

24

STATEMENT BY H.E. MR. SALIM AHMED SALIM,
OAU SECRETARY GENERAL ON THE OCCASION OF THE
OPENING OF THE FIFTH ICJ WORKSHOP ON NGO PARTICIPATION
IN THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

29 November 1993, Addis Ababa, Ethiopia

Mr. Chairman,
Excellencies,
Ladies and Gentlemen,

At the outset, I would like to thank you and through you, the International Commission of Jurists for the opportunity to participate in this workshop and to welcome you to Addis Ababa, the Headquarters of the Organization of African Unity.

The decision to convene this important workshop, the fifth in a series, on NGO participation in the work of the African Commission on Human and People's Rights is very timely indeed. But more fundamental is the recognition inherent in it that all members of the human family have to take individual and collective action to promote and protect human rights.

The NGOs represented here today have generally played vital roles in the promotion and protection of human and peoples' rights. In this connection, I would like to single out the ICJ for mention because of its long history of involvement and interest in African affairs particularly, with regard to helping with the formation of the African Charter on Human and Peoples' Rights.

Mr. Chairman,

I would like also to underscore the crucial role played by NGOs in the developmental process. It is a truism, that the human being must be the center of development. In other words, the development of human being can only be sustained in a situation where his/her dignity and inherent yearning for freedom and justice is valued, nurtured and guaranteed.

We, at the Organization of African Unity, recognize the universality and indivisibility of human rights. The freedom of the individual and liberty of human kind are fundamental rights which know no colour, race, gender or boundaries of geography. The

yearning for freedom is inherent in being human just as the struggle against all forms of oppression is equally inherent in human kind's refusal to have that freedom curtailed or circumscribed.

Mr. Chairman,

You perhaps more than most people, are well placed to know the status of human and peoples' rights in the continent. You know what is being done and not being done by Governments, various institutions and individuals, in promoting the observance of these rights. Today we see a movement in the continent - one which is rooted in the need to defend and promote human rights as an inherent imperative in good government. We see individuals and non governmental organizations challenging governments to respond to the agitations for greater openness, responsiveness and accountability in the process of governance. Correspondingly, we have begun to see determined efforts on the part of governments to respond to these demands with the necessary political dispensations which allow the people to participate in governance - in determining how they are governed, by who and for how long.

This movement of empowering the people through popular participation has found contriving expression in the process of further democratization which is taking root in the continent. I am glad that the OAU has been associated with this process. So far we have been involved in monitoring the conduct of national elections and referenda of twenty two countries in Africa. Of course, this is a nascent process which needs to be expanded and consolidated. Needless to say, we are still very far from the objective of erecting firm structures of democracy with inbuilt checks and balances capable of overseeing political activity in the continent. It is not going to be easy and governments will have to provide unfailing leadership in this process. This is not to suggest that we should totally surrender this responsibility to

governments. On the contrary, I see creative partnership between governments and non-governmental organizations in Africa, in the evolution of the process leading to the full democratization of the political system on the continent. This partnership is necessary as it will enable individuals and the civil society generally to watch over the governments and continually remind them of their responsibilities and equally to input into the formulation and implementation of policy. Non-governmental organizations should not seek to be in adversarial relationship with governments. Likewise, governments should not take these institutions as enemies. Rather both sides should see the greater advantages which can accrue as a result of partnership.

Mr. Chairman,

I speak of partnership because I am convinced it is the only way that the people of Africa can benefit the most. For ultimately, it is the governments which are going to bear the responsibility of implementing decisions. One area in which such a partnership will be crucial, is in the establishment of an African Human Rights Court which you will be considering.

Mr. Chairman,

The OAU is also playing an increasingly greater role in the prevention, management and resolution of conflicts in the continent. This involvement is rooted in our conviction that inherent in conflictual situations, as a consequence, if not a cause, is a serious violation of human rights. The many conflicts in Africa have brought about suffering, death and destruction. Societies have been decimated and generations lost in the endless cycle of violence and war. Millions of refugees and displaced persons are drifting across the continent, deprived of their means of livelihood, hope and of their humanity. In my view, situations of conflict and war constitute the gravest violation of human and

peoples rights. It is in the spirit of assisting that the OAU got involved in Rwanda, somalia, Mozambique, South Africa, Congo, Togo, Zaire and now Burundi. In order to make the organization institutionally capable to respond more readily to situations of conflict, the leaders of Africa at their Summit Meeting in Cairo in June this year, established within the OAU a Mechanism for the Prevention, Management and Resolution of Conflicts. The Mechanism has become operational and is actively seized with the question of Burundi.

