

4 March 2009

**Statement of Mr. Miguel d'Escoto Brockmann,
President of the 63rd Session of the General Assembly,
to the Human Rights Council**

Mr. President, Martin Ihoeghian Uhomoibhi,
Madame High Commissioner for Human Rights,
Mr. Director General,
Excellencies,
Dear Friends,
Sisters and Brothers All,

I am very pleased to be able to join you here today as the first General Assembly President to formally address the Human Rights Council since its inception three years ago. This is especially appropriate because the Council, as you all know, was established by the General Assembly following the World Summit of 2005 to give higher visibility and importance to human rights alongside with peace, security and development.

At that Summit, world leaders also reaffirmed their commitment to the principles of universal human rights that the United Nations has painstakingly created over the past 60 years. These are commitments that we all must monitor closely. For, as we know, most gross violations of human rights are committed by our very own Member States. This vigilance must be particularly strong within the Human Rights Council itself if we are to maintain its current, reinvigorated momentum and strengthen the protection of our most vulnerable citizens.

As a new body, the world is watching the Council as it undergoes a paradigm shift from the culture of confrontation and mistrust that pervaded the Commission in its final years. We are confident that the Council is now achieving a new culture inspired by strong leadership and guided by principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation. These principles will enhance the promotion and protection of all human rights.

The world is watching because we rely on the Human Rights Council as the epicentre of hope and participation for all peoples and Governments in addressing global human rights challenges. As a forum for dialogue, understanding and cooperation in which to achieve the universal realization of human rights, its credibility and effectiveness are measured by its transparency and even-handedness. These are challenges that I will refer to later.

As president of the General Assembly, I have made the democratization of the United Nations a priority. What does this mean? For the UN to fulfill the letter and the spirit of the Charter, it must be truly representative, transparent and accountable to all of its 192 Member States and to all the peoples

of the world. Only a General Assembly that exercises its full authority under the Charter in a timely and credible way is worthy of support. Only a Security Council with a membership that reflects the geographical reality of our Organization and upholds the spirit and the letter of our Charter can act with authority and legitimacy. Only a Human Rights Council imbued with a deep commitment to justice, objectivity and non-selectivity, will command the respect and confidence of the world.

The General Assembly and the Human Rights Council are inextricably linked in this search for a democratic system of global governance. As your parent body, we look to the Council to continuously expand and strengthen the body of human rights law and, now so important, the implementation of these laws so that they are universally respected.

Since your establishment, the Council has overseen breakthroughs in the area of human rights protection. Tomorrow (6 March), you are holding an interactive debate on the Convention on the Rights of Persons with Disabilities, which the Assembly adopted in 2006. The Assembly and the Council are working together to promote these rights and we must press Member States to ratify them. You have adopted the Convention for the Protection of All Persons from Enforced Disappearances, the Declaration on the Rights of Indigenous People, and most recently the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICECSR), which provides marginalized victims of economic, social and cultural rights violations who cannot get a remedy in their domestic legal system with an avenue to get redress. The HRC has also provided insightful and meaningful inputs to the Assembly's discussions on emerging issues of great concern, including the ongoing food crisis and now on the impact of financial crisis on development.

Still, the Assembly and the Council need to ensure a more synergetic approach when we address human rights issues. We must ensure that our work in the Third Committee, for example, strengthens and adds value to the debate and work that the Council undertakes in Geneva and vice versa. Towards these ends, I invite the HRC to reflect more on how best to strengthen and coordinate the work of the GA and the HRC and pay greater attention to the designated work and mandate of the Third Committee and those of the Council.

Given the enormous challenges that the Council faces in a world in crisis, it has become a de facto permanent body with an ambitious and challenging mandate. Its past action provides us a glimpse of its great future possibilities. However, in order to go from words to concrete action, we must ensure that the Council and its institutions can run smoothly and are fully equipped.

For example, I refer to the Council's decision 9/103 of 24 September 2008 in which the Council recommended that the GA ensure the establishment of an office for the President of the Council with adequate staffing resources and equipment. It also requests resources for the translation of UN documents and the webcasting of all the sessions of the Council. It is clear that such resources will enhance the principles of transparency, equal treatment and non-selectivity that are required of the Council and also ensure wider coverage and better awareness of the work of the Council inside and outside the UN system.

