



HELEN SUZMAN  
FOUNDATION

# HUMAN RIGHTS DIALOGUE SERIES





## HELEN SUZMAN FOUNDATION

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### The Helen Suzman Foundation

seeks to promote constitutional liberal democracy and human rights. As an active member of South African civil society, The Helen Suzman Foundation contributes to debates on contemporary events and institutional challenges that form part of efforts to consolidate democracy.

The sole objective of The Helen Suzman Foundation Trust is to conduct public benefit activities in a non-profit manner by:

- Carrying out and commissioning research into political, social and economic affairs in South Africa and elsewhere in order to provide information and to stimulate debate on issues relevant to the future of democracy in South Africa.
- Publishing a journal, Focus, as a vehicle for information and comment on issues relevant to the future of democracy in South Africa;
- The arrangement of and attendance at roundtables and conferences on matters related to politics and governance in or of relevance to South Africa;
- Advocating measures designed to promote the ideals of liberal constitutional democracy in South Africa, including the improvement of race relations and the combating of any discrimination on the grounds of race, gender, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth.
- Forging relations with other actors in civil society that seek to protect liberal constitutional democracy and human rights.

# Contents

2

## PROFILES

4

### INTRODUCTION BY RAENETTE TALJAARD

Director: Helen Suzman Foundation

6

### TISEKE KASAMBALA

Acting Director: Human Rights Watch: South Africa Regional Office

10

### DR ADEKEYE ADEBAJO

Executive Director: Centre for Conflict Resolution

16

### NICOLE FRITZ

Executive Director: SA Litigation Centre

21

### TONY LEON

Independent Analyst and Commentator

26

### PROF ANTHONI VAN NIEUWKERK

Director: Centre for Defence and Security Management, Wits

30

## QUESTIONS AND ANSWERS

38

## MEDIA COVERAGE

# Profiles



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## **TISEKE KASAMBALA**

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Tiseke Kasambala is Acting Director of the South Africa office of Human Rights Watch. As Senior Researcher in the Africa division, Tiseke has researched and conducted advocacy on Zimbabwe since 2004. During her time at Human Rights Watch, Kasambala has released several reports and briefing papers on the human rights situation in Zimbabwe, including state-sponsored repression and violence, economic, social and cultural rights such as HIV/AIDS, and the right to housing. She has covered the disputed presidential elections in 2008, marked by government-sponsored violence, the 2005 parliamentary elections in Zimbabwe and the displacement of 700,000 Zimbabweans during mass evictions in 2005. Before joining Human Rights Watch, Kasambala worked as a campaigner and acting researcher on southern Africa for Amnesty International. She has a master's degree in Social Sciences from the University of Amsterdam, the Netherlands.



### **TONY LEON**

Independent Analyst & Commentator

For 13 out of 20 years in parliament, Tony Leon led the Democratic Alliance: the longest serving Leader of the Opposition in Parliament, since 1994. He led and grew his party from its marginal position on the brink of political extinction into the second largest political force in SA.

A trained lawyer, Tony Leon actively participated in the critical constitutional negotiations. He has addressed many international conferences, institutes and think tanks from the Council on Foreign Relations (USA) to the World Economic Forum in South Africa. He was a Fellowship at the Institute of Politics, John F Kennedy School of Government, Harvard University. In 2008 he was a fellow at the Cato Institute, Washington DC, where he wrote a paper on liberal democracy in Africa.

Tony Leon has been widely published and has authored articles for Time Magazine, The Spectator, Harvard International Review, The Washington Post, The Washington Times, Financial Times, The Daily Telegraph, and more. He has published two books: *“Hope and Fear: Reflections of a Democrat”* and the SA bestseller *“On the Contrary: Leading the Opposition in a Democratic South Africa”*.

Currently a columnist for the Sunday Times and Business Day, Tony consults to private sector companies and addresses multiple audiences across the globe, covering a range of issues from leadership and governance through to investment and public policy matters.



### **ANTHONI VAN NIEUWERK**

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Professor Anthoni van Nieuwkerk is Director of the Centre for Defence and Security Management, Graduate School of Public and Development Management (P&DM) at the University of the Witwatersrand in Johannesburg, South Africa. He holds a PhD from Wits University on foreign policy decision-making.

He has worked at various academic institutions and between 1994 and 1999 managed the research programme of the Institute for Global Dialogue. At Wits, he is a member of a team coordinating the research and training activities of the Southern African Defence and Security Management (SADSEM) network. He teaches on the graduate school’s Masters programme and serves as the school’s research director.

He is co-editor of three books and a regular contributor to journals and books. He is a guest lecturer and external examiner at various South and Southern African academic training institutions. He is a research member and coordinator of various regional research projects funded by international donors.

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### **RAENETTE TALJAARD**

Director: Helen Suzman Foundation

Raenette Taljaard is the director of the Helen Suzman Foundation. Taljaard, a former DA MP, served as Shadow Minister of Finance from 2002 and was a member of the Portfolio Committee on Finance. She also served on numerous other parliamentary committees, including the Standing Committee on Public Accounts during the arms deal investigation

Taljaard lectures part-time locally and abroad on the regulation of private military and security companies.

Taljaard is a Yale World Fellow, a Fellow of the Emerging Leaders Programme of the Centre for Leadership and Public Values (UCT’s Graduate School of Business and Duke University), a Young Global Leader of the World Economic Forum, and an ALI Fellow of the Aspen Institute.

Taljaard holds a BA in Law, RAU (University of Johannesburg), a BA (Hons) in Political Science, cum laude, RAU (University of Johannesburg), an MA in Political Science, cum laude, RAU (University of Johannesburg) and an Msc in Public Administration and Public Policy, cum laude, London School of Economics and Political Science.

Taljaard publishes widely.

# Chairperson: Opening Remarks



**T**hank you for joining us for the launch of the Helen Suzman Foundation’s Human Rights Dialogue Series. We have assembled an accomplished panel for this first edition. They work in various sections of civil society and independently in universities, and have been working and writing in the field of human rights in a variety of roles and configurations for a considerable period of time.

We have Prof Anthoni van Nieuwkerk, who heads up the Defence Centre at the Graduate School of Public and Development Management at Wits University; the new Regional Director for Human Rights Watch, Tiseke Kasambala; Dr Adekeye Adebajo from the Centre for Conflict Resolution in Cape Town; Nicole Fritz of the South African Litigation Centre; and Tony Leon, the former leader of the Democratic Alliance and now an independent commentator, analyst and consultant.

