotion and protection of human rights'. This resolution belongs to a different set of resolutions to 38/18 and 45/31 and focuses on prevention in general, as well as the contribution of the Special Procedures to prevention in particular, rather than on the Council as a whole. It is thus not the main focus of this article.

5 The Human Rights and Conflict Prevention Caucus is a 'cross-regional group of states committed to placing human rights at the heart of conflict prevention and peacebuilding' (Kantowitz 2020: 6). Its co-chairs are Germany and Switzerland.

added that having no detailed definition of prevention also made it easier for states to accept the concept ([Interview with an NGO representative, 7 April 2021](#)).

Interestingly, when talking about prevention, many Member State attachés seemed to use the term interchangeably with the word ‘peacebuilding’. One interviewee explicitly stated that peacebuilding is called prevention in the Council ([Interview with a Member State attaché, 7 April 2021](#)). While this may be because prevention has become a term that is currently ‘en vogue’ or more accepted among delegations, it might also suggest that Member State attachés have adopted a broader understanding of peacebuilding in line with the evolution of the concept in the UN system. Throughout the past three decades, the UN’s definition of peacebuilding has slowly moved away from a narrow post-conflict focus. As explained by current Secretary-General Guterres, ‘efforts to build and sustain peace are necessary not only once conflict has broken out, but long beforehand through preventing conflict and addressing its root causes’ (UN 2018). In line with this broader conception of peacebuilding that spans the entire conflict cycle, Guterres has made prevention his top priority, linking it to the concept of ‘sustaining peace’, defined in the 2016 twin resolutions by the GA (A/RES/70/262) and the UNSC (S/RES/2282) on the review of the UN’s PBA as ‘a goal and process ... aimed at preventing the outbreak, escalation, continuation and recurrence of conflict’ (UN General Assembly GA 2016: 2). Many Member State attachés referred to the Secretary-General’s prevention agenda when mentioning the HRC’s resolutions on this issue, with some clearly stating that it is also shaping efforts in the HRC. Yet, when it comes to ‘sustaining peace’, most interviewees did not believe that the twin resolutions had a strong impact on the Council’s work, highlighting that there was little knowledge on details of the sustaining peace agenda among delegations in Geneva, which again illustrates the UN’s siloization.

In terms of the use of ‘prevention’ as a synonym for ‘peacebuilding’, even though many interviewees seemed to understand peacebuilding as prevention and sometimes even stated this explicitly, interestingly, they still mentioned both terms throughout the conversations. While this could have been to respond in line with the interview questions which referred to the term ‘peacebuilding’, it might also suggest that, consciously or subconsciously, they still perceived a slight difference. Potentially, they may have considered peacebuilding as broader than prevention, with prevention simply representing one component or objective of peacebuilding.

Despite varying understandings of peacebuilding and prevention, the prevention resolutions seem to represent the HRC’s main initiative to promote closer interaction between human rights and peacebuilding. This following sections thus shed light on their operationalization, examining the Council’s current consideration of prevention and peacebuilding, the roles of different HRC bodies and mechanisms, and the link between prevention and accountability.

5.2.1 Operationalizing the Council’s prevention mandate—the HRC’s current contribution to prevention

When addressing the implementation of the HRC’s prevention mandate, several interviewees recalled that prevention was at the core of the Council’s mandate as set out by paragraph 5f of GA resolution 60/251. While acknowledging that the prevention resolutions intend to enhance the HRC’s prevention work and create explicit synergies with the UN’s peace and security pillar, they claimed that the Council was already doing a lot when it comes to prevention or peacebuilding. In the words of one interviewee:

A lot of what is done in the HRC is already peacebuilding and prevention work. The problem is not that Geneva is doing too little in the peacebuilding field, but that this information is not carried to New York or into the field ([Interview with a Member State attaché, 7 April 2021](#)).