I am also aware of your budget constraints and wish to support to the work of the Council by looking into these three issues in New York in concert with the Council. If we can secure these resources, I am sure the Council will be in a better position to respond and address the burgeoning human rights demands on a full-time basis as is needed.

The General Assembly upgraded the Council to become a subsidiary body of the Assembly, a step that places human rights at the centre of the work of the United Nations. This sets the stage for greater institutional interaction between the Council and other relevant bodies such as the Economic and Social Council.

Excellencies, let me turn my attention to the mechanisms of the Human Rights Council.

The Council's special procedure mechanism is a legacy of the Commission on Human Rights. There is no doubt that the system of independent experts is essential to the proper functioning of the Council's machinery. The Special Procedures serve as a vanguard mechanism for early detection of problematic human rights issues and sustained protection. My predecessors and I have organized various panels and thematic debates within the Assembly in which various special Rapporteurs of the Human Rights Council have been invited as main speakers. Their presentations on the right to food, on the right to education and on extreme poverty, for example, were greatly appreciated by Member States.

I am heartened by the timely institutional changes that the Council has accomplished in only a few years. Last August, you inaugurated your Advisory Committee, whose pool of experts is providing valuable inputs into the discussions of the Council. You have opened the Social Forum, the Forum on Minority Issues and the Expert Mechanism on the Rights of Indigenous Peoples to the participation grass root organizations, indigenous and minority communities. Such participation has significantly contributed to the deliberations of these mechanisms and to the Council.

As well, the Universal Periodic Review constitutes a major breakthrough in the UN intergovernmental human rights activities. The merit of this mechanism is that it ensures universality, objectivity, non-selectivity in the work of the UN human rights machinery and reduces the political maneuvering that characterized the defunct Commission. I appreciate the degree of transparency and the constructive discussions that have taken place so far during the working group's sessions and encourage the continuous high-level engagement of States in the Universal Periodic Review process including during the review, the adoption of the outcome, its follow up and its implementation.

Ladies and Gentlemen, let me end my presentation by focusing on some pressing issues relating to human rights in different parts of the world.

The world is facing daunting new challenges, the magnitude and multifaceted aspects of which require a collective and concerted response. I firmly believe that the United Nations should play a central role in confronting these challenges, which include climate change, the food crisis, globalization, terrorism and new or resurgent epidemics. We are living in a particularly serious moment due to the economic and financial crisis. Developing countries suffer the most from the harsh effects of the financial crisis.

It would be profoundly unjust to expect them to postpone the realization of basic rights such as rights to food, education, and access to water and sanitation.

Much of the work of the 63rd Assembly involves efforts to ensure that developing countries and least developed countries in particular do not shoulder the burden of a crisis for which they have not been responsible. I welcome the fact that the HRC has convened a special session on the impact of global economic and financial crisis on the universal realization and enjoyment of human rights. This will certainly help to draw the attention of the world community to the human rights implications of such crisis.

In turn, I invite you to participate in the General Assembly Conference on the world financial and economic crisis and its impact on development that will be held in June 2009. I have been asked to organize this important meeting and am currently visiting a number of countries in an effort to ensure that world leaders participate in this event at the highest level. More and more Heads of State and Government are expressing their desire that the said General Assembly Conference take the form of a General Assembly Special Session with Heads of State and Government heading the delegations of their respective countries and engaging each other in meaningful, interactive dialogue.

It is imperative that participation by the human rights community, led by the President of the Human Rights Council and the High Commissioner for Human Rights, will ensure that the conference is imbued with a human rights perspective as part of a radical change in the financial and economic architecture that has failed us so dramatically.

I spoke earlier of the Council's groundbreaking work in the protection of rights. I see a profound relationship between access to safe-drinking water and sanitation and the enjoyment of the right to life or health. Indeed, access to water is indispensable for a life in dignity and a prerequisite for the enjoyment of other human rights. I request that the Council assist the General Assembly in developing greater conceptual clarity on the international dimension of human rights obligations to provide access to safe drinking water and sanitation, notably in relation to bilateral development agreements and bilateral cooperation. And I welcome the plans to establish a special procedure mandate by the Council to focus on the matter. I am heartened by the recent developments in international law, with the adoption of a rights-based approach, that have marked a shift in looking at this issue from a question of charity to a question of entitlement.