We have come together because, as you know, we’ve just had an election; we have a new President; we have a new, reshuffled, reconfigured and renamed, in many ways, Cabinet. So we thought it an appropriate time to reflect on some aspects of our foreign policy, some of the opportunities and challenges that we confront. Indeed, we have a new Minister of International Relations and Co-operation, who regrettably could not be with us today because of other commitments.

I’d like to quote a paragraph from President Zuma’s inaugural speech for you, to contextualise some of our discussion today:

*“As we rejoice in being surrounded by our friends from all over the world we reiterate our gratitude for the sterling contribution of the international community to our struggle for freedom. We single out the African continent for refusing to rest until the southern tip of Africa was free. We recommit ourselves to continue to be an active member of the international community. We will continue to use multilateral and bilateral forums and relations to take forward the goals of eradicating global poverty, strengthening peace and security and to promote democracy.”*

Subsequent to this speech, we’ve also had the Minister brief the foreign diplomatic corps, and we’ve had news statements with respect to Myanmar that may indicate a slight shift of emphasis with respect to our approach to human rights and foreign policy. At the same time, we have to realise that, in part by virtue of the global financial crisis, we’re sitting on the cusp of significant geo-political shifts and changes.

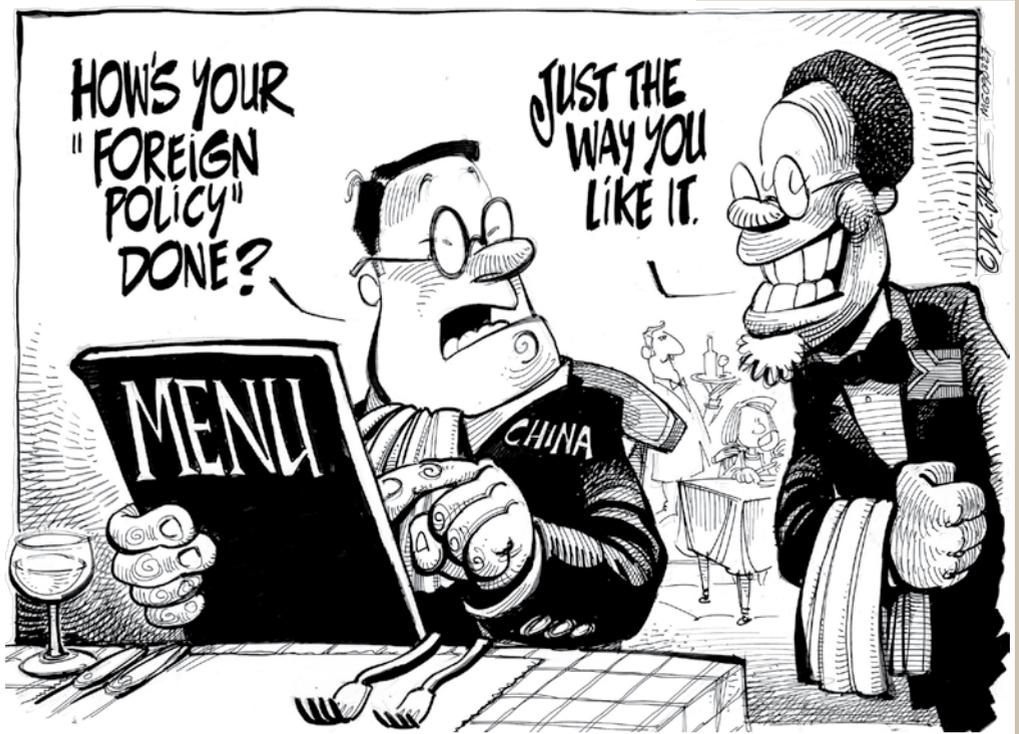
And South Africa, a member of the G20, will continue to play a very strong role in those debates, as indeed it has done, to try to further the discourse on multilateral institutions. So the discussion

“ I need not tell you that this debate has not been free from controversy, so we hope that the panel we’ve assembled for you today will shed some light from very different angles. ”

we’re having today on anchoring our foreign policy more closely on human rights takes place in the context of the discussions, and indeed votes, in the Security Council, where South Africa has decided to make various tradeoffs between human rights and the cause of multilateralism and ensuring that stronger powers don’t use their agenda-setting power in the Security Council in quite the way they have.

I need not tell you that this debate has not been free from controversy, so we hope that the panel we’ve assembled for you today will shed some light from very different angles. Some work in the human rights field, and some in the security field, particularly in the peacekeeping and peace-enforcement environment, where South Africa has played a very significant role, and they have a richness of insights to share with us today.

I’m going to start with Human Rights Watch, which wrote an open letter to South Africa’s new President, raising some concerns and also highlighting opportunities that have arisen with respect to the situations in the Democratic Republic of Congo (DRC), Sudan and Zimbabwe.



# Tiseke Kasambala



As many of you may know, Human Rights Watch investigates and documents human rights violations, and we have been following, very closely, not only South Africa's actions at the United Nations (UN) Security Council, but also its actions on the continent and in the region, as part of the Southern African Development Community (SADC) and the African Union (AU), for example.

As our open letter indicates, we were quite disappointed by South Africa's two-year stint at the Security Council when it chose, in our view, to side with abusive governments and took very strange positions at times. Instead of siding with the victims of human rights violations, it sided with those who were actually violating the human rights.

And this, the new government of President Zuma, does provide an opportunity for human rights to be promoted internationally by a leading African country such as South Africa. Last week, I think, the new Minister of International Relations and Co-operation, in a very interesting manner, said that there would be no changes in South Africa's foreign policy; that it would not deviate from emphasising the strengthening of Africa's regional organisations, such as SADC; and that one of the defining facts of South African foreign policy was based on a conviction of working hard to promote the well-being of the citizens of the continent. They sound like nice words, but we saw what happened under Mbeki's government. They do not necessarily translate into promoting human rights on the continent. What do they actually mean?

Do they, from a South African government perspective, actually mean breaking with the past system of voting at the Human Rights Council with violators of human rights, or weakening strong tacks that condemn human rights abuses? Or does this mean that South Africa will break with the African bloc as a rank at the Human Rights Council?

