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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up to and implementation
of the Durban Declaration and Programme of Action**

Summary of the outcome of the Nelson Mandela International Day high-level panel discussion on how the values of reconciliation, peace, freedom and racial equality can contribute to the promotion and protection of human rights

Report of the United Nations High Commissioner for Human Rights

Summary

The present report, submitted pursuant to Human Rights Council resolution 20/18, provides summary information on the outcome of the high-level panel discussion on how the values of reconciliation, peace, freedom and racial equality can contribute to the promotion and protection of human rights. The high-level panel, also referred to as the Nelson Mandela International Day Panel, took place on 21 September 2012 and explored how President Mandela's values of reconciliation, peace, freedom and racial equality can contribute to the promotion and protection of human rights and how the human rights system could benefit from the approach followed by President Mandela, which was to protect and promote human rights without distinction as to race, colour or national or ethnic origin.

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I. Introduction

1. In accordance with General Assembly resolution 64/13 of 10 November 2009, which proclaimed 18 July to be Nelson Mandela International Day to be observed annually beginning in 2010, and pursuant to Human Rights Council resolution 20/18 of 6 July 2012, the Council held a panel discussion on how the values of reconciliation, peace, freedom and racial equality could contribute to the promotion and protection of human rights within the United Nations system and other international organizations. This report is submitted pursuant to operative paragraph 4 of the aforementioned resolution 20/18, in which the Human Rights Council requested the Office of the High Commissioner for Human Rights to compile and submit to the twenty-third session of the Human Rights Council a compilation and summary of the discussions during the panel discussion on Nelson Mandela International Day.

2. The panel discussion was opened by the United Nations High Commissioner for Human Rights, Navanethem Pillay, followed by three distinguished panellists: Francis Gurry, Director General, World Intellectual Property Organization (WIPO); His Excellency Jean-Marie Ehouzou, Ambassador, Permanent Delegation of the African Union to the United Nations and Other International Organizations in Geneva; and Andries Nel, Deputy Minister of Justice and Constitutional Development of South Africa. The statements by the panellists and interactive dialogue were preceded by a video presentation on the life and times of President Mandela and his appearances at the United Nations.

II. Statement by the High Commissioner

3. The High Commissioner, in welcoming the participants, observed that the panel was timely in honouring a leader who remained unique in his ability to achieve what other human beings aspired for and cherished. The panel, she said, would help to inspire individuals across the globe to engrain Mandela's values of reconciliation, racial harmony, peace and freedom in the realization of human rights for all. She noted that Mandela's life bore true testimony to what could be achieved in the lives of individuals and nations with strength of character and perseverance, and referred to how he envisioned the Universal Declaration of Human Rights as a vindication of the justice of the anti-apartheid movement and a standard of achievement to be sought once freedom is attained. The High Commissioner exhorted participants to keep in mind, in honouring Mandela, all those who had been arbitrarily detained or denied a fair trial, those who continued to suffer oppression, discrimination and prejudice. She added that Mandela's greatness was linked to his ability to fully align his words with his actions. His resolute search for truth, justice and reconciliation endeared him to all, including his detractors. His most important legacy had to be his ability to build the institutions of a true democracy and to remain a uniting figure in a racially diverse country. She also noted that Nelson Mandela was an exemplary global citizen with a steadfast belief in justice, human rights and equality, who reconciled with his most ardent persecutors and those who had incarcerated him for almost three decades. Since his release from prison he had worked tirelessly to secure reconciliation between white and black in the new South Africa and to build a multiracial country. She concluded that the best way to honour Mandela for being such an inspiration to all is by applying his values, and striving to live in a way that respects and enhances the freedom of others.