Many HRC initiatives had a strong capacity-building and technical assistance element to them, contributing to prevention by improving respect for human rights. In addition, the Council was good at evidence gathering which was relevant from a broader peacebuilding perspective in the context of transitional justice and reconciliation. Through fact-finding missions such as in Myanmar, for instance, the HRC sought to contribute to peacebuilding by ensuring accountability and justice (HRC 2017). Yet, as observed by another interviewee, the Council's contribution to peacebuilding or prevention is often not labelled as such, given that many delegations argue that peace and security have no place in Geneva and therefore do not support explicit language (Interview with a Member State attaché, 16 April 2021). The Council's resolutions on Myanmar, for instance, rarely mentioned the terms peacebuilding, peace or prevention. In terms of prevention, it was only in resolution 46/21 in 2021 that the Council explicitly addressed its prevention mandate and called for increased primary and secondary prevention efforts involving the OHCHR (HRC 2021). However, in previous resolutions, the HRC had continuously stressed the importance of issues central to peacebuilding (for example freedom of opinion and expression, democracy, accountability) and preventing further human rights violations. Sometimes, the Council even openly acknowledged the link between addressing these human rights issues and achieving peace (HRC 2013).

Although several interviewees supported the perception that the Council is already implicitly contributing to peacebuilding or prevention, two Member State attachés did not think that peacebuilding has been properly integrated into the HRC's work. They claimed that the HRC is not equipped to do peacebuilding and that it is up to UN country teams to translate human rights work into peacebuilding contributions on the ground. They also suggested that the vagueness of the term 'peacebuilding' and a lack of understanding might lead human rights attachés to overestimate the HRC's contribution to peacebuilding or prevention.

Despite some Member State attachés' claims that the Council is already exercising its prevention function, there was consensus among all interviewees that the Council could do a lot better. Many interviewees criticized the fact that the Council often only acts 'when damage has already been done', putting in place FFMs or CoIs (Interview with a Member State attaché, 28 April 2021). Preventive elements are hence mainly introduced in (post-) conflict contexts. Myanmar is a case in point where the Council mainly reacted to gross human rights violations by establishing the IIFFMM and the Independent Investigative Mechanism for Myanmar (IIMM), but failed to engage in any significant preventive action (URG 2021a). To fully realize its prevention mandate, it would be important for the HRC to step up its capacity-building and technical assistance to support states in building resilience. Currently, resolutions under item ten directed towards technical assistance and capacity-building only make up 27.3 per cent of the Council's financial investments (Limon and Montoya 2020). Moreover, according to one interviewee, the HRC should pick up warning signs in terms of human rights violations as early as possible so it can launch diplomatic efforts (such as preventive diplomacy or good offices) to stop countries from plunging into conflict (Interview with an NGO representative, 7 April 2021).

While many interviewees supported the view that the Council should assist states in fulfilling their human rights obligations through capacity-building, technical assistance and engaging in dialogue in a collaborative manner, several diplomats emphasized that the HRC has a responsibility to call out human rights violations and explained that this is one of civil society's expectations of the Council. Their comments suggest that finding the right balance between criticism and constructive engagement is crucial—and often very difficult. In Myanmar, for instance, the HRC and the OHCHR have been described as pursuing an outspoken advocacy approach which may have complicated their ability to engage with the government to prevent further human rights abuses (Rosenthal 2019). However, the quiet diplomacy approach adopted by UNDP and other development actors has been

criticized for prioritizing non-intrusive measures and constructive, private engagement with the Myanmar government to secure UN access to the detriment of human rights promotion (Rosenthal 2019). It follows that if the HRC wanted to engage in preventive diplomacy, it would have to find the right balance between both approaches.

5.2.2 Improving the HRC's prevention mandate—the role of the OHCHR, the High Commissioner and the Special Procedures

Several interviewees addressed the importance of the OHCHR, the High Commissioner and the Special Procedures to operationalize the Council's prevention mandate. As highlighted by one diplomat, the OHCHR is ahead of the Council when it comes to prevention and has developed an 'excellent early-warning system' which is constantly getting better (Interview with a Member State attaché, 20 April 2021). Given its presence on the ground, it is in an ideal position to collect information on the human rights situation in a given context. Another advantage of the OHCHR is that it can cooperate with other UN agencies and actors in the country—including those linked to the UN's peacebuilding structures—to exchange and share information. According to the interviewees, the information collected by the OHCHR can then feed into its reports shared with the HRC, with the High Commissioner playing a crucial role in transmitting this information to the Council.

While the OHCHR's early-warning mechanisms and its information-sharing with the Council and other UN bodies can still be enhanced, all interviewees agreed that the High Commissioner and her office are evidently 'trying to connect the dots ... to tackle issues that relate to the link between human rights and peacebuilding in a more holistic manner' (Interview with a Member State attaché, 21 April 2021). When it comes to operationalizing the prevention agenda, the real challenge is hence the Council as such and its capacity and willingness to act upon the High Commissioner's information. According to the URG (2021a), in Myanmar, for instance, the Council appears to have missed its opportunity to act upon information provided by the OHCHR by failing to 'initiate a massive programme of "upstream" resilience-building human rights support' following the transfer of power in 2016 (ibid.: 41).

