

Twentieth Mandeville Lecture, 9 June 2016

Laudatio Honorary Docotrate Navi Pillay by professor Kristin Henrard
(Erasmus School of Law) and professor Karin Arts (International Institute of
Social Studies)

Ladies and Gentlemen,

How does one start a laudation for someone who has a record as impressive as that of Navanethem 'Navi' Pillay?

- I. Maybe exactly by emphasising the dazzling number of 'first times ever' she has achieved,
first in her native South Africa, later internationally.
- II. I will also highlight some of her work and achievements in South Africa,
- III. Make a connection to the ambitions of Erasmus University Rotterdam and Erasmus School of Law more particularly,
- IV. And end with some thoughts about Navi Pillay as an immense source of inspiration for many.

[My colleague Karin Arts of the Institute of Social Studies will then continue with a more substantive focus on particular areas of human rights law in which Navi Pillay made her mark during her time as UN High Commissioner for Human Rights]

- I. Navi Pillay's long list of 'first times ever' is particularly impressive because of her background.

Being born into a non-white population group in apartheid South Africa meant that she was confronted on a daily basis with systemic racial discrimination and relegated to separate and very unequal education, and therefore also in principle to 'the lower jobs'.

Obtaining a law degree in 1965 (Natal University) was anything but common for Indian girls in those days. This feat alone reveals that Navi Pillay is someone who perseveres, who fights the odds, and eventually beats the system; someone who combines strength of mind, will power and strategic genius with the capacity to inspire people and make people believe in her and in what she can achieve, as was also clearly the case with respect to *her own local community*, which financially supported her through university.

But Navi Pillay did not stop there. By 1967 she was not only one of the first three Indian women admitted as attorneys, she was also the first woman of colour to open her own law practice in South Africa. After apartheid was abolished, she was nominated by President Nelson Mandela and became the first non-white woman to serve on the High Court of South Africa (1995). Thereafter her career shifted to the international scene. In 1995 she was elected by the UN General Assembly to serve as a judge at the International Criminal Tribunal for Rwanda (ICTR).

As first female judge at the tribunal she played a crucial role in one of its landmark trials, one that led to important developments in international criminal law. The Akayesu judgment did not only concern the first international conviction for genocide; Navi Pillay's questions to the prosecutor's office about the implications of the systematic rape that was documented actually triggered the first international finding about rape and sexual assault as war crimes.

There is general agreement that it was her excellent track record at the ICTR that resulted in her election to the first bench of the International Criminal Court (ICC) in 2003. Last but not least, in 2008 she became High Commissioner for Human Rights - I am sure this can be framed in terms of several 'first times ever'.

Thus Navi Pillay is a go-getter, someone who perseveres, showing that it is not about what you have and where you are from but about what you make of what you have.

II. What makes Navi Pillay extra-special is

that she has consistently used her law degree and the positions that she has obtained, to fight for the marginalized, the groups that are especially vulnerable, to empower them and so protect them against discrimination and the human rights abuses that come with discrimination. Indeed, Navi Pillay's actions speak as loud as her words. This was clearly visible in her own law practice in South Africa, where she defended anti-apartheid activists and fought for the rights of political prisoners. Moreover, she was the first woman lawyer to go to Robben Island and consult with political prisoners. She also became an important beacon of the fight against gender violence at home, not only by providing legal support to the victims of domestic violence but also by running a shelter for these victims. She was furthermore the co-founder of the first NGO to support victims of domestic violence in South Africa in 1986.

III. As researchers at Erasmus University Rotterdam we are truly committed to contributing to solutions to societal challenges.

The current migration crisis being prominent among these, an example of this commitment is the university wide (cross-faculty) Institute on Migration and Diversity that is being set up as we speak.

Similarly, Erasmus School of Law has deep social roots and a strong social agenda, that inform the law school's motto 'where law meets business'; for example by considering inclusive growth and prosperity; one of the main overarching research themes of this university for the coming years).

It is therefore certainly appropriate that Erasmus School of Law now has the honour of supporting the FIRST ever honorary doctorate at the occasion of the annual Mandeville Lecture (INDEED, another 'first ever') to a prominent fighter for social justice, a trailblazer in human rights law, who has been relentless in her quest for the protection of the most vulnerable groups, such as minorities, women, members of the LGBT community and people with disabilities:

Navi Pillay!

Personally, I hope that this will be an impetus to mainstream human rights even further; both at faculty level, in curricula, and university-wide, in the research strategy.

IV. Finally, I would like to end my laudation by highlighting how Navi Pillay is a source of inspiration to many:

To those who are stricken by poverty and affected by human rights abuses and discrimination: as a reminder to never get bogged down by where you come from

To human rights defenders: as a prime example of someone who perseveres and always looks for new avenues to continue the struggle

To me personally as someone who never lets herself be constrained by what her context dictates, as someone who uses her positions and creative mind to continuously strive to improve the human rights protection of the most vulnerable.

