

**Address by Ms Sue van der Merwe, Deputy Minister of  
International Relations and Cooperation at IDASA Dinner,  
Tuesday 23 February 2010, Sheraton Hotel, Pretoria**

Programme Director;

Mr Paul Graham, Executive Director, IDASA;

Your Excellencies, Ambassadors and High Commissioners  
Distinguished Members of International Organisations, NGO's and  
Civil Society Organisations;  
Ladies and Gentlemen

When the Greek philosopher Aristotle, well over 2000 years ago  
said:

“If liberty and equality, as is thought by some, are chiefly to  
be found in democracy, they will be best attained when all  
persons alike share in the government to the utmost”

visionary as he was, he could surely not have conceived that  
tonight, at the other end of the world, millennia later, we would be  
pondering these very issues and seeking ways of bringing this  
vision to fruition across our continent.

Nor could he have conceived the kind world we live in today,  
facing the challenges it does of over- and underdevelopment,  
environmental degradation, discrepancies of wealth between  
individuals, nations and continents. Nor the technologies that we  
have at our disposal, the way in which we communicate, the rapid  
access to information, the gratuitous consumption that is available

to some in the face of poverty that is the daily reality of many more.

Even so his words hold true. His vision of the sharing of government to the utmost, is the same vision that brings us here tonight.

We are here tonight because we are amongst those who do indeed- to use Aristotle's words- believe that liberty and equality are to be found in democracy.

Democracy lies at the heart of the formation of the African Union.

It finds its first expression in the preamble to the Constitutive Act which states “ **determined** to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and to ensure good governance and the rule of law”.

It is further expressed in the principles of the Act which refer to “respect for democratic principles, human rights, the rule of law and good governance;”

These are principles which we in South Africa hold close to our heart. Our hard won democratic order rests on a constitution which is explicit and progressive in its commitment to human rights, rights that we believe are critical to the foundation of a true democratic order

These include the rights to

- equality (including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age,

disability, religion, conscience, belief, culture, language and birth),

- human dignity
- life
- freedom and security of the person
- freedom from slavery, servitude or forced labour,
- privacy, freedom of religion, belief and opinion
- freedom of expression, association and assembly
- political rights
- protection of citizenship, freedom of movement, and residence
- freedom of trade, occupation and profession

Not only does our constitution confer these political rights but is explicit in protection of labour rights, of the environment, of property and social rights such as housing, health care, education, language and culture and culture and linguistic rights. Additionally it specifies the right to access of information and just administrative action, access to courts and protection of the rights of the accused.

In specifying these rights we recognise that democracy is not in itself an absolute concept. The term is open to interpretation and so it requires a framework of values that defines its realisation, that give meaning to the lofty expectations vested in its pursuit.

When we consider that across the African continent we have seen increasing democratic processes with 65 elections (local, legislative and presidential) between 2006 and 2009, we may be tempted to ask why we need to spend our time, resources and

energy in pursuing this Charter on Democracy, Elections and Governance.

But it is not enough that we are seeing elections taking place, that the AU Act has the power of sanction over governments that take power unconstitutionally.

If we truly believe in democracy as the inalienable right of people to take responsibility for their own lives, we need to move beyond the concept of democracy as the mere plebiscite, the right to vote.

We need to forge and commit to a shared definition of this right, of what guarantees are required to underpin this right to rule by the people and to enable it to find practical meaning.

The right to vote is not a panacea. We all know how simple majoritarianism can be used to erode, and indeed destroy the lives of millions of people.

We know how within the framework of a democratic state the worst human rights abuses can occur. We need only think of Nazism.

This is why we need to articulate those rights and set out the values to which we must commit, in order to build the regulatory frameworks, systems and institutions that will make these rights a reality.

We in South Africa have learned that the articulation and codification of these principles is only a first step, that making these rights a meaningful reality in the lives of the people is fraught with challenge.

There are challenges of interpretation. There are the very real challenges of finding the resources, both human and material to build the mechanisms and institutions to realise and protect these rights and to ensure that they are embedded in our national psyche, and underpin the relationship between citizen and state.

The challenges of building effective state institutions with the capacity to deliver these rights are ongoing. But this cannot be allowed to divert us from our course.

For as Rigoberta Menchu ***Guatemalan Indigenous Rights Activist and 1992 Nobel Peace Prize Winner*** says so profoundly

“Peace cannot exist without justice, justice cannot exist without fairness, fairness cannot exist without development, development cannot exist without democracy, democracy cannot exist without respect for the identity and worth of cultures and peoples.”

Your Excellencies, distinguished guests, it is three years since the 8<sup>th</sup> Ordinary Session of the Assembly of Member States of the African Union, held in Addis Abbaba, Ethiopia adopted the African Charter on Democracy, Elections and Governance .

As African Union Commissioner Julia Dolly Joiner said at the launch of the Joint Activity Plan between the AU Commission and the IDEA organisation (whose Secretary General is here this evening):

“(The) path of simultaneous political and economic development requires that democratisation and governance not be limited to multiparty elections. To ensure effective participation,

democratisation must address the social and economic vulnerabilities of ordinary people, such as poverty and inequality. By all indications, these vulnerabilities can only be addressed by social transformation, and by massive social, cultural and economic upliftment of the poor in Africa. Without this, there is not democracy. We cannot solve the democracy challenge without addressing in a decisive manner the prevailing shortcomings in economic development in the context of the global economic system. In recognising this, we also need to admit the reality that there is no other way to stem authoritarianism and achieve economic coherence without a minimum of political legitimacy and democracy”

The significance of this Charter is paramount.

This Charter represents a commitment to move from the symbolic commitment to principles of democracy, to taking the first steps to institutionalising a shared vision for a continent that - through effective democratic institutions-underpinned by effective rights based governance- is able to fulfil its true potential.

