

**STATEMENT OF AMBASSADOR DR. WAFIK Z. KAMIL, SECRETARY GENERAL
OF THE AALCO ON THE OCCASION OF THE SIGNING OF MOU WITH THE
OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS**

12TH NOVEMBER 2001

Distinguished High Commissioner for Human Rights, Her Excellency Madame Mary Robinson,
Excellencies, Distinguished Guests, Ladies and Gentlemen,

1. It is indeed a great day and a great event. A great day because we have the great honour to welcome in our midst, H.E. Mrs. Mary Robinson, the UN High Commissioner for Human Rights as one of the most prominent figure in the current international arena for the tremendous efforts she exerts in fighting for the promotion and the respect of Human Rights and the fundamental freedoms. From the wonderful “Palais Wilson” in Geneva, she conducts from her Headquarters her battle against the horrible violations of those Rights and Freedoms, all over the world. The Office of the High Commissioner is considered, as it is stipulated in the MOU we have just signed, and I quote, “The principal arm of the UN Secretariat in promoting and protecting human rights and fundamental freedoms”.

2. If it is a great day, as I mentioned, it is also a great event for AALCO, for we have, by signing this MOU, laid the legal foundations of the cooperation between our two Organizations within a defined framework. We will work together with the Office of the High Commissioner for the promotion and respect of Human Rights for each human being. We will work hand in hand for the dissemination, adherence and above all the implementation of all the international instruments “in force” – today and in the future. And if the MOU has laid the foundations of this cooperation, the implementation of its dispositions will witness the emergence of its structure.

3. Excellencies, Ladies and Gentlemen. The idea of signing the MOU did not come out of vacuum. It is the involvement of AALCO in dealing with issues related to Human Rights that attracted the attention of the O.H.C.H.R. This involvement, in the past and over the years, has been consistent and widely recognized. While I do not intend to elaborate on this, it may be of interest to note that the AALCO had actively participated in the Preparatory process to the World Conference on Human Rights, held in Vienna in 1993. The AALCO at its 32nd Session formally adopted the ‘Kampala Declaration’, which was submitted to the Preparatory Committee for the Vienna Conference. An AALCO Secretariat delegation participated at the World Conference on Human Rights. It is pertinent to note that quite a few ideas of AALCO on human rights as reflected in the Kampala Declaration have found place in the final document of the World Conference.

4. Moreover, the regular work programme of the AALCO has for the past many years dealt with legal issues relating to protection of aliens, statelessness, refugees and protection of civilians in occupied territories. Besides monitoring the preparatory process and the follow-up to the establishment of the International Criminal Court, the AALCO had been studying many aspects of international humanitarian law also. More recently, and during our 40th Session (June 2001) which was attended by Mr. O’Flaherty, Director of Asia-Pacific Department in OHCHR,

two new topics dealing with protection of rights of migrant workers and cooperation against illegal trafficking in women and children have been the focus of attention within the AALCO. Therefore, this present engagement with the Office of the High Commissioner should be seen as a natural and continuous process of AALCO's commitment to further the cause of international human rights law.

5. Excellencies, Ladies and Gentlemen. The idea to conclude a MOU between the AALCO and the OHCHR received its final impetus when I met Madame Rohinson during the Durban Conference. There we decided about the final program and I discussed with Her Excellency the draft of the MOU, which was later finalized by an exchange of letters. Excellencies, before moving to another point, I will fail in my duties if I do not recall with great appreciation the efficiency and the tactfulness with which Mrs. Rohinson the Secretary General of the World Conference against Racism Racial Discrimination, Xenophobia and Related Intolerance has guided the very difficult proceedings of this Conference. We agree with you Madame when you said, "Durban must be a beginning and not an end. There must be follow-up".

6. Excellencies, Ladies and Gentlemen, the importance of human rights is no more a subject of debate, but is an accepted fact. Starting with the UN Charter and the 1948 Universal Declaration of Human Rights, the domain of human rights has progressively expanded to cover almost every facet of human endeavours. Today we have almost 50 international treaties on human rights. Even a cursory glance at the list of these human rights instruments, reveal a wide and varied category of people who are protected by human rights. This includes stateless persons, ethnic minorities, refugees, women, children, workmen, indigenous populations and foreigners. Similarly the scope of the subjects regulated by human rights law now encompass the prohibition of genocide, torture, discrimination, right to self-determination, right to permanent sovereignty over natural resources, right to development, etc. The examples I have cited are only enumerative and not exhaustive.

7. These substantive aspects of human rights have found their way into international, regional and national processes and the minimum standards they establish, the reporting and adjudicative mechanisms they put in place, and the practices of international human rights bodies, together form the corpus of modern human rights jurisprudence. All these have been possible within a period of about 50 years, is no small achievement, and is a matter of pride for the humanity as a whole.

8. Without being subjective, I must say, that my involvement with human rights issues within the AALCO is owed to the insights I acquired on the subject during my four and a half years tenure as the Deputy Chief of the Egyptian Mission in Geneva. One of my primary responsibilities then, was to cover the work of all human rights bodies situated in Geneva, more particularly the Commission on Human rights, the Sub-Commission on the Promotion and Protection of Human Rights and the two Committees established under the International Covenants on Civil and Political Rights; and the Economic, Social and Cultural Rights.