Secondly, does this mean that South Africa will stand up for the victims of human rights, and not side with the government of Sudan, for example, or Uzbekistan or Myanmar? We have seen two interesting statements from the South African government, one on Myanmar, but a second one, on Sri Lanka, which is in our view quite positive.

However, we are saying that a lot more needs to be done. I won't go into the specifics of situations where South Africa has an opportunity to move human rights forward, but I will focus on two issues: the Human Rights Council and accountability. Because I think at this moment, in this context, these are places where the South African



government will be able to push a human rights agenda forward in the context of its foreign policy.

South Africa's position with regard to the Human Rights Council was even more disappointing than it was in the UN Security Council. For example, South Africa stood with the Africa bloc to prevent the work of the international experts on the DRC. It also stood with the Africa bloc to prevent the work of the Sudan working group which was monitoring human rights abuses in the Sudan.

Those are just two examples, but there were many more where South Africa was highly disappointing. And this system of working as part of a bloc arises because of what South Africa says is the imbalance within the institutions of the UN Security Council and the Human Rights Council. Human Rights Watch understands that there's deep hypocrisy among some Northern governments, we cannot deny that. However, to use a well-worn cliché which nonetheless has relevance in this context, two wrongs do not necessarily make a right. And we believe that South Africa has a strong role to play at the Human Rights Council.

It cannot work with the Africa group on the principle that only when a country wants it, can a special procedure be imposed on that particular country, because that gives opportunities at the Human Rights Council for violators to take advantage of that special procedure. So we think that by asserting the need for country-specific engagement on a sound basis at the Human Rights Council,

*“It sounds simple, but we have seen in the past that South Africa has stood with the Africa bloc across the board: it has not deviated, it has not broken ranks. That does not support the victims of human rights abuses, it supports the violators.”*

South Africa can lead the way in supporting resolutions that actually contain human rights abuses.

It sounds simple, but we have seen in the past that South Africa has stood with the Africa bloc across the board: it has not deviated, it has not broken ranks. That does not support the victims of human rights abuses, it supports the violators.

On the more important issue of accountability and South Africa's role, the specific example is that of the International Criminal Court (ICC) and the arrest warrant for President Omar al-Bashir of the Sudan. Once again, when the Special Prosecutor decided that she was going to issue this arrest warrant about year ago, South Africa stood with the AU in trying to push for the warrant to be suspended. When the prosecutor eventually decided to go ahead with an investigation and the eventual prosecution



of al-Bashir, South Africa stood with the AU in condemning this action. In the past, South Africa supported the ICC, and it played an important role in establishing it. But right now it seems to be showing zero enthusiasm for accountability. And that is a shame on a continent where we have seen numerous governments conduct abuses that have led to the death of millions of people.

Once again, we say that it's South Africa's role as a leading light within the AU – and also as a country at the forefront of establishing the ICC, including fighting against countries such as China, Israel and the United States, who did not want the ICC to be established – to push for accountability in Darfur, the Sudan and the other parts of the continent. It would be a huge shame if South Africa again decided to side with an abusive government such as Omar al-Bashir's in pushing for a deferral of this arrest warrant.

“ It would be a huge shame if South Africa again decided to side with an abusive government such as Omar al-Bashir's in pushing for a deferral of this arrest warrant. ”

Next week there'll be a meeting of 30 African states who are party to the ICC to discuss what, in their view, is the discriminatory action of the Special Prosecutor in targeting African countries. We would like to say that is not the case. It is clear that of the four cases that have been taken up by the ICC, three were referred to it by African governments themselves, and this has been mentioned time and time again. South Africa will be among the states at the meeting. It is not clear what these states will conclude, but some have threatened to pull out of the Rome Statute of the ICC.



That would be a huge shame, and we would expect the South African government, again, to play a leading role and be at the forefront of saying this shouldn't be the case. We need to support the ICC and the principles of international justice – especially when we talk about the continent where I think we need international justice more than anywhere else.

But also let's emphasise the fact that the ICC is working in Afghanistan; it's trying to work in Georgia, looking at the Russia/Georgia conflict; it's also looking at abuses that took place in Colombia – so it is not just targeting Africa.

Finally, will this new administration continue to focus on foreign policy as a priority, given the fact that many feel that they may be focused more on domestic issues? South Africa has no choice, I think, but to be a leading light, whether reluctantly or not. It has a huge presence, for example, in peacekeeping forces on the continent. It is a leading country in regional bodies such as SADC and the AU. It has no choice but to play a leading role in pushing for a human rights agenda at these different fora, and for justice for the victims of human rights abuses.

So, on that very simple note, I think it is important for us to discuss how we can work with the South African government, and push it to put human rights at the centre of its foreign policy.

# Dr Adekeye Adebajo



When asked to make this presentation, I told the director it was important to make clear that I thought that the premise of viewing foreign policy through human rights lens was flawed, value-laden, and perhaps quite naïve and unrealistic.

I am no hard-headed realist who does not believe in human rights and their promotion. However, international politics do not work on this basis, and never have. South Africa, for example, is consistently scolded for behaving like a naughty boy by selling arms abroad. But it's important to realise that the five permanent members of the Security Council who are charged with maintaining international peace and security actually sell 85% of all arms in the world, in a world which they are meant to be safeguarding.

A myth has developed about Nelson Mandela's foreign policy being one which followed the human rights dimension. It's actually not true. Mandela gave, if you'll remember, the highest national awards in the country to leaders such as Suharto and Mubarak, who were autocrats, in power for 24 years or longer. It's also important to note that foreign policy is the art of the possible, and not some monastic pastime for secular saints.

So Mandela correctly insisted on remaining friends with Libya's Gaddafi and Cuba's Castro, two enfants terribles that had been declared pariahs by the West for human rights and other abuses, on the grounds that both leaders had strongly supported the fight against apartheid, while Western democracies were supporting the apartheid devil without the requisite long spoon.

“ *South Africa's recent decision not to grant the Dalai Lama a visa, under pressure from China, was more akin to the actions of a banana republic than of Africa's richest and most industrialised state.* ”

It's no coincidence that powerful Western democracies never asked the oil-rich Saudi king to democratise, and the United States restored an autocratic sheikdom to power after the thief of Baghdad had stolen Kuwait in 1990. Human rights are certainly an important aspect of foreign policy, but often shrouded in hypocritical rhetoric. And every country mainly pursues what it believes to be its best interest, while some try to observe human rights where they can.

