**SUMMARY OF PRESENTATION SCHEDULED FOR THE** **10th session of the INTERGOVERNMENTAL Working Group on the Effective Implementation of the Durban Declaration and programme of Action**

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“Political Parties as both “right-regarders” and also as victims of corrupting tendencies of “others” regarding the prohibition against discrimination pursuant to the Durban Declaration 2001: The Challenge of Corruption”

by

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**Summary:**

Continued interaction of numerous unintended consequences of States’ experiences in the evolution of inter-State, and inter-regional relations have over time created, and continue to weave, a complex web of challenges with capacities both to severely undermine efforts to combat discrimination of individuals across the spectrum of prejudices listed in the Durban Declaration 2001; and to undermine international peace and security.[[1]](#footnote-1)

This presentation seeks to assist the Working Group in its effort to examine the challenges posed by corruption of national political parties in the effort to ensure protection of individuals against discrimination. I think that wherever power lies, corruption lurks! Implicit in the task set is the assumption that because of corruption, political parties within nation states could and sometimes become culpable of either harming/breaching the right of individuals on their territories to not be discriminated against. For this reason, political parties need to be listed among “right-regarders” – i.e. class of persons against whom the “right holder” has a claim against;[[2]](#footnote-2) and their activities checked against corruption to ensure that individuals do not suffer corruption engineered discrimination.

**Figure1: Some experiences whose values have interacted to entrench discrimination globally.**



Colonialism and Apartheid

Slavery and Forced Labour Practices

Colonisation, Apartheid, Slavery, Forced Labour Practices

Cultural Discrimination

Cultural Stereotypes and Discrimination

This is mandated on the one hand, by the purposes and actual effect on individuals of political processes in all States; and on the other by the susceptibility of all people to what George Stephanopoulos has described as the “Human condition”.[[3]](#footnote-3) That is why the UN has made the rule of law and democratic governance premised on the separation of powers of the three main pillars of governmental authority the core principles of its mission.[[4]](#footnote-4) And public power/authority is not unlimited in any political entity/State. Consequently, those that hold it do so to the exclusion of others. Necessarily, this results in the binary opposition of “have and have not” with regard to possession of public authority.[[5]](#footnote-5)

In this binary opposition the “haves” retain the potential to further their own political goals and interests to the exclusion of the “have not” for as long as they remain in office. In fact that is the sole reason why individuals and their political groupings seek public office. It could be said that President Obama had aspired for, and pursued public office with the hope of transforming U.S. health care provision arrangements for a generation.

The foregoing observations make it plain why competition for public office anywhere you look is actually a matter of extreme rivalry between political groupings within States. Not so long ago one British Prime minister called the leader of the opposition party a “dimwit.”[[6]](#footnote-6) Both men were “honourable MPs!”

Mishandled, these rivalries can rapidly descend into intolerance, threatening whole sections of communities as recent experiences in the Balkans (1990s), East Africa (2008), Southern Africa (2008) and other places have shown. My point of departure in this brief presentation is the often unstressed observations of the **World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance Declaration (2001)**.[[7]](#footnote-7) My aim is to explore what core elements should guide any new measures or strategies that may eventually be recommended to States for the meaningful prosecution of the program for ensuring against political party fuelled corruption that results in discrimination against individuals whatever their status. My recommendations are modest. They are premised on a necessary acknowledgment of the complex nature of the challenge; a recognition of the potential of the power of pedagogy to liberate; and confidence in the power of humans to respond to reason’s call to positive reform.

**Recommendations:**

1. Grasp the two sides of human nature: the Adam – susceptible to corruption; and the Biko[[8]](#footnote-8) – sensitive to his inherent dignity as a human being and resistant to unfairness, especially politically inspired prejudice and ostracism.
2. Examine the potential role of business interests in corrupting politics so that even as a bi-product of that effort to extract commercial advantages by appealing to the Adam nature of politicians, individuals’ recognized right to not to be discriminated becomes a bargain between, on the one hand, the politician’s Adam nature and the Tempter business interest (the thick end of the wedge); and on the other, between the omniscient Biko nature of the individual that will not accept unfair corruption engineered discrimination.
3. Acknowledge the power of the Adam nature that is inherent in humans, and of ignorance in particular to distort spaces of individual freedoms and rights and pedagogically campaign to re-culturalise business, politics, and society in general regarding “the other side” of human nature – the Biko nature.[[9]](#footnote-9)
4. Only by reconciling the Biko and the Adam natures inherent in us through pedagogy can the hope be sustained of combating political party corruption fuelled discrimination of individuals contrary to the object and purpose of the Durban Declaration (2001).

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1. Figure 1 below illustrates of some of these experiences. [↑](#footnote-ref-1)
2. See also Becker, L.C. “Three types of Rights”, 13 Georgia Law Review p. 1197, 1198. [↑](#footnote-ref-2)
3. (1999) *All too human*, Little, Brown and Company, Boston p.4. “I’m still mystified by the Clinton paradox: How could a president so intelligent, so compassionate, so public spirited, and so conscious of his place in history act in such a stupid, selfish, and self-destructive manner?” [↑](#footnote-ref-3)
4. See for instance Article 25, ICCPR (1966) [↑](#footnote-ref-4)
5. See also Haralambos and Holborn (7th ed. 2008) *Sociology: Themes and Perspectives*, Harper Collins Publishers, London, p.520 [↑](#footnote-ref-5)
6. See also The Telegraph: “In praise of political insults and memorable rudeness”, http://www.telegraph.co.uk/news/politics/7864333/In-praise-of-political-insults-and-memorable-rudeness.html (visited 02 October 2012) [↑](#footnote-ref-6)
7. See also UN website: www.un.org/WCAR/**durban**.pdf (visited 02 October 2012) [↑](#footnote-ref-7)
8. Steve Biko, anti-apartheid activist, South Africa. He was assassinated on 12 September 1977. [↑](#footnote-ref-8)
9. Discussion behavioural theory of motivation, see also Atkinson, R. et al. (10th ed. 1990) *Introduction to Psychology*, Harcourt Brace Jovanovich, London, 524. [↑](#footnote-ref-9)