

Honouring Kader Asmal
Annual Human Rights Awards

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By Siphon M Pityana

Chairperson

Council for the Advancement of the South African Constitution (CASAC)

Kader Asmal Awards

Library Auditorium, UWC, Cape Town

BACKGROUND

Historical and contemporary questions about the place and role of Human Rights and Civil Liberties in South Africa continue to occupy centre stage in the national debate and psyche. Given the historical evolution of the South African nation state, these questions are better understood in the context of the South African Constitution which laid the foundation for the post-apartheid constitutional democracy.

The constitution is premised on an understanding of a multiplicity of rights which are concurrent and promotes a non-hierarchical approach to rights and all freedoms. It is this balance between all forms of rights and liberties which lay solid foundations for a society that seeks not only to redress the inequalities of the past but also build a future in which all forms of human dignity are realized and respected.

In South Africa, as in most societies, constitutionalism and its relationship between daily realities and choices – of government, the judiciary, the legislature, civil society (in its broadest sense) – continues to be a subject of interpretation and contestation in order to give meaningful understanding and access for all citizens. The constitution has to be understood by all people so that they can have a clearer sense of ownership and understanding and to minimize its vulnerability to the inclinations of those in power.

There are many stakeholders, champions and civil actors in addition to the government and its institutions who are seized with the vexing question of what it means to live in a democratic constitutional state. What does it mean to have rights and liberties protected in the constitution? What are the implications of this on questions of governance, separation of powers, the credibility of state institutions, the role of citizens and all those who live in South African society?

Attempts to answer these questions are found in the creative expressions of activism by South Africans, the choices and struggles of ordinary people as they seek to translate the constitution into a living and meaningful document in their lives. Of necessity, different actors emerge at different times to lay claim to aspects of the constitutional liberties and freedoms. These processes also lead to organic growth of organisations, civil actors and community leaders who educate, promote, and campaign for the advancement of the rights advanced in the constitution.

This is a proposal to affirm the importance of civil liberties in our society, by establishing an award recognising those who make a contribution to human rights and civil liberties in communities. This recognition must also go hand in hand with a concerted and strategic effort to make human rights a subject of interest particularly amongst young people, to stimulate their interest, nurture creative expression but also to offer a platform for their views and understanding to find recognition in the national and international spaces.

The Human Rights Award will be named after the late Professor Kader Asmal. Kader Asmal devoted his life to securing, protecting and advancing human rights. His life as a freedom fighter concentrated on the questions of self-determination, the universality of human rights and all forms of human dignity.

In his rich and illustrious life, Asmal pursued academic rigour on Public International Law, Human Rights, Constitutional Democracy and the promotion of all freedoms. He was also an activist involved within the national liberation movement and solidarity organisations, and later served in various capacities in government after 1994. His pre-occupation with constitutional liberties and freedoms never diminished and to all his portfolios, he brought these different aspects of his academic skills and humanitarian passion. He was also one of the founders of the Irish Council for Civil Liberties.

Prof Asmal was an honorary member of the Council for the Advancement of the South African Constitution (CASAC), and one of the key protagonists in its establishment. It is proposed that this award forms part of the portfolio of activities managed by CASAC in support of its primary mandate – the realization of the progressive vision of the South African constitution, which was close to Asmal's heart.

APPROACH

CASAC proposes an award that is primarily directed at civil liberties (i.e. civil and political rights). By focusing on civil liberties we do not under-estimate the importance of concurrent rights, socio-economic rights, environmental (3rd generation rights) and others. However, there is a danger that civil liberties may be taken for granted, as having been achieved and therefore not under threat.

Contemporary experience reveals a somewhat complex and different picture. Civil Liberties are as contested as any other rights in society. Consequently, it is important to have a focused award – which is located within a concrete programme that promotes civil liberties. It is revealing that in many societies, including South Africa, civil liberties are often the most vulnerable and jettisoned when juxtaposed against socio-economic rights. Of course, a closer study of these patterns shows that more often than not, it is the lack of attention to civil liberties that is often masked by supposedly hyper-stated commitment to socio-economic rights. Civil liberties are sacrificed at the altar of socio-economic rights yet this tends to be no more than a statement of intent rather than real commitment to the realization of those rights.

CASAC, through this award will show the interconnectedness of all rights and demonstrate that when civil liberties are undermined or not clearly understood, it is not possible to provide socio-economic rights in an environment where political rights are not secured.

Two components of the Award

The award is proposed to initially have two components to encourage inter-generational recognition and affirmation of contributions at different levels of society. CASAC will seek to mobilize partnerships and encourage collaboration between stakeholders to ensure the success of this programme.

Scholarship Award

Undergraduate students will be invited to write and submit essays on issues pertaining to constitutionalism, human rights and the rule of law – within the context of CASAC's work. They will be encouraged to look beyond the obvious line of vision and write essays that contribute to the construction of thought processes and consciousness of Human Rights and Civil Liberties, and in particular the interface with broader issues of development and economic well-being .

Appropriate platforms of engagement will be utilized to ensure that the announcement and the discussion around the competition gain traction amongst students. The students will be encouraged to use the essays that have been submitted for publishing in relevant journals.

CASAC will seek to work in partnerships with relevant student organisations to solicit submissions for these awards.

For this student competition, the prize would be a scholarship to undertake a Masters course in Human Rights at Trinity College, Dublin where Kader Asmal spent many of his exile years, including a period as Dean of the Faculty of Law. This scholarship will be presented in partnership with the Canon Collins Educational & Legal Assistance Trust and the Embassy of Ireland in South Africa.

Award for services to civil liberties

This award will be made to individuals/organizations or communities who have made extraordinary contributions towards advancing civil liberties.

The award for this category, it is proposed, should initially be a cash prize of R25, 000 which the individual/ organization or the community can put back in the promotion of the work they do. Partnerships with the media would be ideal for this to ensure advertising, informing the public and publishing the essays and individual / organization / community initiatives.

Award Adjudications

CASAC will constitute an evaluation committee to manage the adjudication and selection process. Members of this committee will include members of CASAC's Advisory Council as well as external persons.

Ends.