III. Statements by the panellists

4. Francis Gurry, Director General of WIPO, urged participants to reflect on the example of Mandela and what it meant for people in the comfortable multilateral world in Geneva. He highlighted two values embodied in the life and actions of Mandela which resonated in the multilateral world: the sophisticated ethic of *Ubuntu* and the need to deal with opposites. These underlined the interconnectedness of people's lives. The former, *Ubuntu*, eschewed, in the African world view, isolationism in human existence. This was captured in ancient Chinese philosophy as well as in the writings of a British poet, John Donne: "no man is an island". With globalization, *Ubuntu* provided a veritable insight into the requirements of an interdependent society. Secondly, and as a corollary to the first, if people were interconnected then the oppressor and oppressed were interconnected. This was aptly captured by a passage in Mandela's *Long Walk to Freedom*, where he stated that his hunger for the freedom of his people became a hunger for the freedom of all. Mandela's values of inclusiveness, dialogue and outreach were crucial for the work of WIPO. There was also a clear interface between intellectual property and human rights, considering the protection of rights of authors of literary, artistic and scientific productions under article 27 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Economic, Social and Cultural Rights. The work of WIPO in seeking to strike a balance between the need to reward innovation and to share the social benefits of innovation would greatly benefit from Mandela's values of dialogue and interconnectedness. While opposites separated people, interconnectedness, as evidenced in the life of Mandela, united people. Three ongoing activities in WIPO that related to Mandela's values included the continuing efforts by Member States to develop an international instrument to improve access to educational materials for the visually impaired; the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, which aimed to protect indigenous knowledge and resources and reward local ownership while ensuring universal benefits; and the work of the Arbitration and Mediation Center that mediated intellectual property disputes.

5. Jean-Marie Ehouzou noted that Mandela's values were astutely defended by the African Union through its opposition to unconstitutional changes in government and commitment to dialogue through the activities of the Group of Wise Persons, and the work of the Peace and Security Council. President Mandela left a political heritage characterized by a determined strategic vision and flexibility based on a genuine concern for the general welfare of others. He emphasized the danger of racial polarization in politics and countered it through the values of dialogue, inclusion, openness and respect for others. Focus on the other was the cornerstone of all successful negotiations and processes of conflict resolution. Only by understanding the fears and needs of the other could one establish a dialogue which was conducive to the re-establishment of peace, reconciliation and reconstruction. Mandela also fought against poverty and compared the injustice of poverty and inequity to apartheid. For him, addressing poverty was not a gesture of charity, it was an act of justice. He believed that as long as poverty persisted, there was no real freedom. Mandela's values were consistent with the demand for fair trade, debt cancellation and aid to poor countries.

6. Andries Nel, Deputy Minister of Justice and Constitutional Development, South Africa, noted that Mandela's values of unity and solidarity were intimately communicated in the concept of *Ubuntu* or African communalism, in which a human being is one through other human beings. This was relevant in conflict resolution, race relations, gender equality and child protection, as well as the management of global governance and economy. Emulating and incorporating in institutional practices the values that guided Mandela and the anti-apartheid leaders in the anti-apartheid struggle was one way to honour them.

IV. Discussions and outcomes

7. During the ensuing discussion, statements were made from the floor by representatives of Member States and civil society groups. Speakers commended the decision of the General Assembly to honour President Mandela by proclaiming his birthday, 18 July, an international day. Several welcomed the opportunity provided by the Human Rights Council panel to honour him and explore how his values could be mainstreamed within the United Nations system and other international organizations, as well as contribute to the promotion and protection of human rights. Speakers expressed the hope that the panel discussion would help to strengthen constructive international dialogue, justice, tolerance, peace and the struggle against racism, racial discrimination, xenophobia and related intolerance.

8. Several speakers noted the many lessons that could be drawn from the extraordinary life of Mandela and his unflinching commitment to empowerment of people and interracial harmony. Some speakers noted that the values of reconciliation, peace, freedom and equality which inspired his actions made his public life an enduring source of inspiration for all peoples. Others observed that his values – peace, reconciliation, non-discrimination and equality – should be placed at the heart of human rights dialogue and implementation. Several speakers expressed the hope that the iconic figure of Mandela would continue to inspire States, organizations and individuals to work together to promote the values of reconciliation and tolerance and to overcome the scourge of racism, racial discrimination, xenophobia and related intolerance.

9. Other speakers stated that the best way to pay tribute to Mandela was to observe and promote the values and leadership he represented on a daily basis, and to increase efforts to make rights real for all without discrimination. Other speakers noted that honouring Mandela provided the context to identify twenty-first century human rights issues around which nations should unite.

10. Some speakers wanted to know the roles organizations could play in promoting Nelson Mandela's values. Others sought to know how the Human Rights Council could more actively promote the values of reconciliation, peace, freedom, and racial equality, or how the values of tolerance and reconciliation and tolerance exemplified by Mandela could be harnessed to promote the values of racial equality, including in the multilateral context.