9. The experience and knowledge I gained during this period is immense. Though this is not the appropriate occasion for me to elaborate on this, I will just confine myself to three key conclusions :

- (i) Irrespective of their political or ideological persuasion, no country can claim itself to a totally human rights violations – free record. Human right violations, in various forms and degrees exist in all parts of the world.
- (ii) The second observation, is that any action or initiative by the UN or international community, is in one way or the other, related to or is influenced by basic human rights. Whether it is environment, disarmament, combating terrorism, intellectual property rights or world food programme etc. all aspects have human rights and welfare of human beings as the central focus of action.
- (iii) In my view, the universal protection of human rights can only be achieved by effective human rights education, which will promote the understanding that the protection of human rights is everyone’s responsibility. Going beyond the individualistic notion of “rights”, human rights education should place equal emphasis on “duties” of the individual towards the community as a whole. This approach is the cornerstone of the African Charter on Human and People’s Rights, and in my view the significance of the “duties” approach lies in fostering communal solidarity and social cohesiveness. During the UN Decade for Human Rights Education (1995-2004), governments, international organizations, NGO’s, civil societies and individuals are encouraged to establish partnerships and concentrate efforts on education, training and public information campaigns that highlight human rights. Human Rights education at the national level, offers a preventive approach and its potential needs to be tapped to the full extent. In this regard, the AALCO can take pride in the fact that over the years through its studies on many aspects of human rights, it has contributed and will continue to work on the dissemination of information among its Member States.
- (iv) At a more practical level, while the norm-creating and standard-setting phase of human rights has been largely successful, it is the implementation of these human rights obligations at the national level that requires more attention. When it comes to the welfare of their own citizens, it is the State or Government at the national level that has to display the requisite political will to adhere to its human rights obligations.

10. Excellencies, Ladies and Gentlemen. It is axiomatic that we live in a highly imperfect world, and that hardship and even sufferings remain very much a part of the human condition for perhaps the majority of humankind. Nevertheless, the international community has time and again demonstrated its maturity and sense of responsibility through international cooperation when faced with a commonly adverse situation, whether it be the eradication of deadly diseases,

epidemics, matter of international peace and security and of late the menace of terrorism or any other natural disasters with the immense sufferings that are entailed by them.

11. Unfortunately, Your Excellency, when it comes to Human Rights and fundamental freedoms, the same mankind reacts exactly in the opposite manner and the human being becomes a ferocious enemy of his own species. I believe that the solidarity and understanding displayed in other crisis situations should equally be replicated in the field of the “eradication of the permanent, flagrant and premeditated violations of human rights” which are also the cause of tremendous sufferings inflicted by the violators. Madam, a lot has to be done to remind human beings, the basics and the essence of each and every religion, which is to love our neighbour as ourselves. Humankind should always remember that nothing and nobody are permanent, that nothing lasts unchanged, that civilizations rise and crumble and that the perpetrators of today could be the victims of tomorrow.

12. The cooperation which is the main aim of the MOU we have signed few minutes ago is another step in the field of inter-institutional cooperation.

Given the expertise developed by the OHCHR, I am of the view that the AALCO and the Office of the UN High Commissioner for Human Rights could jointly work on the following aspects :

- (i) Encouraging AALCO Member States to expeditiously ratify human rights instruments. The AALCO Secretariat recently undertook a survey of 9 important international human rights treaties to ascertain the level of ratification by the AALCO Member States. This survey reveals that 25 States of AALCO (14 in Asia and 11 in Africa) are parties to more than 5 of the 9 human rights treaties mentioned above. Interestingly, among the 9 treaties, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families is the one that has received the lowest number of ratifications. The AALCO will in cooperation with OHCHR and other relevant UN bodies strive to encourage the wider ratification of human rights treaties.
- (ii) As I mentioned earlier, the efficacy of human rights protection is best guaranteed at the national level. You may recall that the AALCO is presently exploring the feasibility of drafting a model legislation for AALCO Member States, on the protection of migrant workers and cooperation against trafficking in women and children. The expertise of the OHCHR could be utilized by the AALCO in this regard.
- (iii) In the past few years, States have been more forthcoming in establishing national human rights bodies to monitor human rights situations within the country. The OHCHR has under its technical cooperation activities already assisted many AALCO States in this regard. Besides such country-specific programmes, the institutional set-up of the AALCO could provide a larger forum for the OHCHR to impart training programmes, assist in drafting of national legislation and formulate standard procedures for addressing human rights issues.

(iv) In the context of globalization and emerging issues of human rights, a genuine attempt to promote the right to development must be integral and fundamental to future work of the law of human rights. More particularly, with respect to implementation aspect of human rights, there are two basic problems encountered by the AALCO Member States. One relates to the cultural uniqueness of different States and the resultant asymmetry with universalistic conceptions of human rights, and the second is, the lack of resources – both human and financial. Whichever way one sees it, these problems cannot be wished away. Therefore the promotion of right to development, which is seen as an omnibus right is a credible way to address systemic issues as well as the two problems I have just mentioned. The Office of the High Commissioner has a mandate in this regard and a special Research and Right to Development Branch is already functional within the OHCHR. It would be my endeavour, along with you Madame, to explore the possibility of a tie-up between the AALCO's Centre for Research and Training decided to be established during the 40th Session of June 2001 and OHCHR's Right to Development Branch, for purposes of research and dissemination on the topic.

13. Excellencies, Ladies and Gentlemen. The areas I have identified above are just some of the aspects of the whole issue of Human Rights. I am open to any other suggestions.

14. Once again I welcome you all for having graced this occasion and I thank you. And now I have the honour to give the floor to H.E. Madam Robinson.