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**Statement by Ms Maite Nkoana-Mashabane, Minister of  
International Relations and Cooperation of the Republic of  
South Africa, to the 16<sup>th</sup> Session of the United Nations Human  
Rights Council Geneva, Switzerland, 28 February 2011**

The President of the Human Rights Council

Madame High Commissioner for Human Rights

Your Excellencies, Members of the Diplomatic Corp

Ladies and Gentlemen

South Africa is proud to have been part of the establishment of this Human Rights Council five years ago and the General Assembly decision for its periodic review. We salute this Council and pay tribute to the important work it is doing. We indeed made strides in the last five years in establishing this body and putting in place the building blocks that ensured that a firm foundation was laid.

However, the challenges that face this Council cannot be over-emphasised. Building from the Human Rights Commission is and will continue to be a formidable task. As we are gathered here today, many of our people are in the streets in some parts of the world for reasons that brought this Council into being. We cannot fail them!

Chairperson

This year marks the 21st anniversary of the release from apartheid incarceration of our international icon, former President Nelson Mandela. Since then, South Africa has overcome many obstacles, thanks to the determination of our people and the support of the international community. We are now in our fourth Administration and very soon we will be holding our Local Government Elections which will further deepen our democracy and bring Government closer to the people.

South Africa attaches great importance to the promotion of Human Rights. As Government, and working together with our

people, we will continue to ensure the realization and enjoyment of fundamental Human Rights that are contained in our Constitution.

Our Government has identified job creation through sustainable and shared growth as our central theme for this year. However, this focus on job creation does not mean that we will take our eyes off other priorities that we have set for ourselves in the areas of health care, education, combating crime and corruption, and accelerating rural development and land reform. It is our firm belief that these priorities that form Government's plan of action, will not only attend to our domestic challenges but will also further deepen our march to accord South Africans human dignity and Human Rights.

We have a well functioning Human Rights Commission in our country, to ensure the protection of the Rights of our citizens, and we boast of having established other constitutional bodies to carry out duties in the service of the ordinary person. One of

such bodies is our Independent Electoral Commission which has earned itself respect domestically and internationally.

South Africa is one of those countries that have formally extended invitation to all Human Rights mechanisms to visit and carry out their mandates. We were among the first to be peer reviewed not only by this Council, but also through the African Peer Review Mechanism. In this regard we appreciate these visits by the special mechanisms, including the recent one by the Special Rapporteur of this Council on Human Rights of migrants as well as that of the Working Group on mercenaries. We are processing similar requests from Special Rapporteurs of (among others) the right to food, racial discrimination, xenophobia and related intolerance.

We are pleased that we presented our country's consolidated report to the Committee on the elimination of all forms of discrimination against Women (CEDAW) here in Geneva on the 21 January 2011. We value the comments and advice that came out of such engagements.

I wish to assure this Council that South Africa will ratify all outstanding Human Rights instruments, as undertaken in our national pledge in pursuit of the membership of this body. We have taken necessary measures to give this matter our urgent attention.

#### Chairperson

The task before us is to ensure that the current review process of the Council is conducted and finalised in an open, transparent, and fair manner; and that the outcomes are concluded and adopted by consensus. We owe it to humanity, but more so to the victims of Human Rights abuses and violations, to act in a manner that will ensure that the Council's protection regime is one that provides victims with (One) maximum protection, (Two) adequate remedies, (and Three) zero tolerance of impunity. As such, our outcome documents must be a shared responsibility, held in high esteem by all. Most importantly, implementation, implementation and implementation, must be of utmost importance.

Chairperson,

Whilst South Africa is gearing itself for Local Government elections, the rest of the African continent will be witnessing National Elections in no less than 17 countries. We strongly believe that support for this advancement on the democratic front deserves support of the entire international community.

We like everybody, are watching with great interest and are keen to see that the wave of democratic demands as represented by popular demonstrations in the North of our mother continent and parts of the Middle East, culminate in a dispensation that will lay firm foundation for a democratic environment which will ensure the observance and promotion of Human Rights. As a member of the African Union Peace and Security Council and a non-permanent member of the United Nations Security Council, South Africa wishes to re-affirm its support for the pronouncements and measures taken by these bodies in response to events currently unfolding in Libya. We convey our condolences to families of victims of who perished in Libya, Tunisia, Egypt and elsewhere.

It is our hope that through the efforts of the African Union and the Economic Community of West African States (the ECOWAS) a sustainable and peaceful way-out will be found to the crisis in Cote d'Ivoire.

The people of Sudan are looking up to the international community for continued support in the aftermath of the Referendum in South Sudan.

Similarly, we have to continue on the path that will ensure that the hopes and dreams of the sister peoples of Palestine and Saharawi Arab Republic for self determination and state hood are realised.

Chairperson,

This year we will be observing the 25<sup>th</sup> Anniversary of the adoption of the United Nations' Declaration on the Right to Development. When we look back to the 97<sup>th</sup> Plenary Meeting of the General Assembly which adopted this Declaration in 1986, we will have to ask ourselves whether we have done

enough to ensure, as we said in that Declaration, that “the right to development is an inalienable human right”. Whether, at national level, we have lived up to the undertaking we made in that Declaration that “States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals”. And whether, as the international community, we have, as contained in that Declaration, fulfilled our “duty to co-operate with each other in ensuring development and eliminating obstacles to development”. We said in that Declaration in 1986 that “sustained action is required to promote more rapid development of developing countries”; and that “as a complement to the efforts of developing countries, effective international co-operation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development”. This is still a challenge twenty-five years later.

Furthermore, 2011 has been designated the year of people of African Descent, through General Assembly resolution 64/169. This resolution is aimed at strengthening national actions and regional and international co-operation for the benefit of people

of African descent for their full enjoyment of all human rights and the promotion of a greater knowledge of and respect for their diverse heritage and culture. To that end, South Africa welcomes the convening of the Panel discussion scheduled to take place during the High Level Segment. South Africa attaches great importance to the recognition of this year and together with the African Union will be hosting the African Diaspora Conference to ensure that this issue remain on the international agenda even after 2011.

This year we will be marking the 10<sup>th</sup> anniversary of the adoption of the outcomes of the Durban World Conference against Racism (WCAR). South Africa hosted this important global event because our country is itself the product of the international struggle against racism, racial discrimination, xenophobia and related intolerance. The 2001 WCAR was aimed at fostering greater harmony, peace and reconciliation within countries and in the world. We therefore look forward to commemorating in New York later this year the 10<sup>th</sup> Anniversary of the WCAR and Durban Declaration and Programme of Action.

In the next few months, the international community will observe and remind itself of the tragic events of September 11 2001 terrorists attack on the United States of America. The international community needs to continue to work together to make sure that never again do we witness such carnage.

Chairperson,

Let me conclude by thanking the President of the Council and all his facilitators for the hard work carried out so far during the review process. I wish to assure you of my delegation's full support in your important duty. We look forward to an outcome that will not only strengthen this Council in carrying out its mandate; our people are looking up to us, and we cannot fail them!

I thank you!