It does not only seek to promote universal values and principles of democracy and respect for human rights, but lays out explicit principles and objectives for the building of progressive, rights based states with representative government, entrenching separation of powers

It commits to the promotion of gender equality and recognises the crucial role of women in development and strengthening democracy. State Parties commit to creating conditions for the full

and active participation of women in decision making at all levels as well as full political participation

It is explicit in its commitment to fighting corruption, and unconstitutional change of government.

Article 8 commits to the elimination of discrimination, “especially those based on political opinion, gender, ethnic, religious and racial grounds as well as any other form of intolerance. In my opinion, it is regrettable that it does not go as far as our own Constitution in eliminating discrimination based on sexual orientation.

It requires State Parties to develop measures to guarantee the rights of ethnic minorities, migrants, people with disabilities, refugees and displaced persons, as well as unspecified other marginalized and vulnerable social groups. It commits to the protection of ethnic, cultural and religious diversity.

Your Excellencies, Distinguished Guests, Ladies and Gentlemen:

This Charter is unique in that it aspires to lay the foundation for a new continental order - an order where t security forces are under civilian control, where unconstitutional removal of government lies in history, where democracy is supported by independent public institutions that exercise their function without fear, where free and fair elections take place regularly and peacefully.

The Charter recognises that to advance political, economic and social governance we need

- effective functioning of legislatures,

- a vibrant civil society
- an enabling legislative environment for developing private sector,
- an effective public service free of corruption,
- an effective legal and justice system,
- freedom of expression,
- and to combat the scourge of pandemic diseases.

The Charter is a highly aspirational and progressive visionary document

We see this in its commitment to universal values of human rights, to the constitutional foundations of states, to the principles and the implementation of transparent, accountable administrations, to building institutions that entrench a culture of democracy and peace, and to conditions conducive to forging a vibrant civil society.

This Charter is more than just another agreement or convention. It is in a sense the blueprint for the Africa of the future.

Excellencies, Distinguished Guests, Ladies and Gentlemen

In 1956 the progressive forces in South Africa came together to lay down their vision for a post apartheid South Africa. This vision, known as the Freedom Charter was the guiding light in our struggle against apartheid.

It was a critical milestone on our journey to a democratic state underpinned by a culture of human rights. Some 40 years later it guided us in the formulation of our Constitution. I refer to this,

because as we take forward this Charter, we must not be discouraged by slow progress, by the fact that to date only 26 countries have signed and only two countries have ratified the charter. Our Freedom Charter found its realisation only 40 years after its formulation when we achieved democracy and adopted our constitution. 15 years on we still grapple with issues of implementation.

To fulfil our vision for our continent we need more than good intentions. We need vision, commitment, partnership and leadership.

The vision is to be able to see in our mind's eye the kind of society that the Charter seeks to build.

We must carry this vision as a guiding light that brightens our way when we are discouraged by all the impediments, the technical, legal and bureaucratic obstacles to the success of this charter, both in its adoption and its implementation.

The commitment is to stay the course, to recognise that to embark on a project as ambitious as this, we can only be small cogs in a huge machine that the rewards may lie down a long and rutted road, with an end that may only bear sweet fruit for future generations.

We will not make progress unless we all become leaders of this process, prepared to be ambassadors and flag bearers for a dream that has the power to transform the daily lives of the millions of people who live in poverty, whose daily reality offers them no hope and are denied the opportunity to fulfil their true potential.

We need to make optimal use of our legislatures, the Pan-African Parliament, our parliamentary committees, and any forums where we have the opportunity to build support and raise awareness.

Critical to the success of so ambitious an endeavour is partnership – partnership between our different countries, partnership between different sectors -

-non- government , civil society organisations, community based organisations, faith communities and international organisations, government and political organisations.

We must not forget the private sector, particularly as in its attention to economic development the Charter is explicit in its reference to the development of the private sector through enabling legislative and regulatory frameworks.

Speaking as it does to freedom of the press, media organisations have both a vested interest and a critical role to play in garnering support.

It is up to us here tonight to lead in building those partnerships and leverage that support.

The Charter makes direct reference to both NEPAD and the African Peer Review Mechanism (APRM) but we need to ensure that at an institutional level these initiatives cooperate and support each other effectively.

In seeking to build a groundswell of support and commitment we need also to look at other continental initiatives, some more advanced, some less.

The African Union Convention on Preventing and Combating Corruption is an important marker in the journey to continental solidarity and shared values. The consensus position reached at The Africa Forum against Corruption and the resulting consensus position incorporated into the Global Forum V on Fighting Corruption represent a significant achievement in building the necessary foundations for advancing the fight against corruption.

We can surely make use of the lessons as well as engaging the support of the champions of this process.

AMDIN the African Public Management Development Institutes Network is another example of a channel that provides opportunities for the promotion of the Charter and its values and could play a critical role in imbuing the values of the Charter into the culture of public service institutions across the continent.

President Zuma has signed the Charter and now it will follow the ratification process through the South African parliament. I will be keeping a close eye on the process. I am sure, after your deliberations in the past two days, all of us in the room will make a firm commitment to promoting the Charter and to make a reality its vision of a democratic, rights-based African Continent that is able to fulfil the true potential of its people and soil.

In conclusion I would like to quote the words of Noam Chomsky who says:

“ There are no magic answers, no miraculous methods to overcome the problems we face, just the familiar ones: honest search for understanding, education, organization, action that raises the cost of state violence for its perpetrators or that lays the basis for institutional change -- and the kind of commitment that will persist despite the temptations of disillusionment, despite many failures and only limited successes, inspired by the hope of a brighter future”.

I thank you.