

HUMAN RIGHTS COUNCIL

STATEMENT

BY

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AT THE

**HANDING OVER CEREMONY OF THE PRESIDENCY OF THE
UNITED NATIONS HUMAN RIGHTS COUNCIL:
GENEVA, SWITZERLAND**

FRIDAY, 19 JUNE 2009

Excellencies,

My main task today is, first and foremost, to express my deepest gratitude and appreciation to you all for giving me the opportunity to serve in the last one year. In particular, I am thankful to the High Commissioner for Human Rights, Madam Navi Pillay, for her unwavering support to the work of this Council, as well as for her exemplary leadership and unparalleled determination to advance the cause of human rights, even under difficult circumstances. You have been a model for us all, Madam, and I am personally grateful for that.

We could not have made the modest progress I believe we did over the course of the past year without the support and cooperation of all Member States. By my assessment, this Council has acquainted itself creditably. On numerous occasions, we proved the cynics wrong by demonstrating a readiness to uphold and advance the principles and tenets of the Council. This is as it should be.

2. The Council by itself has no life of its own. Its mandate and *raison d'être* are derived from our will as sovereign states and members of the United Nations. By implication, its successes and failures are also ours, since the Council has no independent existence beyond our collective wish. We also have demonstrated a resolve to take decisions collectively by consensus when required, and where such could not be achieved, we have proceeded in a mature and responsible manner to conduct votes to settle the issues.

3. There is no doubt that the membership of this Council carries weighty responsibilities. It therefore rests upon all of us to carry on our work diligently and responsibly in the knowledge that what we do or fail to do does make a big difference in the human rights situations of peoples in many places across the world.

4. It is to the credit of Members of this Council that States have deepened the scope and content of the protection of human rights into a variety of areas. The rights of indigenous peoples and disabled persons have now been recognized. Those of women and children have for long been entrenched. So have our political, social, cultural and economic rights. These treaty bodies and others continue to serve as guiding lights to the fulfilment of our obligations in promoting and protecting human rights.

5. As the last hope of victims of human rights abuse and denial everywhere, the Council's mandate must be carried out robustly and without any fear or favour. It must not be hampered by politics or constrained by indecision. Its access and reach must be into every nook and cranny of the world, every

hamlet and every home. There can be no place so remote, no corner so dark that the United Nations Human Rights system should reach. In this regard, there can be no justification for denying access to experts and officials appointed by the Council to investigate reported cases of human rights violations. As an embodiment of the sovereign will of States, the activities of this Council should rightly reflect the wishes of all UN Member States and the aspirations of all stakeholders.

6. While we are entitled to celebrate our achievements, these gains do not by themselves prove that the state of human rights all over the world is healthy. On the contrary, there is still much work to do to make human rights a liveable experience for everyone, everywhere. This task necessarily demands concerted efforts by all constituencies and stakeholders, including governments, non-governmental organizations, civil society members, corporations, communities and individuals everywhere.

7. In my inaugural address as President last year, I mentioned that “*States undoubtedly bear the primary responsibility to protect and promote human rights. As such, the Council should per force continue to direct its gaze and its search light on actions of states to ensure that they abide by all their commitments.*” These words are as true today as they were twelve months ago. We, as Member States, must live up to the commitments and pledges that we made when we signed on to universal agreements on human rights. A policy of human rights *a la carte*, which allows us to pick and choose is precisely what it is – a cynical policy of self denial.

8. In the words of Professor Francis Fukuyama, “*States have a wide variety of functions, for good and ill. The same coercive power that allows them to protect property rights and provide public safety also allows them to confiscate private property and abuse the rights of their citizens*”. I take this quote simply to illustrate the wide scope of State power and the frightening possibilities of abuse of such powers. In furtherance of reason of state, many unconscionable deeds are committed, which often can abridge the enjoyment of human rights by citizens. States may feel secure in the belief that the Council’s decisions may not be imposed on them, but they should also realize that the odium of deliberate obstruction of the work of the Council is a far greater burden to bear than cooperating with an allegedly intrusive Council.

9. All violations of human rights, no matter where they occur, must be brought to the attention of the Council. These must be dealt with in expeditious,

transparent and non-discriminatory manner. As in any impartial court of law, complaints brought before it must be considered fairly and objectively. The selection of issues affecting one group as far more demanding of the Council's attention than others can only but weaken its moral standing in the eyes of members of the international community.

Excellencies,

10. I could go on to recount some of the achievements of the Council in the last one year by taking you through various activities that were successfully conducted in this Chambers and outside of it. I could also recount in detail some of the activities of the Office of the President, including official visits I undertook, all aimed at raising the profile of the Council. That, I would not do because we were all involved in the processes and decisions that were adopted over the course of the past one year. Moreover, we all know how many Regular and Special Sessions were held. We also are seized with the mechanisms and procedures that were established by the Council. Of course, we also know the various subjects and issues that the Council considered during the past one year. These are all important events in their own right. They no doubt deserve our celebration. However, this stocktaking goes far beyond that. Indeed, I shall be found wanting in my duties as outgoing President if I were simply to recount the achievements of this Council only.