I am happy to say that NGOs have played key roles in delivering humanitarian assistance to the victims of conflicts everywhere in Africa and as well as in helping in the political efforts aimed at finding solutions to those problems. I wish to reiterate my appreciation for the great humanitarian efforts they are expending on behalf of Africa.

Mr. Chairman,

In the field of human and peoples' rights per se, we also see movement. Naturally, we all are aware of the many shortcomings in our countries, the abuses of these rights which are still committed for political expediency and are saddened by them. At the same time, however, we should also accept that we have made serious progress in this area. Apart from the formation of the African Commission on Human and Peoples' Rights, many countries have established National Human Rights Commissions to act as watchdogs and to keep governments constantly reminded of the roles incumbent upon them. Governments are trying but they need to be continually sensitized. The role of non-governmental organizations in sensitization is very central. The people of Africa need to be educated of their rights and obligations both to society and government authority. They need to be educated about the political processes and conditions in which they live and have to strive for those rights. This duality of sensitization of governments and

people, will ultimately narrow the gap of ignorance which has for so long held both sides in destructive indifference.

An integral part of that process of sensitization is the human and peoples rights agenda which institutions like yours must constantly try to evolve. For your work to be relevant to the people of Africa, the agenda you set for yourselves must derive from the objective conditions of Africa and correlate closely with their socio-economic conditions, customs, traditions and culture. An agenda which is superimposed on Africa and one which fails to take these factors into consideration, can not help us at all. This is however not to say that we should not take constructive advice from external sources or that we should shy away from cooperation with them. What I am saying is that Africa must determine its own priorities.

Mr. Chairman,

Beyond evolving an indigenous human and peoples rights agenda, African non-governmental organizations must also assist and contribute to the determination of the most appropriate framework within which it can be carried out.

Africa is going through a very delicate period in which we need to balance the many legitimate demands of society and the equally legitimate needs of governance and of safeguarding the integrity of countries. We must of course seek change but we must equally strive to do so without undermining the very foundations of society as well as peace and stability of our continent. If we fail to strike that balance, we will not only breed social disintegration, but undermine the very process of change that we want.

Non-governmental organizations can play a role in helping to bring about that balance through sensitization of the people and creative partnership with governments.

Mr. Chairman,

As your workshop will among other things be looking at ways to articulate strategies for the promotion and protection of human and fundamental freedoms, I hope you will in the process examine how the NGOs can play an enhanced role in this regard. Your role in sensitization is central to the building of awareness among the people and even within governments. It is precisely through education that it will be possible to involve the people in the elaboration of an indigenous agenda for the continent and challenge governments to implement it. At the same time, you could examine how NGOs can evolve constructive partnership with governments, in the whole issue of human rights. If NGOs and governments maximize opportunity of that cooperation, it will be possible to effect meaningful change in an orderly manner. The OAU is fully disposed to cooperate fully with both the NGOs and Governments in this respect.

Mr. Chairman,

I see this workshop as having lofty objectives as it would discuss inter alia, the Report on the ICJ Dakar Brainstorming Session, as well as the preparation of a draft Protocol for the Establishment of an African Human Rights Court. In doing so, I request you to take the opportunity to familiarize yourselves with other relevant OAU Conventions, Charters and Treaties; for example, those relating to Refugees, Rights and Welfare of the African Child, Establishment of the African Economic Community and Cultural Rights.

We shall welcome the conclusions and recommendations of your workshop in the hope and belief that they will help in the process of strengthening the African Charter and the African Commission in conformity with the objectives of the OAU Charter and its other legislative authorities. I wish to assure you of my full cooperation, that of the OAU General Secretariat and the entire membership of our Organization, within the limits of its means, in actions geared towards the protection and promotion of human rights in Africa, and indeed, in all other areas of common interest.

I wish you fruitful deliberations, and I thank you for your attention.