Besides the High Commissioner and the OHCHR, several interviewees also pointed to the important role of the Council's Special Procedures concerning prevention. According to one interviewee, due to their country visits and independent nature, Special Rapporteurs 'have the chance to compile a much more comprehensive and accurate picture of the human rights situation in a country and how that links to peacebuilding, peacekeeping and conflict prevention' (Interview with an NGO representative, 21 April 2021). Their statements and reports carry weight, and Special Rapporteurs frequently comment on conflict situations, make references to peace accords or give recommendations linked to peace processes. In Myanmar, for example, in her report of March 2015, Special Rapporteur Yanghee Lee stressed the 'importance of addressing human rights issues during the negotiation phase, including commitments and mechanisms for accountability, equality and non-discrimination after the ceasefire is achieved' (HRC 2015: 11). By visiting Myanmar and talking with representatives of different communities, the Special Rapporteur also sought to 'deepen her understanding of the root causes of the conflict, the history of Rakhine State and the fears and suffering of its people' (HRC 2015: 11). In Myanmar and elsewhere, many Special Rapporteurs are thus already dealing with peacebuilding or prevention and are seeking to understand conflict dynamics through their work. However, as highlighted by Foster (2021), peacebuilding and prevention 'are not systematically integrated into their work, nor are they broadly understood and explicitly recognized' (ibid.: 15). This results in a 'missing layer of analysis regarding the implications of violations in the conflict trajectory of the countries or communities concerned' (Foster 2021: 15).

While the Council's Special Procedures can play an important role in prevention, their full contribution depends, again, on how the information they produce and share is used

by the Council, as seen in the case of Myanmar. The reports by the Special Rapporteur contained a lot of early-warning information, with many of them addressing minority rights concerns as a flashpoint that could lead to crisis and conflict or highlighting democratic backsliding (URG 2021a). Yet, the Council does not seem to have taken on this early-warning information and did not feed it to other institutions promptly (URG 2021b). In many other cases, once the mandate of a Special Rapporteur expired, the Council also did not follow-up with their recommendations which simply ‘died and became irrelevant’ (Interview with an NGO representative, 16 June 2021). Another limit to the Special Procedures’ work is that the extent to which they can exercise their mandate and collect information on the ground depends on states’ willingness to cooperate, given that the Special Procedures rely on invitations by states for their country visits. In Myanmar, for example, the Special Rapporteur was denied entry to the country from 2017 onwards.

5.2.3 Improving the Council’s prevention mandate: what role for accountability?

When discussing the Council’s prevention mandate with respondents, a recurrent topic was the relationship between prevention and accountability given the HRC’s strong focus on accountability through CoIs and other instruments. Almost all interviewees stressed that accountability was integral to peacebuilding processes, arguing that without achieving justice,⁶ the underlying tensions would remain and were likely to cause instability in the future. This view is also reflected in the Council’s resolutions on Myanmar. Every single resolution since 2006 has stressed the importance of accountability and called on the government to end impunity for gross human rights violations by bringing perpetrators to justice. Moreover, on several occasions, the Council, as well as the Special Rapporteur, have explicitly stressed that accountability, truth and justice are the basis for national reconciliation and long-lasting peace (HRC 2012a; HRC 2012b; HRC 2016; HRC 2018). Several Member State attachés also highlighted that efforts related to accountability were among the strongest developments in the Council, with many new mechanisms being created. In Myanmar, for example, in 2017 the Council established the IFFMM ‘to establish the facts and circumstances of the alleged human rights violations by military and security forces’ (HRC 2017: 3). In 2019, the IFFMM was replaced by the IIMM which collects evidence of the most serious international crimes and violations of international law to prepare files for criminal persecution.

Most interviewees acknowledged that accountability is a sensitive topic and that in many contexts, the Council faces challenges in ensuring accountability. Non-Member State interviewees, in particular, were highly critical of the Council’s track record in relation to accountability. Nevertheless, all interviewees generally emphasized the strength of the HRC in compiling information in collaboration with the OHCHR which can then be used for accountability purposes. As to accountability being a possible point of contention between the human rights and peace and security pillars, some interviewees stated that a strong focus on justice and accountability might indeed sometimes contradict the immediate requirements of successful peace processes. However, most respondents felt that the peace versus justice debate was exaggerated and saw no contradiction between peace and accountability when it comes to cooperation between the HRC and the UN’s peace and security pillars.

