

Title: Human Rights Principles in South African Foreign Policy

Place: ISS Conference Room, Pretoria

Date: Wednesday, 24 June 2009, 11h00 – 13h00

Speaker: Mr. Ken Roth, Executive Director of Human Rights Watch (US)

Respondent: Dr. Siphamandla Zondi, Institute for Global Dialogue (RSA)

Chair: Mr. Tanana Mpanyane, Senior Researcher ISS/ASAP

Rapporteurs: Jesper Kleingeld & Jimmi Larsen (Interns, ISS/ASAP)

Presentations

Mr. Mpanyane started the seminar by introducing Mr. Kenneth Roth, executive director of Human Rights Watch (HRW), and respondent Siphamandla Zondi of the Institute for Global Dialogue, and explained that the idea for the seminar was born out of the interest in the direction and approach to foreign policy of the Jacob Zuma's administration. The seminar, the first in a planned series on this topic, looks at the prospects for a more human rights-centered approach to foreign policy under the new South African administration.

Mr. Ken Roth initiated his presentation by outlining the objective of the HRW is to influence governments to respect and promote human rights worldwide through proactive advocacy and dialogue with countries worldwide. In this regard, HRW is widening its focus from centrally western countries to a more global focus in which South Africa is perceived to play a dominant role. Mr. Roth argues that post-apartheid South Africa was initially welcomed as a respectful member of the international community of high moral stature due to its peaceful reconciliation efforts after apartheid and for having one of the most progressive constitutions with respect to human rights. However, its reputation as an active agent for the promotion of human rights was damaged when Mbeki came into power. His (personal) positions on HIV/AIDS and engagement with Zimbabwe in the face of massive human rights violations was internationally regarded as an unwelcome regression of its principled stance on human rights.

While Mbeki was a critical approach of the human rights record of the United State under George W. Bush, South Africa's own reputation became debatable because its focus on promoting African solidarity was at odds with promoting respectful adherence to human rights. Mbeki was accused of cosyng up to African dictators and South Africa's often narrow and retrograde position in the UN Security Council failed to address the violation of human rights worldwide due to its adoption of a neutral stance on the matter. South Africa was therefore seen to undermine the human rights agenda South Africa under Mbeki increasingly viewed human rights as an internal matter. However, it did occasionally articulate its concerns about the violation of human rights in the middle-east and sided up with Russia and China in their position on the violation of human rights in Birma. South Africa's was deemed to apply double standards and a spoiler due to its unwillingness to act more proactively in the face of human rights violations.

However, Roth is of the opinion that South Africa's performance and stance on human rights is generally positive due to its role in fostering congruence in Africa's role towards human rights due to the institutionalization of human rights advocacy by means of the African Union and the African Charter of Human Rights. Moreover, South Africa contributed to peace in Burundi and promoting African support for the International Criminal Court, to which 30 African member states subscribed. With regards to the current president Jacob Zuma, Roth argued it was difficult to produce a conclusive opinion yet signals were generally positive. South Africa has protested against

the unlawful detention of Aung San Suu Kyi, and expressed its concern about the situation in Sri Lanka where it joined the call for an independent investigation. Roth noted one caveat with regard to South African's position on Sri Lanka, as it voted for a watered-down resolution in the Human Rights Council, sponsored by Russia and China, which did not call for an independent investigation, raising doubts about its true stance on human rights. South Africa's invitation of the Dalai Lama, nonetheless, conveys South Africa is concerned about human rights.

Under Zuma, South African's stance on African matters has been outspoken, which signals a departure from Mbeki's silent diplomacy. Zuma made it very clear that al-Bashir was not welcome at his presidential inauguration as South Africa, as a signatory to the Rome Statute would have been forced to arrest him. In addition, in a meeting of African leaders in Addis, South Africa showed its leadership by arguing non-signatories to the Rome Statute should not join the discussion on the ICC arrest warrant for Al-Bashir. This call was supported by many others and forced Sudan and Libya to leave the premises after which a fruitful discussion on the matter ensued. On Zimbabwe, South Africa has welcomed many Zimbabweans fleeing the violence and repression, which is an important humanitarian gesture even though it has not yet been accompanied by a change in policy on Zimbabwe.

Roth proceeded by outlining some of the challenges and opportunities for South Africa, including putting pressure on Somali protagonist by fighting impunity by means of an international investigation; pressuring Kabila to ensure the FARDC respects human rights and forcing the DRC to arrest Ntaganda; Push for a non-deferral of Al-Bashir's indictment; push for true power-sharing in Zimbabwe; and take leadership with a pro human rights stance in the Human Rights Council and forcefully advocate against a culture of impunity on the African continent.

Roth concluded that South Africa today is less influential than in the immediate post-apartheid era due to the character of foreign policy under Mbeki. Roth calls for a resumption of the a moral- and value-laden South African foreign policy of the Mandela-era.

Response by Dr. Siphamandla Zondi

Dr. Zondi started off by arguing the perceived peripheral position of human rights in foreign policy under Mbeki must be seen in the context of the multiplicity of demands on South African foreign and domestic policy. This competition of demands was accompanied by high domestic expectations and pressure on South Africa to show the dividends of the flourishing years under Mandela. This was compounded by high expectation by the international community due to its principled stance on human rights in previous years. All of this occurred in a changing global environment with altered power dynamics as a result of the war on terror. South Africa took the decision to take an increasingly anti-western stance, where it took for granted the support it had generated under Mandela. However, it had overestimated its own power and capability to meaningfully address some of the structural and unfair power imbalances in world politics. By taking an aggressive stance toward the USA and United Kingdom, South Africa underestimated the vagaries of international power which did not work in its favour in several international fora.

Subsequently, Dr. Zondi pointed out how South Africa's behaviour must not be solely ascribed to Mbeki. Yes, he was a forceful articulator of South-Africa's stance, but attributing South-African positions to Mbeki alone misrepresents the influence of the ANC party apparatus. For instance, Mbeki's refusal to name and shame some notorious human rights violators on the human rights

continent flows from the ANC's past practices in the domestic arena. Even though Mbeki was one of the most influential players within the ANC and was in fact its minister of foreign affairs and architect of engagement with South-African leadership under apartheid, one must not forget that Zuma was a top member of the ANC as well.

Furthermore, the continuity of South Africa's foreign policy under Mbeki must also be recognized. It would be an erroneous dichotomy to classify Mandela as a saint and Mbeki as spoiler. For instance, South-Africa took a pro-China stance in the 1990s in its conflict with Taiwan and stood alone in criticising Nigerian abuses of human rights in the 1990s. Dr. Zondi mentioned one was perhaps unwilling to see the balanced pursuit of human rights, good governance and democracy in an international arena dominated by power politics. The fruits of this labour became visible in the last three years under Mbeki when national interests started to collide with international norms and values and South Africa was perceived as a protector of the integrity of international institutions.

One explanation for the perceived disconnect from international human rights issues was perhaps the insufficient communication of the South African government. South Africa has expressed its concern over human rights violations in Burma, the possible development of nuclear weapons by Iran, and the abuse of power by undemocratic regimes across the world. Its apparent inability to articulate its positions on such matters comes from South Africa's failure to master public diplomacy and optimize relations with the international media. Apparently, South Africa's proactive stance in "Round 1" of United Nations backrooms was lost in translation into "Round 2" of media exposure. Other states overshadowed South Africa in the battle for attention in the global media.

Report completed on 25 June 2009.

End.