

**OPENING REMARKS BY THE SOUTH AFRICAN  
MINISTER OF FOREIGN AFFAIRS,  
DR NKOSAZANA DLAMINI ZUMA AT  
HUMAN RIGHTS SEMINAR,  
PRETORIA, 26 FEBRUARY 2006**

Chairperson

His Excellency, Dr Jorge Taiana

Senior Government Officials

Honourable Guests

Representatives of Civil Society

Ladies and Gentlemen:

Thank you for giving me the opportunity to say a few words at the opening of this important seminar, organized by the Centre for Human Rights of the University of Pretoria on behalf of the governments of South Africa and Argentina.

This seminar is a first of its kind between our two governments focusing on the four important human rights themes namely; truth, restorative justice, memory and racial discrimination. It indeed provides useful ammunition to help us arrive at a common vision on human rights.

Kofi Annan, a great African patriot and the former Secretary-General of the United Nations describes human rights correctly:

*"Human rights are foreign to no culture and native to all nations...that they are thus universal...that one cannot pick and choose among human rights whether civil, cultural, social, economic or political, for a fundamental feature of these rights is their indivisibility and interdependence."*

The involvement of the University of Pretoria as an organiser of this seminar is equally significant. This university has

transformed itself from an institution perceived by many in our country as the custodian of the apartheid intellectual thinking, to a world class centre of excellence championing the cause of human rights.

This commendable joint initiative between academics the two governments and members of civil society could not have come at a better time for both our young democracies, particularly because the two countries have a lot in common.

Both South Africa and Argentina have recently emerged from an unfortunate history of gross human rights violations which manifested itself in institutionalised racism, wholesale disappearances of people, deaths in detention, a justice system which served the interests of a few, characterised by a blatant denial of human rights and fundamental freedoms for the majority of its citizens.

The two countries in redressing the wrongs of the past face similar challenges.

Following our hard-won victory in 1994 and given the peculiarities of our situation, we adopted a Constitution founded on the Bill of Rights, a cornerstone of our democratic order, which contain all our people's rights, including second and third generation rights.

Through an inclusive negotiated process, we arrived at a democratic constitution, which laid the basis for national reconciliation, an attempt to close a dark chapter in our history and *'reversing all that was ugly and repulsive in our society.'*

This gave birth to the Truth and Reconciliation Commission (TRC) to which our former President Nelson Mandela had this to say:

*“Ordinary South Africans are determined that the past be known, the better to ensure that it is not repeated. They seek this, not out of vengeance, but so that we can move into the future together. The choice of our nation is not whether the past should be revealed, but rather to ensure that it comes to be known in a way which promotes reconciliation and peace.”*

The TRC process, with all its imperfections was a crucial component of our country’s transition to full and free democracy.

While Truth Commissions are sometimes criticised for allowing crimes to go unpunished and encouraging impunity for serious human rights violations, they nonetheless help provide political space for a common future.

They also serve as guarantees against historical revisionism, including state terrorism, crimes against humanity, war crimes and genocides.

Coupled with the TRC process, the democratic government put in place other necessary interventions critical of which was the repeal of all repressive laws.

In its place our parliament passed new pieces of legislation predicated on human rights, human dignity, equality and non-discrimination.

Our Bill of Rights and a host of other laws including the Promotion of Equality and Prevention of Unfair Discrimination Act were incorporated into our statutes.

We also paid special attention to the rights of women and children, who incidentally are still vulnerable judging by the blows of many kinds inflicted on them on a daily basis.

Our interventions were informed by our own experience, which recognised that pre-1994, black women suffered triple oppression; oppressed for being black, enslaved as workers and abused as women. Our laws had to be sensitive to that and designed to give women dignity and equal opportunities.

While our constitutional and legislative framework is in place and our remedies are adequately provided for in our judicial system, we still face challenges.