Interestingly, when asked about accountability and the relation between prevention and accountability, all interviewees agreed that accountability and prevention were not in opposition to each other. However, two different views concerning the relationship between both seemed to prevail. For some Member State attachés, accountability is ‘a huge part of prevention’ (Interview with a Member State attaché, 28 April 2021). Accountability mechanisms

⁶ Most interviewees seemed to draw a direct line between accountability and justice. It should be noted, however, that the link between accountability and justice is complex and has been subject to considerable debate. It is beyond the scope of this article to examine this relationship in more detail.

could be used to prevent a conflict from escalating further and are hence not necessarily restricted to post-conflict situations. This understanding is reflected in the HRC's resolutions on Myanmar and seems to be shared by current and previous Special Rapporteurs. In contrast, several other interviewees argued that accountability and prevention should be seen as two elements located at opposing ends of the spectrum. For them, accountability is mainly reactionary and considered a post-conflict activity since it is needed when a situation has already escalated. In turn, this means that their definition of prevention is restricted to the beginning of the conflict cycle. For them, the relationship between prevention and accountability entails improving the effectiveness of prevention so that accountability is no longer necessary. While this could be ideal, not least because prevention is much cheaper than accountability, many attachés recognized that achieving this would be difficult. This is both because of the inability to prevent all human rights violations from occurring, even if the Council fully embraced prevention, and the challenges linked to implementing the HRC's prevention agenda.

5.2.4 Towards prevention and a stronger focus on peacebuilding: concerns and obstacles

While most interviewees seemed to welcome the Council's prevention resolutions and efforts to create a closer relationship between peacebuilding and human rights, not all of them shared this overly positive view. This section looks into concerns around creating closer linkages between the UN's human rights and peacebuilding institutions and highlights obstacles that hinder the implementation of the Council's prevention agenda.

Various Member State attachés noted that several states—especially those part of the Like-Minded Group (LMG)⁷—have strong reservations about the prevention agenda linked to concerns about state sovereignty. One interviewee working for the delegation of a LMG state summarized these concerns, stating that in their view, bringing peacebuilding into discussions at the HRC and creating stronger linkages between Geneva and New York could be seen as a threat to state sovereignty. She emphasized that the HRC should not overstep the boundaries of state sovereignty, but should assist and support states in achieving better human rights protection. While in theory, sustainable peace requires respect for human rights, her country's delegation believed that bodies and fora should have clear mandates without too much overlap ([Interview with a Member State attaché, 31 March 2021](#)). Such concerns linked to state sovereignty and mandate overlap reveal that peacebuilding is frequently associated with interventions by the UNSC. Member States worried about state sovereignty think about the prevention agenda as an indirect tool for foreign intervention. They see prevention as closely associated with the responsibility to protect (R2P), and are afraid of Western intervention, as seen in the case of Libya. They fear that prevention would lead to stronger coordination between the HRC and the UNSC, with HRC resolutions giving rise to UNSC interventions ([URG 2021a](#)). Yet, as highlighted by one diplomat, this argument is confusing the role of the HRC. As a GA subsidiary body, the HRC cannot mandate interventions, and prevention as understood by the HRC only involves monitoring, diplomacy and dialogue. If the Council's prevention activities fail, it should be up to the UNSC to act, but the HRC itself is not involved in questions surrounding R2P ([Interview with a Member State attaché, 16 April 2021](#)). Instead of seeking to expand the HRC's mandate, the prevention agenda simply seeks to apply the HRC's existing prevention tools more effectively. According to some interviewees, concerns related to sovereignty and mandate overlap are thus a weak argument, mainly advanced to distract from other political motivations and conceal some countries' fear of losing power and control. They contribute to maintaining the existing siloization between human rights and peacebuilding institutions.