But as I recently noted in Business Day, South Africa's recent decision not to grant the Dalai Lama a visa, under pressure from China, was more akin to the actions of a banana republic than of Africa's richest and most industrialised state. Surely South Africa is



able to decide on who enters the country and who doesn't, without actually having to bow to such pressure? So human rights and foreign policy always require careful weighing of interest and principles.

South Africa, despite periodic bouts of delusions of grandeur, is clearly not a global power, and that's what I find a bit confusing about these debates. You almost pretend it's an America or Britain or France, but South Africa is often akin to a 15-year-old juvenile who's trying to change the world. And of course it's idealistic, but it's also incredibly naïve. You're a middle-sized power on the edge of Africa. Even in G20 terms, you're a political dwarf. I think it's important to acknowledge those basic facts of geo-politics before we proceed.

In African terms, however, South Africa is a regional superpower, with 80% of the Southern African economy, and [a record of] very praiseworthy peace-making in Burundi, the DRC, Côte d'Ivoire and elsewhere. But you also inhabit a rough neighbourhood where, you know, it's just not enough to say that you're going to pursue human rights, because you don't get that much support.

I want to do four things in the time that I have left. I want first to look at the Mandela case with Nigeria, which punctured the myth of human rights in South Africa's foreign policy. Then I want to look at the UN Security Council role very briefly, and then at quiet diplomacy, which I know Tony Leon has prepared a statement to

attack quite vociferously. And fourthly, I want to offer some policy advice to the new Zuma administration in terms of keeping Africa as the centre of its foreign policy.

So it's a sacred drama in four acts. The first part is Abacha versus Mandela. The second, Mbeki versus Mugabe. The third, South Africa versus the West, and the fourth will look at South Africa in Africa within a "bicycle" strategy of foreign policy.

The most serious foreign-policy debacle in post-apartheid South Africa was Mandela's clash with Nigeria's General Sani Abacha in '95. Madiba sought to act according to human rights principle and ended up being

diplomatically isolated. It was a watershed moment for South Africa's foreign policy, and, in my view, this single event determined how South Africa acted after that in terms of Africa, and explained a lot of the quiet diplomacy in Zimbabwe. This was a battle between a brutish autocrat and a saintly leader. And guess what? The saint lost the battle.

In a 2002 play King Baabu, Nigeria's Nobel laureate and political activist, Wole Soyinka, created one of the most grotesque and absurd figures in world drama. Baabu is a bumbling, brainless, brutish buffoon and greedily corrupt military general who exchanges his military attire for monarchical robe and a gown. The play is, of course, a thinly disguised satire of Abacha's debauched role in Nigeria over five years.

Mandela is the starkest contrast you can imagine to Abacha – an educated middle-class lawyer, an iconic figure and one of the greatest moral figures of the 20th century. After Abacha's regime hanged Ken Saro-Wiwa, an environmental activist, and eight of his colleagues during a Commonwealth Summit, a furious Mandela accused him of behaving like a frightened dictator and warned him that he was "sitting on a volcano and I'm going to explode it under him".

South Africa's President then called on Washington and



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London to impose oil sanctions on Abacha, called for Nigeria's expulsion from the Commonwealth, and then called a SADC meeting to take collective action against Nigeria. But not a single country out of the 14 in SADC agreed to take any punitive actions against Nigeria. The fuse of the volcano that Madiba had threatened to explode under Abacha had spectacularly failed to ignite. Instead it was South Africa that found itself diplomatically isolated within Africa.

And Thabo Mbeki, as Deputy President, noted that Western governments had set Mandela up for failure. They made noises to appease their own domestic public opinion, but continued to do deals with Abacha. So it's not an exaggeration to note that this single incident did more than any other to explain what went on in terms of quiet diplomacy.



With Zimbabwe, Mbeki figured that, based on these difficulties, it was better to adopt a multilateral approach and not appear to be a Western Trojan Horse and be isolated within Africa. And he sought, through discreet diplomatic contacts, to bring the opposition and government together. I think people don't realise quite what the perception of South Africa, even post-apartheid South Africa, still is, since you have an economy and society that remains stubbornly untransformed, and since there's a history of destabilisation within the region.

South Africa is still widely suspected within the region, and its motives are suspected. So, in terms of the quiet diplomacy, there were occasions, such as legitimising flawed elections in 2002 and defending Zimbabwe at the Commonwealth in 2003, and there was also the coldness to the Movement for Democratic Change (MDC), where South Africa could have played a difficult hand with more tact, but I think basically there was no alternative.

Thirdly, with regard to its role in the UN Security Council, I think it's important to understand how the Security Council works. It has arcane rules of procedure that have remained provisional for 60 years, which gives a great advantage to the five permanent members and disadvantages the ten non-permanent members, who are sometimes viewed as tourists by the five permanent members.

“With Zimbabwe, Mbeki figured that, based on these difficulties, it was better to adopt a multilateral approach and not appear to be a Western Trojan Horse and be isolated within Africa.”



“I think South Africa in the end turned out to be a light middleweight trying to enter the ring with heavyweights, and suffering the inevitable concussion and technical knockouts that result from such hopeless mismatches.”

And while the formal use of the veto has declined, it is still used in the closed-door consultations that happen. And there are lots of invisible trade-offs that aren't very well worked out. The United States gives France something over Iraq, in return for supporting it over Côte d'Ivoire, for example. So South Africa should have focused on African issues, while contributing to other issues.

I think the weakness of the role that South Africa played in the Security Council was that it did not take African countries such as Ghana and Congo Brazzaville and the South with it, when it took some of these decisions. And I think South Africa in the end turned out to be a light middleweight trying to enter the ring with heavyweights, and suffering the inevitable concussion and technical knockouts that result from such hopeless mismatches.

South Africa may have been right to stand up to the double standards of the West, as the first speaker rightly noted. But since it doesn't have a veto to block action, it was important to have just hidden behind Russia and China, as Nicole Fritz has argued in *Business Day*. And, during its tenure, South Africa actually did do some important work on the UN and Africa's regional organisation. But that got a bit drowned out by some of the clumsy ways that it acted. Making the same arguments that the old apartheid regime made in defending itself for its own human rights abuses while the ANC was fighting for independence is not exactly the sort of public-relations role the government wants to play.

