

AFRICAN CHRISTIAN DEMOCRATIC PARTY

THEME COMMITTEE 6, SUB-THEME COMMITTEE 6.3

HUMAN RIGHTS COMMISSION

Philosophical Perspective

While the ACDP fully understands the need for a human rights culture in this country, it will not simply accept terminology without looking to the driving philosophy behind the wording. In this regard, "human rights" is the concept used by people of differing viewpoints, but the understanding and even application of the practical aspects of the terminology will conform to their particular philosophical points of departure.

Either the foundation for human rights is internal, as with secular humanism, having the atheistic view that these rights evolve with mankind towards the perfect society, or they are, in a biblical sense, inalienable and immutable granted by the triune God to Man, in order to provide the characteristics necessary to subdue and manage creation as His stewards. Two very important aspects appear that make a compromise between the two views impossible.

Firstly, man is either seen as ultimately good, because nature - the evolutionary well-spring for Man's existence - is predominantly good. Thus, society and the environment of Man are seen as the causes, humanistically speaking, for the aberrant and non-conformist tendencies that mankind sometimes have.

Biblical truth, in contrast, reveals that Mankind is born in sin, ever since Man, created in a perfect state, chose to disobey God's commands. Interpreting the principles from a Bible-believing, creationist perspective, brings about that only those attributes that God gave to man, can be considered 'universal' and worthy of protection. The choices that men and women make, that are in direct opposition to the Word of God, are called sin, and not rights, freedoms or civil liberties.

From this, the second point of divergence becomes clear: either mankind - every man and woman - takes responsibility for their actions and choices in life or they don't. Biblical principle states that Mankind receives the attending response abilities with every right that God gives- if a man transgresses the law of God and intentionally kills someone else, he did not take up the responsibility, the duty attendant to his own right to life and he, in turn, may by his life. The responsibility of Man is, therefore, in compliance with God's law.

Seen in a human rights context, the above aspects dictate that either these rights are evolving with society and are capable of being granted or denied by the State according to the perceived needs of a particular society, or they are recognised as being granted through creation, and incapable of being alienated or changed, even though circumstances might change.

Composition of the Human Rights Commission

The ACDP and several million Bible-believing Christians, believe in human rights in the sense of a competency received from God with the attending responsibility to obey God's laws.

As the philosophies of the individuals comprising the singular body, controlling the transitional process, will dictate their understanding and application of the concept of human rights, it is submitted that the nomination be done by a joint committee of the houses of Parliament, composed of one member of each party represented in Parliament and willing to participate in the committee and to be approved by resolution in both homes with a majority of seventy-five percent. This will ensure an inclusionary approach and allow government to make decisions that can truly be said to have been decided by all the political parties that represent constituencies who have a voice in the national government.

To not have this system in all appointments made by the president or cabinet of this country will mean that the same procedure employed by the Apartheid government - namely to let only a part of the community have it's say in Parliament - will be policy for the new South African Governmental structure: surely a tendency that cannot be allowed to remain.

Furthermore, the ACDP submits that the only true way to ensure human rights not being capable of being violated, is to recognize it as originating outside of mankind - of a higher hierarchy and not capable of being explained away with the situational ethics that form the basis of the unwanted and unwarranted system of legal positivism.

The individuals that form part of this body is proposed to have to be morally strong and principled men and women, holding the ethics of God's biblical law in high regard. Thus, it will be ensured that justice and equity triumph over of building power concentrates, unbalanced authority pursuits and other personal agenda.

The ACDP supports the goal of having one body to control the process of change from an ethical and equity perspective, rather than separate commissions to look at

separate areas of discrimination. this will ensure that national resources be distributed for the national good. The ACDP agrees with Dr Mamphela Ramphele in her lucid presentation to theme committee one, that the core value should be equity (for the whole period of transition), rather than egalitarian equality. Equity denotes the just and fair treatment of all, based upon a fair share in the national resources in accordance with their needs and responsibilities in society. This approach will address the hurts of Apartheid in a way as to minimize conflict and the perpetuation of injustice. No doubt, the concept of Affirmative Action will be instrumental in the work of the proposed body to oversee the transitional aspects of human rights issues.

No doubt, a single organisation with a united vision will be much more effective than several smaller bodies, whose frames of reference could easily overlap leading to expensive duplicity and superfluous work being done.

This body, having an equity focus, will ensure the following clear advantages as shown by Dr. Ramphele in her very helpful contribution:

- a. The ACDP agrees that an equity focus would benefit the most disadvantaged communities as well as giving equal opportunities to individuals with a

disadvantaged history, thus redressing the past and benefiting the new South Africa in an esteem-building process towards a prosperous future for all.

Conflict will inevitably arise if a simple black empowerment drive is introduced that will benefit individuals without flowing down in the form of a benefit to the disadvantaged community as a whole. Individuals must not be required to perform tasks impossible to them, because of educational handicaps in the name of empowerment or distributive justice. The emphasis should be on an approach where the skilled can teach the unskilled to become skilful.

- b) South Africa will go a long way towards ensuring it's own failure should a balance not be drawn between responsibilities.

On one hand, society has the responsibility to create the equitable framework that will provide individuals with equal opportunities to realise their potential in the form of talent received from the Creator.

Individuals will, however, have to take the responsibility to ensure the outcome of the process of equal opportunity. To give a right to equal outcome will be to the detriment of South Africa and all South Africans.

- c) Care will have to be taken to not focus on short term goals with a program of redress, but to ensure long-term benefits of the process. Affirmative Action should not be seen as a Band-Aid to heal the apartheid-legacy.

Finally, the ACDP stresses that the notion must not be to force justice on the people, but to give God a chance to complete the healing that He has started in this nation with the election process. After all, He always finishes any project in His mind before He starts creating the circumstances to give birth to His intent.

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