7 A cross-regional group incorporating 52 states, led by Russia, China and Egypt.

Fears that a stronger interaction between the UN's human rights and peace and security pillars could further politicize the already very politicized HRC⁸ are also closely linked to concerns about sovereignty and mandate overlap. Reflecting the concerns of members of the LMG, one Member State attaché worried that bringing peacebuilding into discussions at the HRC and establishing stronger linkages with the PBC could create the impression that the Council is instrumentalized for political purposes. Other Member State attachés of delegations strongly supporting the Council's prevention agenda also mentioned politicization as a potential risk, albeit for reasons different from those of the LMG states. One interviewee recalled that in 2018, the US had pushed for a stronger focus on human rights in the UNSC, acting as if the HRC was irrelevant which risked 'fully politicizing human rights' (*Interview with a Member State attaché, 26 April 2021*). In her view, bringing any human rights issue to the agenda of the UNSC does not do human rights a favour and means that when a human rights issue really needs to be addressed, there will be no political will to act. If the UNSC addresses human rights, it should only do so in a context-specific manner to avoid discrediting human rights. Another interviewee also added that a general risk associated with stronger interaction between the UN's human rights and peace and security pillars could be lower human rights standards. Closer cross-pillar cooperation might require adopting more politically balanced statements which could mean moving towards less pronounced rules and a more integrated approach (*Interview with a Member State attaché, 20 April 2021*).

In terms of the prevention resolutions specifically, many interviewees outlined that one of the key obstacles concerning their operationalization is that prevention and its impacts are hard to measure. As highlighted by one diplomat and shown by recent studies, it would be much more cost-effective to invest in the prevention of human rights violations, rather than in post-conflict accountability mechanisms (*Limon and Montoya 2020*). However, the main problem with prevention is that you 'inevitably have to move into speculation' (*Interview with a Member State attaché, 19 April 2021*). It is hard to convince capitals to focus on situations that might not look dangerous at first sight and difficult to attribute the avoidance of human rights violations to preventive action by the Council, rather than other factors. Although most Member States are aware that in any context, there will be an interplay of factors that makes drawing causal links arduous, the difficulties linked to measuring prevention are a welcome counter-argument used by states who are already sceptical of the concept.

The difficulties associated with measuring prevention are closely connected to the political will of states. Member States of the LMG see prevention as a pretext for foreign intervention and violations of national sovereignty, which significantly hampers the implementation of the Council's prevention agenda. Lacking political will is also coupled with current geopolitical developments which have further increased polarization and mistrust in the HRC. Several diplomats noted that recent Council sessions have shown that the atmosphere in the HRC has become much more hostile, with many states adopting an obstructionist attitude. This lowers the general ambition of the HRC and means that 'positions and differences are so fundamental that there is no time to discuss solutions because one constantly has to negotiate about principles' (*Interview with a Member State attaché, 16 April 2021*). Given the missing political will and the tense political climate, most interviewees thus did not expect the Council to play a strong role in prevention over the short- or medium-term, hampering prospects for increased cooperation between human rights and peacebuilding actors.

Beyond the political will of states, many interviewees also mentioned capacity concerns—both personally and institutionally—as another hurdle. The human rights pillar's capacities

8 The politicization of the HRC is apparent in 'states advancing unrelated political objectives, groups shielding their allies from Council scrutiny, and politically-motivated attacks on some states that have obstructed similar action being taken on other, needed, situations' (*Friedman and Houghton 2017: 753*).

are limited, as it is chronically underfunded, receiving just 3.7 per cent of the UN's regular budget (OHCHR 2021). Voluntary contributions by Member States and other donors account for nearly two-thirds of the funding for the human rights pillar (OHCHR 2021), meaning that a stronger focus on prevention or peacebuilding through enhanced OHCHR monitoring, reporting and information-sharing is limited. Beyond a shortage in terms of financial resources, many Member States also do not possess the manpower to engage in more prevention- and peacebuilding-related work. Smaller delegations often struggle to create closer connections to their counterparts in New York, simply because they do not have the necessary staff. Even Member States who have the linkages and capacity frequently do not make enough use of them. In addition, several interviewees also pointed to problems related to the UN system as a whole (for example the lack of coordination and efficiency) and the overall functioning of the HRC (for example hard opposition to new concepts or ideas and the slow pace of change).

A final obstacle is terminology. One diplomat stressed that, whenever she assisted meetings or events which sought to bring human rights attachés and peacebuilding actors together, she had the impression that they were not speaking the same language:

Some peacebuilding experts consider the rule of law as separate from human rights when in fact it is the same thing, so how can we walk the same talk if we don't have the same parameters? (Interview with a Member State attaché, 26 April 2021).

Her comment suggests that to create a stronger relationship between the UN's human rights and peace and security pillars, it is crucial to improve mutual understanding.