These emanate from attitudes and stubborn racial stereotypes born of nostalgia for apartheid and in some cases resistance to and fear of change. It therefore becomes difficult to change attitudes in this environment.

Sadly our institutions of higher learning are not immune from the cancer of racial stereotype which incidentally militates against the culture of human rights.

Last week, this university was a scene of a manifestation of this cancer, when some students said to be aligned to moribund views of a particular political party, staged a demonstration with racial connotations. Thankfully, the university made the necessary intervention.

In the same week, our Minister of Health took ill and was subsequently admitted to hospital. While the rest of us were praying for her speedy recovery, some politicians were calling on our President to remove her from office "*before she died there*" they said. A blatantly insensitive comment indeed.

This seminar will therefore have to examine these and other concerns in its debates and deliberations over the next few days to help provide a firm foundation for action by our governments, the academia and members of civil society.

Our President Thabo Mbeki makes the point in his address on the occasion of the 10<sup>th</sup> Anniversary of the establishment of the TRC, Freedom Park on 16 December 2005:

*“Real reconciliation and nation building can only happen when the South African people, black and white, through their own initiative, without any prompting from government, take visible and decisive steps to break down the racial walls that still define us.”*

We are however encouraged that institutions created in support of our constitutional democracy (the so-called Chapter 9 institutions), continue to undertake important work, inculcating the culture of human rights and creating an environment in which respect for human rights and fundamental freedoms can flourish.

Thirteen years into our democracy we have made discernable progress in our national delivery system, particularly in the areas of economic, social and cultural rights.

We have provided and expanded basic infrastructure, increased access to primary healthcare and made advances in realising the right to education, and access to housing, electricity, water and sanitation.

While other regions of the world continue to downplay the importance of social spending on these activities of social transformation, we however place priority on them as they are indeed human rights issues.

Despite progress in these areas, we are the first to admit that there is still a lot that needs to be done to restore the dignity of all our people and accelerating delivery of basic services.

For us, civil and political rights are inextricably linked to the enjoyment of economic, social and cultural rights. The two international covenants which regulate these two regimes are treated with equal emphasis in our country.

We are not alone in these endeavours of confronting the ills of the past. Argentina established the National Commission on the Disappearances of Persons (CONADEP) in 1983 to investigate the fate of victims of enforced disappearances (*desaparecidos*) and other human rights violations visited on them during the military dictatorship of the 1970s, an era appropriately referred to as a *lost decade* in the Latin Americas.

Of course, the findings of the CONADEP Commission are well documented in the *Nunca Más* (Never Again) report delivered on 20 September 1984, which opened the doors to the trial of the military junta.

Based on our historical experiences and commitment to uphold human rights and fundamental freedoms, there exists a scope between our governments to co-operate in shaping the international human rights agenda and discourse.

The South African-driven initiatives within the Human Rights Council will obviously appeal to the national interests of Argentina and indeed to developing nations generally. These include the:

- (i) *Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.*
- (ii) *Durban Review Conference to be convened in 2009.*
- (iii) *Operationalisation of the Right to Development, and*
- (iv) *Rectification of the status of the Committee on Economic, Social and Cultural Rights.*

On the other hand, we are fully supportive of Argentinean-driven initiatives within the Human Rights Council such as the Right to the Truth, Involuntary or Enforced Disappearances, Restorative Justice and the responsibilities of transnational corporations with respect to human rights.

In the above context our two governments worked tirelessly in partnership with the main sponsor, France, in ensuring the adoption by the United Nations General Assembly of the International Convention for the Protection of all Persons from Enforced Disappearances in December last year. We are already at an advanced stage of signing and ratifying the above instrument.

It is clear therefore that the two emerging democracies are faced with a number of common challenges.

I hope that in the next three days of your deliberations you will constructively point to these challenges and provide recommendations that will ensure that the dream of a humane world which we are all yearning for is realised.

I have great pleasure in inaugurating this seminar and wish its deliberations a great success.

I thank you.