The final point is that in Africa, which is the most important foreign-policy issue for the Zuma administration, South Africa must choose five strategic partners and hubs, regional partners, in each African subregion. In addition, it must pick two additional spokes in each subregion, through which it can increase its strategic engagement in the areas of diplomacy, conflict management and trade relations. Bilateral relations in Africa would thus resemble a giant bicycle with five hubs and ten spokes.

The hubs are Mozambique in Southern Africa, Nigeria in West Africa, the DRC in the Great Lakes, Ethiopia in East Africa, and Algeria in North Africa. The two other spokes in Southern Africa would be Angola, with which South Africa has already established an early close relationship, and Zimbabwe. In the Great Lakes, the additional spokes would be Rwanda and Burundi; in West Africa, Ghana and Côte d'Ivoire; in East Africa, Sudan and Tanzania; in North Africa, Egypt and Libya. And it's through these 15 countries that South Africa, I think, should try to project its influence going forward. Five of them – Nigeria, Angola, Algeria, Libya, Sudan – produce 80% of Africa's oil. And Nigeria, Algeria, Libya, Egypt and South Africa together account for 75% of the AU's annual budget.



“... domestically, South Africa must address urgently issues of xenophobia, which could poison and complicate key bilateral relations with partners such as Mozambique, Zimbabwe and Nigeria.”

So, in conclusion, I have six recommendations for the Zuma regime.

**First:** peacekeeping should be pursued through the UN, as experiences in Burundi, the DRC and Darfur have shown.

**Second:** peace-making should be pursued multilaterally and unilateralism should be avoided, as the cases of not just Nigeria, but Lesotho in 1998, demonstrated.

**Third:** South Africa should regulate the behaviour of its companies through an economic charter and other measures to promote good corporate behaviour in the rest of Africa.

**Fourth:** South Africa should promote joint ventures with governments and companies in countries which they invest in, like the Maputo Trade Corridor or the Trans-Kalahari Corridor with Namibia.

**Fifth:** bi-national commissions and similar initiatives should be used more effectively to manage strains in relations.

And, finally, domestically, South Africa must address urgently issues of xenophobia, which could poison and complicate key bilateral relations with partners such as Mozambique, Zimbabwe and Nigeria.

I think if these principles are adopted and South Africa's leaders keep their balance, while cycling on the five hubs and ten spokes of the bicycle, then the country could develop effective bilateral relations in pursuit of an African renaissance.

# Nicole Fritz



**W**ell, despite the rather painful skewering of our sense of self-importance and grandeur on the world stage, my presentation is apologetically one which calls for human rights to be given greater weight in the approach to foreign policy. Not only because I think it is the right thing to do, but also because I think it is the smart thing to.

Our historical moral authority, I think, gives us a comparative advantage, and allows our voice to register more loudly than the voice of a light middleweight would ordinarily be able to do on the world stage. And I think about this particularly as I recall an incident that happened recently when I was in Irbil in Iraq, at a conference put together by the justice initiative run by a man named Bakhtiar Amin, who had been the Minister of Human Rights in Iraq.

He is a Sunni Kurd and he's married to the most powerful Shiite female politician in Iraq, and together, I think, they reflect great hope for the country and for overcoming sectarian violence. But unfortunately they attract an enormous amount of threats and violence. As I was leaving the conference, Bakhtiar said to me, only on the basis of me being a South African, that they remembered so well, and with such fondness, Nelson Mandela having turned down Turkey's Ataturk prize in protest against the way in which Turkey has dealt with its Kurds. And I think there was a sense of a kind of effusiveness, a kind of admiration, of goodwill, that has been extended to South Africa, and that I think often works enormously to our advantage.

As we enter a new administration, what might we expect from the new administration in terms of foreign policy? Specifically, I want to look at some of the statements that we've seen recently from the Minister of International Relations and Co-operation in respect of the situation in Burma. This is very much based on my piece in Business Day today, so apologies to those of you who've already read it.

I also want to pick up on some of the issues already mentioned about South Africa's position vis-à-vis the ICC. Some of the statements that we've recently heard from the new Minister in respect of the court would suggest, in fact, that we're not going to see any change in policy, and I think that this is particularly problematic.

Last week South Africa's new Minister, Maite Nkoana-Mashabane, condemned the trial of Burma's Nobel laureate Aung San Suu Kyi, and called for her unconditional release. Earlier this week her deputy, Ebrahim Ebrahim, met with the ambassador and conveyed South Africa's concern about the trial and, in fact, mooted the idea of South Africa sending a delegation to facilitate negotiations between the political parties.



Many will see in these actions a welcome change in South Africa's foreign policy towards Burma, and will hope that this bodes well for the weight to be given human rights considerations in the formulation of South Africa's foreign policy. However, I don't think anyone need fear that such an approach will entail any diminishment of what has been held up as a long-time foreign-policy objective on the part of South Africa, and that is securing more equitable reform of multilateral institutions.

In fact, I think, contrary to what the previous administration implied, a more human-rights-weighted foreign policy is more likely, and will best secure this objective. In February 2007, very soon after it came on to the UN Security Council, as the only state on the Security Council to do so, it cast its vote with Russia and China using their vetoes to defeat the resolution condemning the human rights situation in Burma.

The South African government has been perceived as having protected the military junta in Burma, as having shored up truisms of non-interference in internal affairs, and sold out its human rights commitment. And I think South Africa's somewhat infamous act within the most important multilateral institution resounded so loudly that any bilateral initiatives it took – for instance, in October 2007 it did call in Myanmar's ambassador to protest the crushing of the monks' protest – hardly registered in public opinion. It just wasn't able to shift the perception.

“*The South African government has been perceived as having protected the military junta in Burma, as having shored up truisms of non-interference in internal affairs, and sold out its human rights commitment.*”

South Africa's explanation for that vote, that the Security Council was the inappropriate forum in which to determine these matters and that they were best determined in the Human Rights Council, did little to silence the public outcry. And the reason for that is that the Human Rights Council has none of the real powers of the Security Council. And, as commentators were quick to point out, South Africa's own history had helped establish the precedent that domestic human rights violations could be so egregious that they warranted Security Council action.

