Published on *Treatment Action Campaign* (http://tac.org.za/community)

Letter from TAC General Secretary, Siphokazi Mthathi, to Minister of Health, Dr. M.E. Tshabalala-Msimang

By *moderator*
Created *2006/04/19 - 12:00am*
19 April, 2006 - 00:00 ? moderator

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Dear Dr Tshabalala-Msimang

Re: Response to invitation to join a country delegation to UN General Assembly
Special Session on HIV and AIDS

I would like to thank our Department of Health for the personal invitation to join our country?s delegation to an international forum which will determine the fate of millions of people who live with HIV and AIDS, as well as those who face the prospect of being infected with the virus which causes AIDS.

After careful thought and consultation, I have decided to decline the invitation to go as part of our country delegation. This is for the following reasons:

1) The way that the government has handled this UNGASS review process is unsatisfactory. I do not feel that Civil Society has been adequately respected in the process. The issue began with the way in which the South African report has been developed, with very little civil society input. Later, the delegation to this meeting was handpicked by Government, and there was no space for civil society actors to choose their representatives. I note the assertion by government that this was due to time constraints. But we all knew about the need to constitute a country delegation more than 2 months ago.

2) A civil society selected for its favour with government is not, by definition, civil society. Within the UNGASS process, civil society input is paramount.
I believe that our country has been able to achieve what it has done on AIDS because of civil society?s participation at different levels of planning, policy formulation and intervention implementation. I am therefore concerned that where certain civil society formations have disagreed with government on the manner in which it has at times governed the national AIDS response, that that would be used by certain government officials as a justification for excluding such groups in forums of engagement in the manner such as happened with TAC and AIDS Law Project.
I believe that such conduct is unbecoming of a democratically elected government, operating under the constitutional

principles such as our country?s constitutional framework. I am concerned that this approach should change as soon as possible, because as long as it continues, we will not win the fight against the epidemic and our democracy will be weakened.

3) The entire process for selecting and then announcing the delegation has been unsatisfactory, as the media and partners both here and abroad have observed with outrage. For TAC to now attend within this delegation lends respectability to a process that we feel has mostly been unilateral and non-transparent.

4) The AIDS Law Project has been a central driving force behind improvements to South African HIV/AIDS legislation. For the past 14 years, the ALP has been part of various government led processes, in collaboration with civil society, which have resulted in our country having one of the best legislative and human rights frameworks protecting the interests of people living with HIV and AIDS. In this respect, our country is often quoted as a best practice model in the world. We respect the bonafides of many organisations in our country who contribute in the fight against the epidemic. However, we feel that for this organisation, after having been denied accreditation by government in the UN civil society process, to not be given representation within the South African delegation, undermines the full credibility of the delegation.

5) I have been invited in my personal capacity, and not as a representative of TAC. For this reason I feel compromised in our organisation?s ability to speak out on behalf of its wide membership and in relation to our key AIDS objectives. I struggle to extricate my personal capacity from my capacity as a member of an organisation which the department had elected to vote against its accreditation for UNGASS. For me such a ?principled decision? by officials of our department of health is irreconcilable with democratic principles of governance and remains unacceptable. It also stands in sharp contrast to the very ethos of the 2001 UNGASS Declaration on AIDS, which I am confident will be reinforced in the declaration to come out of the UNGASS meeting in May.

I believe that I have an individual identity as a full citizen of my country and that my vote since 1994 has contributed to ensuring that we have a democratically elected government. I therefore need no reminder from anybody that ours is a democratically elected government, because this is a fact I take personal pride in. However, I am an elected member of the Treatment Action Campaign?s National Executive Committee and therefore carry the mandate of the organisation?s membership. Participating in my country delegation on the basis of an individual invitation would for me be tantamount to denouncing that mandate.

I remain encouraged by the prospects of a positive outcome of the UNGASS process. It happens at a time when our country is running one of the world?s largest treatment programmes, at slightly more than 200 000 on treatment. We all agree that these lives saved cannot be measured only in numbers, but also in the averted devastating impact of ill-health and debilitation of individuals and families. I believe that we would all also agree that in a case where an additional more than 500 000 people need AIDS treatment, our country must take to the UNGASS process a new target for providing treatment and ending the crisis of death and devastation which will be visited upon hundreds of thousands. Government?s current efforts to construct a new Strategic Plan for HIV Prevention are fully supported by the TAC, and our organisation stands ready to support mobilisation to prevent as many of the 2 million HIV infections which will take place by 2010 as possible.

Our country has one of the best legislative and human rights frameworks protecting the rights of people living with HIV and AIDS, as well as one of the best constitutions in the world which promotes socio-economic and other rights for all. On this basis, I will look forward to attending UNGASS within a separate capacity, under the invite of other partners, and engaging constructively and critically where necessary with Government and other partners. I also look forward to being part of future engagements led by our government to step up our national response to the HIV and AIDS epidemic.

Yours respectfully

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CC: Mrs Phumzile Mlambo- Ngcuka, Deputy President of South Africa and,
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CC: Dr NC Dlamini Zuma, Minister of Foreign affairs

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Source URL (retrieved on *2017/05/01 - 6:51am*): http://tac.org.za/community/node/2216