



**STATEMENT BY  
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AND  
CONSTITUTIONAL DEVELOPMENT  
TO THE  
HIGH-LEVEL SEGMENT  
OF THE  
HUMAN RIGHTS COUNCIL**

**GENEVA**

**12 MARCH 2007**

**Check against delivery**

Mr President,  
High Commissioner for Human Rights, Ms Louise Arbour,  
Excellencies,  
Distinguished Delegates,  
Ladies and Gentlemen

Firstly, let me take this opportunity to congratulate you, Mr President, and members of your Bureau, on your good stewardship of this Council over the last eight months of its existence. You have provided us with vision and excellent leadership under very difficult and trying times.

We associate ourselves with the statement read earlier by the Minister of Foreign Affairs of the Philippines on behalf of the Convening Group of the Community of Democracies.

The first year of the existence of this newly established Human Rights Council marks a defining moment for the international community. The victims of human rights abuses, in whose name we all claim to be speaking, demand from us a global human rights system predicated on values of universal justice and human solidarity. The noble principles enshrined in the Universal Declaration of Human Rights, namely, that “all human beings are born free and equal, both in dignity and in rights”, should underpin all the programmes and operations of this Council.

The former United Nations Secretary-General, Mr Kofi Annan, recently correctly pointed out that **“Human rights are foreign to no culture and native to all nations...that they are thus universal...that one cannot pick and choose among human rights, whether civil, cultural, social, economic or political...for a fundamental feature of these rights is their universality, indivisibility, interdependence and interrelatedness.”**

Humanity cannot boast to be espousing the principles of human dignity and equality when in reality the overwhelming majority of the world population continue to live

under conditions of poverty and underdevelopment. The 1993 World Conference on Human Rights held in Vienna affirmed that extreme poverty is a violation of human dignity, which undermines enjoyment of human rights and fundamental freedoms.

The President of the Republic of South Africa, Mr Thabo Mbeki, in his address to the 61<sup>st</sup> Session of the United Nations General Assembly, on 19 September last year, made the following critical remarks:

**“The majority of the human race is entitled to ask the question whether the rich are responding the way they do because the further impoverishment of the poor is to the advantage of the rich, giving meaning to the old observation that the rich get richer as the poor get poorer.**

**As the divide between the rich and the poor widens and becomes a serious global crisis we see an increase in the concentration of economic, military, technological and media power.**

**Something is wrong when many Africans traverse, on foot, the harsh, hot and hostile Sahara Desert to reach the European shores.**

**Something is wrong when walls are built to prevent poor neighbours from entering those countries where they seek better opportunities.**

**Something is indeed wrong when all these people, whose fault is merely the fact that their lives are defined by poverty, try desperately to reach countries where they believe the conditions of their existence would improve, only to meet hostile, and at times, most barbaric and inhuman receptions.”**

The current conditions of global poverty and underdevelopment impel us to think no other way, but to demand that the international human rights system has to produce a new global normative standard or Convention on the Right to Development, which must create space for people-centred development, the preservation of human dignity and ensuring that those living in conditions of debilitating poverty do not unduly die of hunger and curable diseases.

The South African human rights policy is founded on four core principles of respect for, promotion, protection and, more importantly, fulfilment of all generations of human rights. South Africa believes that in order for this Council to rise to the challenge of its mandate, namely, “to promote and protect all the universally recognised human rights and fundamental freedoms, including contributing significantly to the elimination of their violations”, it is unavoidable that the Council’s agenda and programmes must address the following critical issues as a matter of priority:

- (i) The realisation and practical enjoyment of the economic, social and cultural rights by all peoples everywhere;
- (ii) The achievement of the Millennium Development Goals, with particular focus on Sub-Saharan Africa;
- (iii) The development and adoption of a new normative instrument (a Convention) on the Right to Development;
- (iv) The development of an Amendment Protocol to the two Core Covenants acknowledging the right to development as a fundamental human right and placing it on par with all other human rights enumerated in these Covenants;
- (v) The development of a set of new normative instruments correcting and redressing the historical imbalances between the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;
- (vi) The development of complementary standards to combat racism and racial discrimination, particularly, their newest manifestations i.e. incitement to racial and religious hatred;
- (vii) Ensuring the achievement of the right to self determination for nations still living under foreign occupation and colonial domination; and
- (viii) The constant re-evaluation of the international human rights regime with a view to its improvement in a manner that will make it compatible with present day challenges and which would also maximise remedies to victims.

Mr President,

In the above context, it is positive and encouraging to note that the Council adopted, at its first session in June last year, important instruments reinforcing the existing human rights instruments. South Africa welcomes the adoption of the Declaration on the Rights of Indigenous Peoples, as well as the International Convention on Enforced Disappearances. Two other related developments in the context of the General Assembly are commendable as they are complementary to the UN human rights system. We are pleased that the General Assembly adopted the Convention on the Rights and Dignity of People with Disabilities, as well as the report of the Secretary-General's Special Representative on Violence against Children.

The adoption of the resolution convening the Durban Review Conference in 2009 was another milestone achievement by the Council. This achievement should be applauded by all those committed to the elimination of all the scourges of racial discrimination and the promotion of human dignity and equality. It is hoped that the Durban Review Conference will close the dark chapter in human history by "Reversing all that is ugly and repulsive in our world".