Still, it should be said that even long-time observers of the Burma situation did not agree with the Security Council resolution strategies. A former senior United Kingdom diplomat wrote of the defeated effort: “*I am not convinced that the interests of the people of Burma have been well served through the over zealous efforts of the United States, to*



*try to force through a resolution in the Security Council which was bound to fail, which has seriously disappointed the Burmese people and which has only helped to entrench ... power and to delay the transition to democratically elected government."*

*“ The South African government overplayed its hand. Casting that vote ensured that it would be remembered for having protected Burma’s regime, and not as a champion of multilateral institutional reform. ”*

For South Africa, however, it wasn’t about this being perhaps a less than ideal strategy through which to improve Burma’s human rights record. It approached the vote more as an opportunity to advance its own agenda of securing more equitable global governance: promoting the Human Rights Council as a more ideal form, a more representative body than the Security Council, but also thwarting the United States and its double-standards approach to condemnation of human rights violations.

The South African government overplayed its hand. Casting that vote ensured that it would be remembered for having protected Burma’s regime, and not as a champion of multilateral institutional reform. It would have known that the veto votes would be cast, and they would be sufficient to defeat the resolution, rendering its own negative vote meaningless. It could simply have abstained from the vote, as, in fact, Indonesia and the Congo did.

In casting the negative vote, South Africa implied that, given a choice between condemning human rights violations and securing multilateral institutional reform, it would choose the latter. I think that was a tactical blunder. If South Africa is serious about leading the reform of multilateral institutions and securing more equitable participation, it will have to build a constituency – not only among like-minded states, the smaller and less powerful developed states, but also among the populations of those large powers who are most likely to resist such efforts at reform; so, the populations



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of European and North American states. And the sections of the populations in countries such as France or the United States that are most likely to care about greater equality in the UN or the Bretton Woods institutions, are exactly the same sections of the population likely to care about human rights violations in Burma.

Moreover, if South Africa is to lead such efforts, it cannot afford to restrict its voice solely to a regional sphere. It needs to play a visible role in respect of situations warranting global concern when its voice carries weight. And I don't think we're likely to be much heeded on developments like those occurring in Pakistan's Swat Valley, but the similarities of our history make South Africa's voice relevant to the situation in Burma.

In carving out this leadership role for itself, South Africa also needs to be creative and take initiative, and I really think it has fallen down in this respect. It needs to have learned better from, in fact, the United States role in the Security Council. The United States, even knowing that the Burma vote was going to be defeated, pushed that resolution through, requiring those who were going to oppose it to do so publicly and face the public fallout. South Africa could have similarly played offensive, given its tenure on the Security Council, in respect of situations which were likely to earn the big powers' reproof. In fact South Africa did not seek to set the agenda, it merely played a defensive approach.

I do think the Department of International Relations and Co-operation's approach of this week and last, which involves creative proposals, and actions and utterances which are conveying clear protests, suggests that we might now be clearly, and actually quite smartly, reversing the legacy of the Burma vote.

I want to make some comments in respect of the utterances that we've heard from the new Minister in respect of the ICC. You will know that at the present time all the situations before the ICC are African. They come there not by means of coercion; most come before the ICC on the basis of state referrals. What has really catalysed the conflict between African states and the ICC is the recent indictment of al-Bashir, Sudan's head of state.



“*The accusations that the court is anti-African are problematic. What is meant by anti-African? Is it those countless victims in the DRC, for instance, the women who, some are saying, are being subjected to the most extensive sexual violence that has been carried out in any conflict situation anywhere in the world, or is it the millions that have been displaced in Darfur?*”

Al-Bashir has very cleverly sought to secure his protection by jiggling the discourse on the ICC, suggesting that it's a neo-imperialist Western initiative. And unfortunately what we've seen is a number of African states, and South Africa in particular, buying into that approach and, as Tiseke has said, betraying its legacy. And undermining a legacy which was hard fought, hard won, at the Rome Conference in 1998, of securing sufficient consensus so that the ICC could come into being.

The accusations that the court is anti-African are problematic. What is meant by anti-African? Is it those countless victims in the DRC, for instance, the women who, some are saying, are being subjected to the most extensive sexual violence that has been carried out in any conflict situation anywhere in the world, or is it the millions that have been displaced in Darfur?

That said, I do think it is problematic that at this time the ICC's docket is solely focused on African states, and it is right that South Africa should raise this as a problem. But the South African approach is to seek to undermine the ICC and defeat it. So it aligned itself with Libya on the Security Council in attempting to secure a deferral of the indictment of al-Bashir, rather than seeking to promote efforts that would bring before the court's attention those situations in Colombia, Georgia and Gaza.

So rather than seeing statements on behalf of the South African government that the ICC should take these other situations on board, we've seen statements of the kind that Libya has released, suggesting that all African states would resign en masse from the ICC statute, which would be truly calamitous for the court.

I think the Minister's comments of this week in respect of the al-Bashir indictment, that she does not believe that he should be indicted for war crimes, and that we know of many other not-so-democratic leaders around the world who are not being taken to the Hague, are enormously problematic. You can well imagine what the response would be if the Justice Minister said that we are not going to secure accountability for domestic criminals that we know of because there are so many who are able to evade the course of justice, and therefore it would be unfair to go after those criminals who we can in fact apprehend and prosecute.

I certainly hope that in the next couple of years, under the new administration, South Africa's response to inconsistency at the international level, to what we have to concede is an inequality, is not that there simply be no accountability.

# Tony Leon



“And the back story to Sani Abacha was Nelson Mandela’s famous article in *Foreign Affairs*, wherein he said human rights will be the light that guides our foreign policy.”

I’d like to respond to some of Ade’s arguments that this concept of human rights doesn’t belong in a pragmatic approach to foreign policy. And South Africa, after all, is in his view midget-sized in terms of global powers. Objectively that’s correct, we only contribute about 0,5% to world gross domestic product.

But the reason South Africa has such a big weight in international affairs, which it does – it is the only African country in the G20, it was voted on to the UN Security Council, we have the FIFA World Cup next year – is not, if I might borrow a phrase, because of the example of our power, where he might indeed be correct in international terms, but the power of our example. And the back story to Sani Abacha was Nelson Mandela’s famous article in *Foreign Affairs*, wherein he said human rights will be the light that guides our foreign policy.

And it’s not something that was discontinued. I looked at the 2008 Annual Report of the Department of Foreign Affairs, and there it is on page 8, that the human rights promotion of democracy is one of the pillars on which South African foreign policy currently rests.

So that’s the first point: that we have actually used the power of our example as a very effective form of soft power, to borrow a phrase of Professor Joseph Nye, to position ourselves in the world.