Similarly, we must bolster the concept of the right to food, fundamental to the established rights to an adequate standard of living and to health. The right to food – especially access to adequate food – is seriously threatened by the confluence of global crises. I trust that the HRC will continue its vigorous and vigilant attention to this right and urge governments and other international actors to ensure that food security is given a priority in their responses to global warming and the economic turmoil that jeopardizes so many vulnerable populations.

Gender is another area where I believe the Council and the Assembly can join forces. As the Assembly grapples with the prickly issue of system-wide coherence, I believe we will soon have the opportunity to establish a new UN entity for women, one with the authority, presence and resources required to

address the concerns and urgent needs of half the world's people. Thanks to the General Assembly's excellent progress on this score during its last two sessions, the world's women are now within reach of a dedicated entity, and the beginning of the end of such criminal conditions as feminized poverty, rampant sexual violence and preventable maternal death. I have said before that the top priority of my presidency is to see the General Assembly revived and will count on the Council to support this initiative to make United Nations system-wide coherence a reality.

Finally, I urge the Council to focus on the profound problems that have been created by the massive violations human rights in Iraq. Even as the world absorbs the inhumanity of the recent invasion of Gaza, we see Iraq as a contemporary and ongoing example of how the illegal use of force leads inexorably to human suffering and disregard for human rights. It has set a number of precedents that we cannot allow to stand. The illegality of the use of force against Iraq cannot be doubted as its runs contrary to the prohibition of the use of force in article 2(4) of the UN Charter. All pretended justifications notwithstanding, the aggressions against Iraq and Afghanistan and their occupations, constitute atrocities that must be condemned and repudiated by all who believe in the rule of law in international relations.

Reliable and independent experts estimate that over one million Iraqis have lost their lives as a direct result of the illegal invasion of their country. The various UN human rights monitors have prepared report after report documenting the unending litany of violations from crimes of war, rights of children and women, social rights, collective punishment and treatment of prisoners of war and illegal detention of civilians. These must be addressed to bring an end to the scandalous present impunity.

What can the Council do? I urge you to put the questions of the situation of human rights in Iraq on your agenda. You might discuss the appointment of a special mechanism to report on the situation of human rights there. You also might consider the reports of the Office of the High Commissioner on Human Rights that are prepared by the United Nations Assistance Mission in Iraq (UNAMI). It is ironic that for almost 20 years before the U.S. led invasion and occupation, there was a Special Rapporteur on Iraq. Yet precisely when the largest human catastrophe on earth began to unfold in Iraq in 2003, this post was eliminated. Reliable and independent sources estimate there have been over one million civilian deaths in Iraq as a direct result of the U.S. led aggression and occupation, and still there is no Special Rapporteur. This is a serious omission that should be corrected.

With regard to the crimes recently perpetrated against the Palestinian population of Gaza, the General Assembly will soon be holding an interactive panel to consider reports of fact finding missions from the Council, the UN High Commissioner for Human Rights, the Special Rapporteurs and my own Senior Advisor for Humanitarian Affairs, Dr. Kevin Cahill. The General Assembly will have to take action on this matter, the gravity of which, obviously, we must not simply allow to pass without consequences.

But most importantly, this last aggression makes it abundantly clear that no efforts be spared to work for the reconciliation of our Israeli and Palestinian brothers and sisters within the framework of international law and in full compliance with relevant U.N. resolutions on the matter. I am personally committed to bring this about.

And last, but not least, dear brothers and sisters, I want to call you attention to the plight of the five Cuban heroes who are still being held in preposterous conditions and serving unheard of jail sentences for having denounced and provided pertinent information concerning terrorist activities being planned in the U.S. by Cuban expatriates against their former Motherland with the support of U.S. authorities. We are very hopeful about meaningful and credible change being brought by the new U.S. Administration. The immediate ex-incarceration of the five Cuban heroes would help strengthen our confidence that the promised change is for real.

Dear Brothers and Sisters,

Our tasks are many and responsibilities enormous. We are convinced that the United Nations has a central role to play in advancing and protecting the rights that have been so painstakingly established over the decades. But it takes credibility and courageous leadership to meet these responsibilities. We must draw on the enormous reserves of moral strength that exist in each one of us to step forward, challenge the abuses of power, assert clarity and fairness in our responsibility to protect, and move quickly to prevent the unfolding economic catastrophe that is darkening our world from turning into prolonged human tragedy. This requires partnerships and cooperation. For all this, you can count on the General Assembly. And we shall count on you.

Thank you.