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**Human Rights in United Nations Action:
Norms, Institutions and Leadership**



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Professor Chinkin,
Distinguished Faculty Members,
Dear Students,
Ladies and Gentlemen,

I would like to thank professor Chinkin as well as the faculty and student body of this prestigious institution for hosting me tonight. Two of my predecessors, Mary Robinson and Louise Arbour, have addressed the London School of Economics during their tenures as United Nations High Commissioners for Human Rights. I am delighted to continue a tradition that has come to be in place. And so does my friendship with Professor Chinkin. We first met at the Fourth World Conference on Women in 1995 and again, throughout the years, at various events related to women's human rights.

I had the opportunity to welcome Christine in Geneva last September where, together with another old friend of mine—Archbishop Desmond Tutu—they were presenting the report of their High Level Fact Finding Mission on the tragedy of Beit Hanoun. I had literally just assumed my functions as High Commissioner and I was very glad to see their familiar faces in a setting yet unknown to me.

My mandate started propitiously: as it began in a year marked by important anniversaries. I refer, in particular, to the 60th anniversaries of the Universal Declaration of Human Rights and of the Genocide Convention; the 10th anniversaries of the Declaration on Human Rights Defenders and of the Guiding Principles on Internal Displacement, as well the 15th anniversary of the Vienna World Conference on Human Rights which established my mandate. Such important anniversaries, in my view, not only represent rallying points for the human rights community, but also opportunities to reflect on the progress made and the challenges that remain before us.

It is undeniable that in the past six decades human rights have experienced an unprecedented affirmation all over the world. Crucially, as the Secretary-General pointed out, this progress has involved all aspects of the international human rights architecture. This included standard setting and norm creation where protection gaps existed or persisted. It required the development of appropriate institutions that could be both the repositories and the guardians of these standards, as well as advocacy for the implementation of programs at the national, regional and international levels.

As recognized most recently by the 2005 World Summit, there is now a widely shared understanding of the indivisibility and interrelation of the components of human welfare and dignity that is, human rights, development and security. These three pillars support and shape the structure and directions of our commitment to fulfil human aspirations, needs and entitlements.

Allow me now to expand on those key aspects of the United Nations' work on human rights that the Secretary-General referred to, namely standard setting; institution building and program implementation; as well as the exercise of leadership. I will also assess both progress and tenacious shortcomings in the implementation of human rights.

With regard to standard setting, today, a wide body of international law enhances fundamental protection in times of peace, war, emergency and transition. To date, the Constitutions of more than 90 States reflect the principles of the Universal Declaration, while all States have ratified at least one of the core international human rights treaties that have been adopted since 1948.

New developments in human rights law continue to come into being to complement existing treaties and customary norms, and to further flesh out the Universal Declaration's holistic vision of human rights. Progress has been particularly notable in the area of social, economic and cultural rights. Let me recall that this set of rights had been neglected for decades, as political and civil rights continued to catch most of the limelight throughout the post World War II era and until the dissolution of the former Soviet Union. Economic, social and cultural rights also lacked appropriate enforcement mechanisms at the international level, a severe shortcoming that the new Optional Protocol to the Convention on Economic, Social and Cultural Rights is meant to address.

On a related topic, I note the progress achieved in applying the concept of a human rights-based approach to development, which is so vital in a world that needs to focus on ensuring social and economic justice in order to achieve general welfare and peace. One need only to think of the devastating effects on global welfare and on the most vulnerable that crises, such as the recent food emergency, or the degradation of the environment or fast-spreading epidemics, are producing and can produce in the absence of safety nets firmly anchored to human rights.

And let me also point out that even seemingly “elite” crises, such as the one currently engulfing international financial markets, are unlikely to be confined to affluent citadels. The markets’ turmoil has already spilled into the global real economy with potentially dire and possibly lasting consequences. No measure should be overlooked to mitigate the most nefarious effects of this crisis on the rights of those who live at the margins of the world’s economy, particularly the very poor and people eking out a living at subsistence levels.

A failure to recognize and uphold women’s human rights also compounds economic problems and undermines sustainable development. Such discrimination, often leading to violence, continues to occur in too many countries in the world despite international standards prohibiting it, and despite ample and well-grounded proof of the indispensable role that women play in creating wealth, welfare and societal betterment, as well as peace and security.

By the same token, I cannot overemphasize the importance of the application of equality and non-discrimination principles in law and practice to specific individuals and groups—those who stand

on the frontlines of hardship and are more exposed to abuse. Innovative measures have been devised to enhance both the protection and the empowerment of such groups. These include the Declaration on the Rights of Indigenous Peoples, the Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities have all been recently adopted. It is now crucial to give effect to these fundamental standards of non-discrimination and equality.

Furthermore, a review conference on racism, racial discrimination, xenophobia and related intolerance, which is scheduled to take place in April 2009 in Geneva, must produce progress on the implementation of the Durban Declaration and Plan of Action. Let us recall that this document was adopted by consensus at the conclusion of the 2001 conference precisely because it offers a comprehensive global framework and platform, actionable at all latitudes, to combat the persistent plagues of racism and intolerance. Yet also with regard to this vital topic implementation lamentably lags well behind vision.