We encourage the Council to finalise all its institution building processes within the next three months, as anticipated and instructed by the GA Resolution 60/251, which created it. We owe it to the peoples of the world, in particular the victims of human rights violations, to reassure them that this new institution is a global beacon of hope for the advancement of their plight and aspirations. The renewed political will and commitment which is meant to be the foundation for the new Council must guide us to avoid the failures of the past.

The defining feature of the Council's functional programmes or operations should be the inherent desire on the part of all its Members to assist States to improve their internal human rights situations. This cooperative approach should be able to engender the support of everyone, including those States in need of assistance. Our collective experience has taught us that confrontations only breed other forms of confrontation and non-cooperation. It has also taught us that while confrontations continue, the plight of those whose dignity and freedoms are denied does not improve

in any meaningful way. At worst, the miseries and desperation of the victims only compound.

The challenge for us, therefore, is to set aside narrow self interest for the greater good of the observance of human rights, by establishing a credible and effective Human Rights Council, based on goodwill, political commitment, international cooperation, constructive dialogue, transparency and accountability, in which civil liberties, human rights and fundamental freedoms for all can be realised and practically enjoyed.

Mr President,

This year will mark the two-hundredth anniversary of the abolition of the transatlantic slave trade. We call on the United Nations and, in particular, the High Commissioner for Human Rights to coordinate with other global social partners to ensure the proper celebration of this important occasion.

We applaud the United Nations General Assembly for designating 26 March as the International Day for the Commemoration of the Abolition of the Transatlantic Slave Trade. Five days before this historic event, South Africa and the international community will have commemorated another important historic event i.e. South Africa's Human Rights Day and the International Day for the Elimination of Racial Discrimination, respectively. Annually, South Africa and the UN celebrate 21 March in honour of the memory of the heroes and heroines of our struggle who perished on this day in 1960 at the hands of the apartheid system. This tragedy has come to be known as the Sharpeville massacre.

Mr President,

Thirteen years into our democracy, we have made discernable progress in our national delivery system, particularly in the areas of economic, social and cultural rights.

We have provided and expanded basic infrastructure, increased access to primary healthcare and made advances in realising the right to education, ensuring food security, access to housing, electricity, water and sanitation.

While others downplay the importance of social spending on these activities of social transformation, we for our part place priority on them, as they are indeed human rights issues.

Despite progress in these areas, we are the first to admit that there is still a lot that needs to be done to restore the dignity of all our people and accelerating delivery of basic services.

For us, civil and political rights are inextricably linked to the enjoyment of economic, social and cultural rights. The two international covenants which regulate these two regimes are treated with equal emphasis in our country.

Two weeks ago, we hosted a very successful human rights seminar between the Governments of South Africa and Argentina. This partnership, which was the first of its kind, drew its participants from civil society, academia and Government. The seminar focused on key thematic human rights issues of common interest between the two nations, namely, restorative justice, truth and reconciliation, memory of the victims of disappearances and combating racial discrimination within the context of the follow-up to the World Conference Against Racism.

Later this year, we will host three important events focusing exclusively on the advancement of women, particularly addressing the plight of rural women, gender equality and advancing gender justice in conflict-affected countries.

We are also in the process of domesticating the Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment.

Mr President,

South Africa's political vision is predicated on the reality that our fortunes are inextricably linked to those of our continent. We have within our limited financial and personnel constraints, done our best to contribute to the political stability, promotion of democracy, the rule of law and general conditions of good governance on our continent. These efforts were undertaken in accordance with the wishes of the countries concerned.

We have also continued, within the context of the African Union, with Africa's efforts towards making this century the African Century by taking ownership of the continent's macro-economic recovery programmes. We invite development partners to join Africans in the realisation of this dream. We welcome the institutionalisation of the relationship between the United Nations system and regional bodies, such as the African Union, and in this regard, we encourage the continued dialogue between the Human Rights Council and the African Commission on Human and People's Rights. We also welcome the broader cooperation and collaboration between the AU Peace and Security Council and the UN Security Council.

The role of the international community in our own struggle for freedom has been crucial. We urge the international community to demonstrate the same commitment previously shown towards South Africa, in our collective efforts to attain self-determination for both Palestine and Western Sahara. To this end, South Africa welcomes the recent contacts between the Israeli and Palestinian leadership aimed at establishing dialogue between the two sides. We encourage both parties to find creative solutions to the Middle East crisis with the ultimate aim of effecting a two-state solution as envisaged in the Road Map.

In conclusion, our national priority is to intensify our social development programmes, to constantly improve the quality of life of all South Africans, to close the unacceptable gap which defines our dual economy along racial lines, and to combat transnational organised crime and reduce the levels of substance abuse. Our ultimate ideal is to create economic and political space for a South Africa, which finds strength and growth in its wide-ranging diversity, is democratic, non-racial and non-sexist, and where all of our citizens can enjoy in the prosperity of our country. This is the national identity we are striving to achieve. We do not only seek this ideal for our selves, but for our continent and indeed for the rest of the world. Our vision is for the attainment of a new world order that is based on maximising the dignity and humanity of each person and is free of racism and sexism, and which is people-centred and based on inclusivity and human solidarity.