I was rather struck, a while back, when all the votes and controversies we’ve been talking about today were highlighted in the international media, by an article written in the *Los Angeles Times* by James Kirchick of the *New Republic*, who said with the fall of apartheid a window of opportunity emerged in which South Africa could have come to the fore as an unrivalled advocate for human rights around the world. Given its own struggle against injustice, the ANC is right to have regarded itself as having a special duty to stand with the innocent against authoritarianism, terrorism and privation. Regrettably, it appears that South Africa has decided to cast its lot with the likes of Robert Mugabe, the Mullahs in Iran and the terrorists of Hamas and Hizbullah. I’m not asking you to accept his menu of the bad guys in the world, but I think it underlines the point.

I’ll give you two other examples. It’s not that we have consistently abandoned human rights, we’ve actually been consistently inconsistent in following any path at all. When the ICC was established and the statute was created, and we were enthusiastically part of forming the architecture, we were immensely critical of the United States for not joining in. And George W Bush’s reason was that it would be used as a battering ram against the United States by



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every anti-American in the world. What our Foreign Minister is now saying is the same argument vis-à-vis Africa.

So I don't think there's been a consistent negation of human rights. There's been the odd application, depending on situations where we find it convenient to advance a particular interest. Perhaps our entire role in the Middle East would be a further example of that, once again not dealing with the merits or the demerits. We have consistently, over a long period of time, used the human rights standards, or the lack thereof, to take a particular stance against Israel's occupation of the West Bank. The argument has been fundamentally located in the rights discourse.

Another point is that I think the architecture of the world is changing in far more fluid ways than we might imagine. To give you one example, there are so many non-governmental actors, whatever the constraints on government actors, who will actually look very carefully and with close scrutiny at the particular stance you adopt. And that can actually act against the long-term, or even short or medium-term, national interests that you're trying to advance elsewhere.

We used to say, when I did campaigning, een swaeltjie maak nie somer nie. So I don't know that it means very much, but I do think that the new Minister, Maite Nkoana-Mashabane, has said the right things in respect of Aung San Suu Kyi. And I hope that is not just one swallow, I hope it makes for a new season of looking at things in a more appropriate fashion.

Warren Buffet, who, even though he lost all that money, is still the richest man in America and so probably worth listening to, said the view through the rear view mirror is always much clearer than through the windscreen. So we don't know what's going to happen in the future, we know what happened in the past, and whether the past is a prelude to the future or not remains to be seen.

I think President Mbeki's view was that South Africa should act as much as possible within the African consensus. And outside of Africa we should link up with the so-called BRIC nations – Brazil, Russia, India and China – to the extent that we could advance developing countries. There was, I think, objectively, merit in doing so. There was a perception, a reality, that the current very antique world order – because it was all, from the UN to the Bretton Woods Institutions, established in the ashes of the Second World War or thereabouts – required reform, and that if you could mobilise the majority of developing countries in a particular direction you could punch above your weight. That was a very sound principle at one level. The problem is that when you follow that approach almost without any



reflexivity, you just carry on doing it, you can land up in all kinds of uncomfortable situations.

When I was in Washington last year, one of the most thoughtful commentators, Michael Gerson, said that our votes on the Security Council meant that we had become a rogue democracy. And he said that in his view the root of all this was not to re-order the

*“We say the power relationship within the Security Council is both antique and fundamentally unfair, because the majority of the world is excluded, and so the real democracy is in the General Assembly.”*

world order, it was anti-Americanism. I'm not saying it was, but when thoughtful commentators are saying that's what it amounts to, then you're into knee-jerk territory, rather than actually seeing things on their merits when a different approach might be taken.

And, once again, you get to the issue of consistency. We say the power relationship within the Security Council is both antique and fundamentally unfair, because the majority of the world is excluded, and so the real democracy is in the General Assembly. But in the General Assembly, among a welter of resolutions, some bad, some good and some indifferent, you have the responsibility to protect resolutions that say there should be an intervention when a state fails to protect its own people from grievous violations of human rights. If you're actually saying there's a mis-location of power in the one organ, we must use the other.



“ But I don’t know that every country that’s selling arms to a much greater extent than we have, has set up this elaborate democratic architecture that South Africa has, which includes a Ministerial Committee which explicitly said we would not sell arms to areas of conflict. ”

Human Rights Watch did a review that said that we voted in favour of only a third of the human rights resolutions that came before the General Assembly. United Nation Watch records in a document published last year that South Africa’s participation in UN Human Rights Council, on 32 votes, led to the following: in terms of adherence to human rights, Canada came in first, South Africa was third from the bottom in 17th place – behind such countries as France, Germany, the United Kingdom, Ukraine, Gabon, Ghana, Cameroon, India, Madagascar, Angola, Mauritius and Zambia. So other African countries were actually voting more pro-rights resolutions than we were. So I think when you say the Security Council is the wrong forum, and we go to the Human Rights Council, and your actual roll-call of votes there is arguably even worse, because there are more of them to record you on, then in fact you’re not making a point at all.

I don’t want to pick an argument, but why not? I think it is quite correct that there’s huge hypocrisy about arms sales. But I don’t know that every country that’s selling arms to a much greater extent than we have, has set up this elaborate democratic architecture that South Africa has, which includes a Ministerial Committee which explicitly said we would not sell arms to areas of conflict. And we are selling arms to some very extraordinary places. We preach one thing and we practice another. So it’s sometimes not just that someone has imported the idea that human rights should be the lodestar of your foreign policy. We did it ourselves. In a sense we are being hoist on our own petard.

Now, Zimbabwe. To me, the issue with Zimbabwe isn’t that the only policy we could have adopted was military intervention, but that there was a menu of options that could have been pursued which weren’t.

In 2009 we still have a semi-paralysed government of national unity there, based on the back of a stolen election. I cannot sit here and say, well, this is the best it could have been. And that there’s nothing that we could have done between quiet diplomacy and military intervention to have brought legitimate pressure on a situation where our own national interests were affected.

The African nationalists who deplored multiparty democracy truly believed that they had more wisdom than anyone else, and therefore were entitled to rule because they liberated the country from colonialism. Mugabe is one of the last of them, and the former President’s brother, Moeletsi Mbeki, said: “I think my brother has become one of them.” I put that on the table because I think that view does have some legitimacy.