I am well aware that the Durban review process is under intense scrutiny on both sides of the Atlantic. This is because the important work of the 2001 World Conference Against Racism,

Racial Discrimination, Xenophobia and Related Intolerance in Durban, and its legacy, have been overshadowed by the odious anti-Semitic behaviour of a few nongovernmental organizations on the sidelines of the Durban Conference. These concerns cannot be brushed aside. At the same time, however, no one would question that the matters of the 2001 Durban remain among the most critical human rights challenges of our time. There can be no escaping the fact that these issues need to be addressed.

Preparations for the review conference have further expanded areas of convergence. In April, States are expected to provide an assessment of achievements and gaps in the implementation of the commitments made in 2001, as well as identify concrete ways to improve performance and impact on the ground.

Undoubtedly, many other old and new—as well as difficult and potentially divisive—issues remain unresolved, including reparations for slavery and colonialism, the use of the internet and other media by extremists, racial stereotyping in law enforcement, and migration. As it does in many other fora, the situation in the Middle East will likely draw different and often divergent perspectives. In this regard, it is worth noting that the DDPA recognizes Israel's right to security and calls for an end to violence

in the Middle East. It also urges Israelis and Palestinians to resume the peace process.

I am convinced that with good will and commitment to collegiality, it is possible to have constructive discussions on all these issues. We owe a frank and open-minded debate and concrete action to the victims of discrimination, intolerance and racism. We must remove the obstacles that stand between them and the achievement of a life in full dignity and rights.

Ladies and Gentlemen,

Speaking of obstacles to the realization of human rights should never make us lose sight of progress which takes place in many areas and ways. In addition to setting new standard, recent innovations in the human rights field have involved the development of transitional justice initiatives following armed conflict. They also include successful moves to ensure institutionalized accountability for genocide, crimes against humanity and war crimes, notably through the creation of the International Criminal Court and the tribunals for the ex-Yugoslavia and Rwanda. However, these remarkable achievements need to be shored up with sustained support on the

part of the international community. Such support requires political will, as well as adequate resources. Moreover, to make international justice run its proper course, collaboration in evidence gathering and in the surrender or arrest of suspects, as well as cooperation with relevant national bodies, are still sorely needed.

Having served as a judge in the prosecution of genocide for many years, I urge the international community to focus on prevention, particularly regarding the most heinous crimes, such as crimes against humanity, war crimes, ethnic cleansing and genocide. We must help States address the root causes that make these atrocities even possible.

In such an effort, we can be assisted not only by existing human rights and international humanitarian law, but also by emerging norms. We must recognize that, as a part of standard setting, the discussion, conceptualization and shaping of new norms represents a vital component of the international community's work for human rights. It is in this realm that human rights "creativity" may initially manifest itself by preparing the ground and fostering the debate on issues that merit collective

responses, but that have yet to elicit binding legal commitments on the part of States.

The concept of the “responsibility to protect” civilians against the worst abuses offers a very apt illustration of this norm creation process. When such concept was first enunciated against the backdrop of the Rwandan genocide and the war in the former Yugoslavia, there was widespread reluctance to embrace it. Doubts were raised about the legitimacy of the ways and means of external intervention to be carried out, possibly against the wishes of a sovereign State. Objections, however, could not persuasively counter the inherent soundness of this concept which is anchored in the fundamental notion of civilian inviolability. As a result, the concept continued to make significant inroads in international thought, and it was finally endorsed by the World Summit.

Norms and pledges, however, are good only if their full implications are understood and effectively applied in practice. There is no doubt that the full potential of the protection norm is still far from being realized. In the meantime, the consequences of the international community’s failure in preventing the escalation of chronic conflict and abuses, as well as the tardiness and inadequacy of its reaction to crises, remain only too apparent.

Distinguished Colleagues,

The progressive recognition of human rights would not have been possible without the dedication of the many men and women who devoted their lives and work to these ideals. But, as Jean Monnet—one of the greatest institution-builders of our time—noted, the best human achievements cannot last without institutions designed to support them. The best strategies for implementation of human rights are likewise going to fail unless suitable institutions exist.

In parallel with an expansion of human rights standards, the human rights machinery, including Special Procedures, treaty bodies, and intergovernmental bodies, has been growing in numbers and strength over the past decade and a half.

The reform of the United Nations' intergovernmental human rights machinery was long overdue, and has finally been tackled, culminating in the replacement of the Commission of Human Rights with the Human Rights Council, which has now established the institutional infrastructure to ensure that its mandate for the promotion and protection of human rights is properly carried out.

I am aware that skepticism has been expressed regarding the Council. Some are concerned that this new body's ways may not differ much from the practices of its predecessor. But it is undeniable that the Council's assessment at regular intervals of the human rights record of all UN Member States, known as the Universal Periodic Review, is a genuinely innovative conception. Only time can tell whether the review will effectively change for the better the human rights situation on the ground. For the present, we should recognize that this initiative carries a promising potential. Moreover, the Council, unlike the Commission, is virtually a standing body. The frequency of its meetings—both in formal and informal gatherings—may thus create more opportunities to better hone operations and responses to both chronic human rights conditions and crises. Such assiduity may also help to build a firmer ground of understanding among the Council's members than sporadic interactions would allow for.