6. Key takeaways and conclusion

The analysis has provided detailed insights into the relationship between human rights and peacebuilding from the perspective of the HRC, addressing numerous aspects, developments, opportunities and challenges. This chapter distils key takeaways from the analysis and offers final reflections.

In terms of the extent to which the HRC has linked peacebuilding to its human rights work, the analysis revealed that implicitly, a lot of the Council's work is already connected to peacebuilding and can support peacebuilding efforts. Nevertheless, explicit linkages between human rights and peacebuilding through precise references in documents or interaction with the UN's peacebuilding institutions are extremely limited. Human rights attachés in the Council have an incomplete understanding of the work of peacebuilding institutions in New York or on the ground. As shown by the analysis, this is because the UN's human rights and its peace and security pillars operate in silos, each with their own terminology and little interaction.

These findings confirm earlier observations made in the literature on human rights and peacebuilding by authors such as Hannum (2006a), Kantowitz (2020) and Parlevliet (2017). They also reflect the power of institutional practices characterized by certain vocabulary and preferences, as emphasized by Koskeniemi (2009), and stress the need to improve mutual understanding. A first step towards increasing mutual understanding would be more engagement and coordination at the individual Member State level where in many cases, delegations in Geneva and New York share few insights and limit interaction to a bare minimum. This shows that the silos are not restricted to the UN's institutions, but extend to individual Member States' work.

While the interaction between the HRC and the UN's peace and security institutions remains limited, recent years have nonetheless seen efforts to increase engagement. As highlighted by the analysis, with the prevention resolutions 38/18 and 45/31, the Council has started to examine the link between human rights and peacebuilding, and particularly its

interaction with the peace and security pillar. However, although the prevention resolutions represent an important step towards closer interaction and potential cooperation with the UN's peacebuilding institutions, the analysis also exposed considerable confusion about the term 'prevention'. The variety of definitions of prevention prevailing in the Council can again be connected to existing silos and limited interaction between the human rights and peace and security pillars. Although not problematic per se, these different understandings can shape the implementation of the Council's prevention agenda—and by extension, the relationship between the UN's human rights and peacebuilding institutions. A prevailing understanding of prevention as a pre-conflict activity, for instance, risks considering accountability and prevention as separate and disconnected, thereby ignoring synergies and the contribution of accountability to prevention and peacebuilding.

Even though the analysis indicates that the prevention agenda represents a crucial opportunity to increase interaction and coordination between the UN's human rights and its peace and security pillars, it also illustrates that translating this agenda into practice appears difficult. Concerns about sovereignty and mandate overlaps linked to using prevention as a tool for intervention loom large. Similarly, several Member State attachés expressed fears about further politicizing the HRC and mentioned political will, capacity concerns and the UN's overall *modus operandi* as key obstacles. Fears that creating closer linkages between the UN's human rights and its peace and security pillars might further politicize the HRC and hinder the promotion of human rights by lowering human rights standards seem to be related to the tension between law and politics, as identified by Koskenniemi (1990). They implicitly reflect the view that law and politics, and hence the work of human rights institutions and peacebuilding institutions (which are associated with political processes) are distinct and should be kept separate.

Yet, despite these concerns, many Member State attachés simultaneously admitted that the HRC is already extremely politicized, thereby indirectly contradicting their earlier points. Describing the HRC as a politicized institution implicitly acknowledges that law and politics cannot be kept separate. Since human rights are an outcome or effect of politics, the work of the UN's human rights pillar cannot exist outside the realm of politics either, confirming Koskenniemi's perspective. It follows that both the desire to separate law from politics (reflected in fears of politicization), and the inherent connection between law and politics (seen in the existing politicization of the Council and the influence of geopolitical concerns and ambitions), seem to complicate the implementation of the HRC's prevention agenda.

The analysis also highlighted several perspectives on what the HRC's prevention function could look like in practice. It showed that, according to most interviewees, both primary and secondary prevention should be of key importance to the Council. Several interviewees also referred to accountability mechanisms as a prevention tool. Although most agreed that advancing the prevention agenda would be difficult, they mainly mentioned challenges and obstacles related to the concept of prevention at large, rather than assessing the feasibility of its specific components (for example improving early-warning capacities, or involving the Council in preventive diplomacy).

