



German Missions
in South Africa, Lesotho and Swaziland

Welcome to the German Missions in South Africa, Lesotho and Swaziland

Enhancing the Effectiveness of the African Court on Human and Peoples' Rights

Jun 5, 2013

Representative of the Konrad-Adenauer-Foundation in South Africa, Mr. Holger Dix,
Director of the Rule of Law Program for Sub-Sahara, Prof. Christian Roschmann,
Honourable President of the East African Court of Justice, Judge Harold Nsekela,
Executive Secretary of the Coalition for an Effective Court on Human and Peoples' Rights, Mr. Dieu-Donne
Djamba Wedi,
Distinguished stakeholders, supporters and friends of the Court,

Thank you very much for your kind invitation. This event is dedicated to an immensely important subject and I feel exceptionally privileged to address distinguished stakeholders who have been among the most vocal champions of the Court that is at centre stage of this conference.



Judge Harold Nsekela and Ambassador Freitag during the conference (© KAS) I would like to commend you, and others before you, for your firm commitment to enhance the role of this African Court on Human and People's Rights. This Court has come a long way and the uphill battle was worth every effort. As has been pointed out, 26 African states have ratified the Protocol establishing this Court and the number of applications has increased from one in 2009 to 24 by May 2013. These numbers may not sound overwhelmingly impressive. Yet they are milestones, because they turned a vision into reality. If the development of the European Court on Human Rights can serve as an indication, you are on the right track.

Unlike you, I am, of course, neither an expert nor a stakeholder of the Court. As a trained lawyer, a global citizen and, professionally, a diplomat I am however, a passionate and devoted advocate of human rights and the rule of law.

Defending and enhancing our common universal values is a key pillar of our foreign policy and an essential part of the work of all our foreign service officers. We consider human rights not as a stand alone topic, but one that transcends all subjects. A few examples illustrate our work: we do, of course, address individual human rights cases sometimes, but not always publicly; we conduct open and trustful dialogues on human

rights with many partners, governments and NGOs alike.



(© Deutsche Botschaft Pretoria) Conflict-prevention is

a hugely important diplomatic task as conflicts are often a result of, as well as a cause for, major human rights violations. As former UNSG Kofi Annan put it: “we will not enjoy development without security; we will not enjoy security without development; and we will not enjoy either without respect for human rights”.

Germany supports international human rights institutions and initiatives, especially within the UN-framework. This includes initiating and sponsoring resolutions for the abolishment of the death penalty and the prohibition of child labour, for the human right to safe water, health, education and shelter, and for action to prevent and eradicate the illicit trade in small arms and light weapons, as well as setting transparent standards for arms trade.

Our support also includes fostering good governance at home and elsewhere, including with our African neighbours. For citizens to be stewards of democracy, human rights, the rule of law, as well as transparency and accountability in government action are indispensable. Without them the continent cannot come close to achieving the Millennium Development Goals or a post-2015 UN development agenda.

Germany has signed agreements with 15 partner countries in Africa in which good governance figures as a centrepiece of bilateral cooperation and is supported with 150 million Euro annually. In addition, roughly 25 million Euro of annual support go into governance reforms on a regional and pan-African level.

As part of this pan-African support for good governance, we have been working together with our partners at the African Court on Human and Peoples' Rights in various way:

- by providing electronic communication systems and training programmes for judges and court staff to improve the administrative and organisational operation of the Court;
- by fostering contacts with other courts, human rights institutions and relevant NGOs, and assisting in publicizing the work of the Court both among experts in the field and among the public,
- and most recently by responding positively to a request for assistance and partnership by the African Commission on Human and People's Rights aimed at clearing the backlog of communications and identifying cases suitable for submission to the Court – which may eventually increase access to the Court.



(© www.colourbox.com) I am very pleased to say that

our cooperation with the Court will continue beyond the ongoing project cycle which ends in 2013. Details of our engagement are presently being worked out with our partners at the Court. I would like to take this opportunity to thank them for their trust and cooperation.

Globalization is not only about economic and trade relations, about communications, climate change and other challenges which lead some states to resort to restrictive measures and protectionism. Old habits die hard. In a very positive way, and respecting regional traditions and particularities (including Ubuntu and its nuanced interpretations), globalization is also about the gradual disappearance of boundaries - economic, physical, linguistic - and the challenge of organizing our world in their absence. Jean Marie Guehenno, UN Under-Secretary General for Peacekeeping Operations from 2000-2008, speaks with some practical experience and authenticity, when he says: "Having lost the comfort of our geographical boundaries, we must in effect rediscover what creates the bond between humans that constitute a (global) community".

This certainly warrants further discussion. But it should be beyond any doubt that human rights and the rule of law are the fundamental bonds between human beings that transcend older, often artificial boundaries. And that these universal bonds call for the establishment of institutions which guarantee fundamental human rights. The African Court on Human and People's Rights is such an institution.

Most of us strive to fully adhere to basic human rights; sometimes in consummate self-assurance. But living up to these standards is not always a given. No country's record is spotless, including my own. Last year, the European Courts of Human Rights passed 23 judgements involving Germany – a state considered as a quite well-functioning "Rechtsstaat", a "state where law rules". Yet 11 of these judgments acknowledged at least one violation of the European Convention on Human Rights. Over time, judgements by the European Courts of Human Rights have led to significant changes in the German legal system, for instance in family law, the rights of prisoners or the right to privacy.



Ambassador Freitag during KAS Stakeholder

Conference in Durban (© KAS) And, on a more general note, even optimists must concede that there is the possibility that human rights may someday, somewhere, be retracted. Such an erosion may seem unthinkable now, but it is not impossible. For it is with rising awareness of one's human rights as with political freedoms: we must always fend off threats to what has been won, rather than presume these gains to be secured as untouchable or part of an everlasting heritage. It is also in this sense that the African Court on Human and People's Rights is an indispensable instrument to safeguard the progress that has been achieved.

Finally, this Court – although still in its nascent stage – can immensely contribute to a common vision of good governance and regional integration in Africa. It also can become a source of peace and security, as already indicated in some of its decisions. Essentially, it will contribute sustainable African solutions to African problems.

It takes dedicated and committed stakeholders like you to realize this vision. I am convinced that your numbers will continuously grow as the rapidly increasing young generation becomes fully aware of its fundamental rights and freedoms and lays claim to them. In this spirit, I would like to sincerely thank the Konrad-Adenauer-Stiftung for organizing this conference and thereby raising the awareness and much deserved recognition of the African Court on Human and People's Rights.

I thank you.

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Interviews and speeches

KAS Stakeholder Conference, African Court on Human and People's Rights





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