11. It is as much my duty to remind ourselves of our achievements as to point out shortcomings and lapses that need correction. We have repeatedly sung the common refrain that human rights are inalienable, universal, interdependent and indivisible, equal and non-discriminatory and so forth. We have also vowed to ensure their promotion and protection across the globe. The question then is - why are there still widespread human rights violations? Why are they denied in many places and why are they applied discriminatorily? I cannot answer these questions all by myself. I thought I should at least raise them up for you to ponder upon.

12. Of the myriads of human rights challenges confronting the world today, impunity is by far the gravest. With impunity, all sorts of human rights violations are carried out in the name of one cause or the other. This Council must face up to this challenge and ensure that impunity is no longer allowed to be a prerogative of perpetrators of gross and systematic violations of human rights. Of far greater concern is the fact that impunity is no longer the domain of the state or its agents. Impunity is now rampant and widespread among individuals, business corporations, terrorist organizations, and other actors.

13. Clear and achievable guidelines that are legally binding on all parties should be established by this Council and adopted by the entire UN system to check acts of impunity. In this endeavour, I will like to charge the international human rights community to take the lead and ensure that the matter is not swept under the carpet. Insurgences, wars, acts of terrorism and other actions that result in massive violations of human rights are conceived, organized and executed by their authors because the international community has failed to address the root causes of these phenomena.. The massive and unjustifiable numbers of casualties resulting from such actions are simply counted as collateral damages and rendered in cold statistics. The world can do better than this, and we should.

14. The defense of human rights must be based squarely upon our sense of outrage and feeling of compassion. Outrage at knowing that man's inhumanity to man is still going on in our midst, and compassion in trying to remedy that situation. Without these two sentiments, advocacy of human rights becomes a hollow exercise that rings false in the ears of victims. Human rights must also proceed from the age-old maxim that compels us to "*do unto others, as you would have them do unto you*". I am grateful that President Barak Obama reminded the world of the wisdom of this dictum only recently in Cairo.

15. Torture and cruel, degrading and other inhuman acts are the manifestations of impunity. Torture in all its guises and forms must be repudiated and condemned. States must not be given the option or license to inflict pain, whether physical or psychological on individuals. The human rights system must continue to maintain a high state of vigilance against torture and all forms of cruel, inhuman and degrading treatments.

16. The prevalence and persistence of poverty is one of the most serious human rights challenges facing us today, especially in the context of the current economic downturn. It is imperative to have an international commitment equal to this unprecedented moment of challenges. More than any other form of denial of human rights, poverty is a factor that can be eliminated and made history by nations if they are so willing. Illiteracy, diseases, homelessness, migration and the state of being a refugee are in most cases linked to poverty and the inability to support a wholesome and meaningful life. We must therefore continue to advocate the eradication of poverty not as a favour, but as a right of the poor.

17. In the same vein, I urge the High Commissioner to redouble her efforts in addressing incidents of targeted killings and assassinations, kidnappings, drug trafficking, corruption, the sale of small and light weapons and the use of child soldiers as grave and serious violations of human rights. These must not be allowed to blot the conscience of the world and darken the bright prospects of full and unfettered enjoyment of all human rights.

Excellencies,

On a personal note, I wish to underscore that the past 365 days and this third cycle of the Human rights Council has been a truly unique experience for me. I therefore reiterate my profound thanks to all of you for the assistance and support which you have given me, collectively and individually, to enable me shoulder this responsibility in the cause of duty. If in the cause of carrying out this duty I made any mistakes, I wish to assure you that it was intended. I wish to thank NGOs.....

I must now thank specifically the Secretariat in the Office of the High Commissioner for Human Rights and the UNOG Conference Services for their invaluable service and unflinching dedication to the work of the Council. My gratitude also goes to the interpreters for their long hours of professional commitment. Not to forget to mention the invaluable services of the security staff and the active collaboration and support I have enjoyed from the media

Excellencies,

18. Human rights must be anchored on forbearance. To forbear to do harm or injustice to others even when you are in a position to do so is far more meritorious than remedying acts of injustice after they have been committed. I remain fascinated with the eternal words of Sir Walter Scott who, in his historical novel, *“Ivanhoe”*, reminded us that: *“for he that does good, having the unlimited power to do evil, deserves praise not only for the good that he performs, but for the evil which he forbears”*.

19. In conclusion, I should like to stress that it is our collective duty, working with objectivity, candour and total commitment to our responsibilities, to ensure that the Council lives up to its name and the standards expected of it. This is our duty. This is also the expectation of victims of human rights abuses.

20. I thank you for the honour and privilege to serve.