When it comes to primary prevention, a stronger role for the HRC could be politically feasible, since technical assistance and capacity-building resolutions under item ten are generally seen as less controversial than country-specific resolutions under item four (Jordaan 2014). Yet, increased technical assistance and capacity-building would require more funding for the OHCHR and the entire UN human rights pillar—a significant challenge given the current funding gap (OHCHR 2021). Regarding early-warning and secondary prevention, the analysis emphasized that the OHCHR, but also the Council's Special Procedures, have enhanced their early-warning capacity over the past years. To further improve the human rights pillar's early-warning capacity and its contribution to peacebuilding, a better flow and uptake of information within the human rights pillar, but also between the human

rights and the peace and security pillars—in both directions—would be key. However, it seems questionable whether the Council should use its early-warning information to engage in preventive diplomacy or good offices efforts, as suggested by some interviewees. Several UN actors, including the Secretary-General's Special Envoys, already have a mandate for preventive diplomacy. Involving the Council in preventive diplomacy could feed into concerns by Member States of the LMG that the prevention agenda leads to an expansion of the Council's mandate. It could also stoke fears that the Council's human rights promotion efforts and the human rights pillar's ability to call out gross human rights violations might be weakened. Ultimately, a more systematic flow of early-warning information collected by the human rights pillar to the peace and security pillar might be more relevant than the Council taking preventive action itself.

Finally, regarding accountability, the work of the Council and its potential contribution to prevention and peacebuilding should not be underestimated. Most of the Council's budget is currently spent on investigative mechanisms to support accountability and transitional justice. As stressed by several interviewees and Council documents, accountability should be seen as an important tool for prevention and peacebuilding. Yet, debates on preventive action in the Council still mainly focus on the pre-conflict or pre-escalation phase. While this phase is important, reflections on how the Council can strengthen its preventive mandate should not omit the HRC's accountability mechanisms and ways in which they can be leveraged for sustaining peace and avoiding the recurrence of violent conflict.

Through its in-depth study of the HRC's view on peacebuilding and its interaction with the UN's peacebuilding institutions, this article has complemented the existing academic literature which mainly focuses on the link between human rights and peacebuilding from a peacebuilding perspective. Prioritizing the peacebuilding angle has led to the impression that bridging the gap between human rights and peacebuilding requires efforts by the peacebuilding field to integrate human rights rather than joint efforts to enhance further cooperation and synergies. By putting the spotlight on the human rights angle, this study has corrected this impression, emphasizing that the human rights pillar's work and views are no less relevant. In addition, it has addressed the shortage of institutional viewpoints in the academic debate. The analysis provides a nuanced understanding of how a human rights institution perceives peacebuilding and integrates it into its work, unpacking the existing siloization, examining recent developments, and assessing opportunities to bridge the gap between both fields.

From a practical perspective, this article points to the need for increased engagement between human rights and peacebuilding attachés in Member State delegations in Geneva and New York and a better flow of information and stronger interaction between the UN's human rights and its peace and security pillars to enhance mutual understanding. It has also highlighted opportunities to advance the implementation of the HRC's prevention resolutions which represent an important institutional initiative to bring human rights and peacebuilding closer together.

Future research could build on this article by studying additional countries on the HRC's agenda and conducting further interviews with states from the LMG, as well as NGO representatives or the OHCHR Secretariat, to illustrate the full breadth of perspectives reflected in the Council. Moreover, it would be important to study how recommendations by the Council translate into concrete action by the OHCHR on the ground. Additional studies should also address some of the questions raised by the analysis, for instance concerning the link between prevention and accountability. Although this article has touched on the role of accountability in support of prevention, a closer look at the Council's accountability work in different contexts could map out the opportunities and limits of using accountability to further the Council's prevention agenda and to enhance cooperation between the UN's human rights and peace and security pillars.

In general, it would be interesting to complement the findings of this article with an in-depth study of the UN's peacebuilding institutions and their linkages to the HRC, since developing recommendations for future action requires the understanding of institutional realities in both fields. However, while institutional perspectives are important, discussions about increasing interaction and cooperation between the UN's human rights and peace and security pillars should not lose sight of how policies and strategies adopted in Geneva and New York play out in the field. They should also recognize the differences between the practical work on the ground, and the sometimes abstract, idealistic goals at headquarters-level. Nevertheless, it seems clear that as long as institutional silos persist at headquarters-level, a lack of coordination and cooperation remains a risk on the ground. Improving synergies between human rights and peacebuilding institutions in Geneva and New York is key to bridging the overall gap between human rights and peacebuilding.

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