I cannot imagine a more worthy recipient of an honorary doctorate at Erasmus University Rotterdam

My colleague Karin Arts of the Institute of Social Studies will now continue the laudation

Laudatio Pillay (second half = part Karin Arts)

My colleague, Kristin Henrard, has already explained how our honorary doctor Navi Pillay has served the causes of human rights and the rule of law for many years. Pillay's contribution to society meshes perfectly with the work of the two Erasmus University faculties that have the honour of supporting her honorary doctorate today. Researchers from the Erasmus School of Law, the International Institute of Social Studies, and also the Erasmus School of History, Culture and Communication, are currently collaborating in a university-funded Research Excellence Initiative called **INFAR: Integrating Normative and Functional Approaches to Rule of Law and Human Rights**. In addition, the ISS, the Erasmus School of Economics and the Dutch NGO, Kidsrights, annually cooperate to produce the Kidsrights Index. This is a ranking of the record on children's rights of nearly all countries in the world. These examples are just two among the many human rights-related projects that are going on in our university.

Human rights and development – and international cooperation – are at the core of the work of the International Institute of Social Studies that I represent here today. Navi Pillay perhaps served these causes most visibly when she held the position of **United Nations' High Commissioner for Human Rights**, between September 2008 and the end of August 2014.

With the help of direct inputs from staff at the Office of the High Commissioner at the time – whom I had the privilege of contacting in the last couple of weeks – I would like to highlight **three aspects** of Navi Pillay's work as High Commissioner. Two of these pertain to important but controversial topics on which she took a stand. The third aspect relates to the personal traits that characterize Pillay's style of leadership.

According to many, one of the greatest achievements of Navi Pillay as High Commissioner was the space she created for work on **LGBTI** (that is, issues concerning people who are lesbian, gay, bisexual, trans or intersex. According to an insider [AND I QUOTE]:

“High Commissioner Pillay had great vision, and courage, to take up this politically sensitive issue, including in the context of the Human Rights Council, and was able to do it in such a politically sound manner that it was very difficult for States to argue with her on it. She had a way of turning things into such plain, simple and familiar language -- often turning to Ambassadors and simply asking, “if it were your daughter or son, how would you feel?”, or “you can't possibly believe that it's correct to kill someone or put them in prison for whom they love, can you?” Simple, to the point, and difficult for any Ambassador to respond positively to the last question without losing face before the High Commissioner for Human Rights!!” [END OF QUOTE]

A second topic on which the efforts of Navi Pillay as High Commissioner really stood out is that of the **Right to Development**. By the end of this year, the United Nations Declaration on the Right to Development will have been in existence for 30 years. Sadly, a lot of work is still

required for development to become a reality for all states and peoples (collectively and individually). During her term as High Commissioner, Pillay was strong, courageous and unwavering in her support of the right to development. She brought about unprecedented advocacy by the Office in relation to this topic. Reportedly, the number of public statements that High Commissioner Pillay devoted exclusively to the RTD far exceeded that of all her predecessors combined.

In her foreword to an OHCHR publication commemorating the 25th anniversary of the UN Declaration on the Right to Development, Navi Pillay wrote [AND I QUOTE]:

“We live in challenging times. Across the globe, millions are suffering the merciless, often devastating, effects of the many global crises of our age. The global financial and economic crisis, the food crisis, the energy crisis and the climate crisis have converged in a multi-front assault on human dignity. And our institutions of governance, at both the global and national levels, have been at best negligent, and at times complicit, in this onslaught. (...) This was not the vision of (...) the Declaration on the Right to Development (...). Since the adoption of that landmark document, a debate has been raging in the halls of the United Nations and beyond. On one side, proponents of the right to development assert its relevance (or even primacy) and, on the other, sceptics (and rejectionists) relegate this right to secondary importance, or even deny its very existence. Unfortunately, while generating plenty of academic interest and stimulating political theatre, that debate has done little to free the right to development from the conceptual mud and political quicksand in which it has been mired all these years.” [END OF QUOTE]

Frank words indeed, and words which still carry great relevance. After all, as we will hear in the Mandeville lecture that Navi Pillay is about to deliver, the message that I have just quoted is also highly relevant in relation to the current migration crisis.

The last element of Navi Pillay’s performance record that I wish to highlight explicitly, has to do with her personality and her style of leadership. For many, and certainly for me too, Navi is an inspiring example. She is a strong woman who, often against the odds, uses her talents and creativity to make a difference and to have societal impact. Unfortunately, it is not always the case that people who are professionally active on human rights, also practise human rights principles themselves on the work floor. This contradiction does not apply to Navi Pillay though. As an insider of the Office of the High Commissioner observed:

“High Commissioner Pillay always had something positive, kind, and personal to say to everyone who crossed her path (...). Many who might have felt that they didn’t have a voice, or weren’t recognized, were encouraged (...) thanks to (...) Pillay’s leadership in the values she set for her management team. (...). Everyone felt and knew that there was another person on the other side of their emails, in the form of a High Commissioner who valued and used their work. This leadership style served not only the High Commissioner well, but also importantly served the Office and its cause!”

Overall, during her tenure as High Commissioner, assisted by her amazingly high energy levels and sense of humour, she managed to reach out to – and to mobilize – many for the human rights cause. This attitude and approach continue in her current work as a highly engaged and active human rights advocate, in the broadest sense of the word.

With deep respect, Erasmus School of Law and the International Institute of Social Studies wholeheartedly support the award of a EUR honorary doctorate to Navi Pillay today.