If the Human Right Council is the premier intergovernmental body for the promotion and the protection of human rights, the Office of the High Commissioner for Human Rights, which is part of the United Nations Secretariat, is their leading international advocate and independent champion.

As the Secretary-General noted, since its creation in 1993, the Office of the High Commissioner has grown from a fledgling mechanism to a powerful engine for change. It has expanded dramatically, elevated the profile of human rights all over the world, provided expert advice for capacity building to States and within the United Nations system, and preserved the autonomy of judgement and scope of action that are indispensable to human rights work and advocacy.

Today, OHCHR is in a unique position to assist governments and civil society in their efforts to protect and promote human rights. The expansion of field operations, as well as the increasing and deepening interaction with UN agencies and other crucial partners in government, international organizations and civil society that my Office has undertaken, are important steps in this direction. This is where we can more easily strive for practical cooperation leading to the creation of national systems which promote human rights and provide protection and recourse for victims of human rights violations.

Our ability to refine and strengthen the impact of human rights action depends on the stewardship of the United

Nations, both in terms of the institution's mandate, policies and practice, as well as in terms of its leaders' commitment and vision. Charles Malik, one of the main drafters of the Universal Declaration of Human Rights, spoke of a "vigorous moral leadership convinced and therefore convincing."

Allow me now to spend a few words on how I plan to use my own leadership in order to persuade, spur change, galvanize action, and provide—in sum—a springboard for the betterment and welfare of all, as well as a place where all are given a fair audience.

I start from the premise that human rights norms provide uniform and universal standards that help us ensure that all are held to the same measure. My priority, therefore, will not be the ranking of various human rights but rather their implementation on the ground in a way that affects and improves the lives of the men, women and children who are all entitled to realization of each and every right set forth in the Universal Declaration. I also start from the premise that the credibility of human rights work depends on a commitment to truth, impartiality and integrity, with no tolerance for double-standards or selectivity. This is what guides me as High Commissioner and I intend to ensure that the universality of human rights norms, which speaks to our common humanity and priorities,

informs discussions in politically charged environments and instills both measure and substance to political discourse in an objective manner.

I will promote implementation of human rights treaties, as well as encourage universal ratification of these treaties and enhance productive interaction between the various United Nations human rights mechanisms. I also believe that the work of the Special Procedures of the Human Rights Council deserve strong support. Their independent and impartial vigilance ensures that emerging issues are identified and that all human rights situations are addressed.

The question now is how to better translate such standards and the recommendations of experts into practice.

Here, once again, leadership plays an irreplaceable role. But the leadership that I have in mind is not only that of remarkably committed individuals, affected groups or enlightened States. I am thinking rather of a more diffuse approach, the advocacy-enhancing leadership that has produced historic humanitarian change, including the creation of the International Criminal Court where I was a judge.

One of the key aspects of such advocacy—and a crucial element of its success—was that many individuals and organizations, as well as different branches of States’ bureaucracies, were able to think outside the box of their immediate scope of intervention or mandates and embraced an overarching goal that, in part or in all, transcended their specific field of specialization. Thus, they enlarged their basis of support among constituencies that were not necessarily well-versed in all the sophisticated details of a campaign, but who could “buy” into it through clear and immediately resonant messages.

And therein lies the crux of the matter for human rights enforcement and the leadership needed to realize it. Although most States—at least in their pronouncements—pledge to uphold human rights, those who actually do not have received insufficient pressure to change the course of their policies and action. This is in part due to the fact that Governments are often reluctant to interfere in the affairs of another State and are therefore unwilling to exercise peer-leverage.

Another and concomitant factor is that, beyond the work of specialized or directly affected individuals and organizations, there

is inadequate familiarity with those human rights mechanisms that are mandated to both exercise vigilance over the implementation of human rights standards, as well as to facilitate access for rights holders to claim their due.

The combination of these factors has engendered significant gaps in the implementation and enforcement of human rights.

One of my priorities as leader of the United Nations human rights mechanisms, and as a good listener, is crafting more intelligible and more compelling messages, as well as making the avenues to redress more accessible, attractive and responsive. To this end, I will continue to reach out not only to victims of abuse and to like-minded States, thinkers and activists, but to all those constituencies whose aspirations and work is contiguous to our advocacy and that can become our “partners in rights”.

At the same time, I will continue to spare no effort to persuade those reluctant State and non-state actors to join the fold of rights, the respect of which ultimately serves the best interest of all States, groups and individuals. Nelson Mandela has taught me that keeping an open mind toward other people’s experiences and points of view—no matter how different from one’s own— and

open communications channels may serve the interest of justice better than strategies that leave no room for negotiation.

I am aware that I may not be able to bank on those felicitous moments in history that, almost effortlessly, lead to change. To the contrary, I know that change must be skilfully led, instead, and then soundly managed. And I am positive that the full enjoyment of human rights is bound to happen only if many stake-holders, diverse in their composition, but germane in their objectives and actions join together to affirm their leadership and will.

Thank you.