We all have different ideologies, but when does your ideology start tripping up your national interest? It's not just confined to foreign policy. The same approach, which is to say we must do certain things to reconfigure the world order, we must create a greater equality in international affairs, applies in the realm of trade. We will consistently, in world trade negotiations, take a position alongside Brazil and China, for example, even when the people we're taking the position against, often in the United States and Europe, allow freer access of our goods into their jurisdictions than we have in the countries that we're aligning ourselves with. I make that point because we do not have to be ideological, we can be very pragmatic as well.

But sometimes, in fact, what passes for pragmatism is a disguised form of ideology. And I do fundamentally believe that South Africa does have the power of a very, very powerful example to use. I think it's got us to where we are, it's helped to position us in the world, and we should enhance that example, we shouldn't diminish it.

But this is a new beginning, where we've got a new government. President Zuma quite effectively mobilised a lot of people to support the ANC who might otherwise have been disenchanted with it. I would hope that that might start us looking, not just at perpetuating a legacy which in some key areas has failed, but at refreshing our ideas and approaches. And that might also have an impact on the wider world, and not just inside South Africa.

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# Prof Anthoni Van Nieuwkerk



“*Now whether or not human rights promotion should sit at the heart of the Zuma administration’s foreign-policy approach depends on a number of factors. Following Sen, my point of departure is that the thrust of our foreign policy ought to be the promotion of development for South Africa, for the region, for Africa and the global South.*”

I open my presentation with a quote from Amartya Sen’s book entitled *Development is Freedom*:

*“Development can be seen as a process of expanding the real freedoms that people enjoy. It requires the removal of major sources of unfreedom, poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance of repressive states.”*

Now whether or not human rights promotion should sit at the heart of the Zuma administration’s foreign-policy approach depends on a number of factors. Following Sen, my point of departure is that the thrust of our foreign policy ought to be the promotion of development for South Africa, for the region, for Africa and the global South. The deep desire to promote human rights and democracy the world over can easily become subsumed under the dominant thrust of determining policy and position according to a narrow and short-term definition of the national interest – a risk illustrated, I think, by the poor management of the Dalai Lama affair earlier this year, as others have pointed out.

However, there are other factors to consider. I want to start with a thread of consistency, a word that’s come out in the panel. The ANC’s long-term foreign-policy approach was formulated in the years before it came to power. The Freedom Charter of 1955 contains five foreign-policy guiding principles, indicative of the movement’s international position. The ANC’s foreign policy then served as a strategic tool in the liberation struggle, when the overriding purpose was to overcome the apartheid regime. International solidarity, support for the armed struggle, and the international isolation of apartheid and white minority rule in Southern Africa were key objectives.

As the transition to democracy took shape, the ANC formulated a more comprehensive position, and there are a couple of documents I think the panel knows very well. The first are the 1992 policy guidelines, *Ready to Govern*, and the 1994 publication called *Foreign Policy Perspective in a Democratic South Africa*, which was drawn up by members of the ANC’s International Department, including Thabo Mbeki, and a handful of academics. This one declares: *“The essence of South Africa’s foreign policy is to promote and protect the interests and values of its citizens.”* It also formulated seven principles as a guide to foreign policy, and Tony Leon mentioned one of them. A slightly modified version of this publication came out of the department, and then, critically, in 1997 the ANC released a so-called reflection, essentially recognising the limits to South Africa’s ability to promote human rights and democracy, the value of strategic alliances, and the importance of economic relations.



This was a reflection on the basis of what happened in Nigeria, as Ade has sketched out for us. In the absence of a formal white paper or a policy framework on foreign policy, these key documents have served the ANC government from 1994 until now. It is worth noting that the ANC's Polokwane Conference generated a number of resolutions relating to international relations.

These reaffirmed the ANC's commitment to progressive internationalism as a response to the challenge of imperialism, where the system of capitalism is seen to be dominated by one hyper-power; support for the establishment of an AU government, but via processes of regional integration, for example, following a developmental approach to SADC's consolidation; support for Brazil, India and China as strategic partners; the intensification of economic diplomacy; and a name change from the Department of Foreign Affairs to the Department of International Relations and Co-operation.

I wondered about the 'and co-operation' part of the new name, so I looked into it. It seems to be in line with the Polokwane resolution, which speaks of a proposed South African development-partnership agency, which, together with the recently established Pan-African Infrastructure Development Fund, could be used as instruments to achieve the Millennium Development Goals, which we now know we will miss.

A more recent interpretation – this is probably my interpretation – suggests putting South Africa's involvement in continental peace-making, multi-dimensional peace support and post-conflict reconstruction and development, what some of us call the exercise of soft power, into a structure that will enable these diverse activities to be managed more holistically, and perhaps even more professionally.

There's much to be said for developing a strategy for co-ordinating the planning, implementation and monitoring of the various ongoing departmental co-operation activities across departments and agencies. This includes the management of their funding, whether from government as a provider of aid, or via trilateral co-operation agreements involving international co-operating partners, the old donors, and other international agencies.

The current pressing global economic and security dynamics, the urgent developmental needs of the Southern Africa region and the continent, and the paradox of South Africa as a regional superpower burdened by domestic inequality, poverty and unemployment, require government to develop a new kind of diplomat – internationalist in outlook, but one who understands



globalisation from the African perspective, and is skilled in balancing the demand of chasing economic opportunity with the demands of facilitating peace-making and recovery.

Finding the balance, I admit, is not easily achieved, but will be assisted by government's ability to:

- deepen its analysis and understanding of the forces and currents at work on the global scale;
- prioritise visionary leadership in the formulation of the ideal society and the world we want to live in, whence we can deduce the national interest and policy priorities;
- adjust foreign-policy objectives to the realities of the fiscus;
- grasp the nettle of inter-departmental and inter-agency co-ordination and co-operation, whether through clusters, commissions, a revamped Presidency or a National Security Council;
- co-ordinate the planning, implementation and monitoring of development co-operation activities across government, as well as manage the funding thereof; and
- strengthen the department, and perhaps the government, with appropriate training and education; by deploying professional, as opposed to political, diplomats; by improved communication and marketing; and by interfacing more effectively with civil society and academia.

Although the ANC government's foreign policy is characterised by continuity rather than change, there are compelling reasons for it to undertake a comprehensive foreign-policy review. As the new Minister noted in her brief to the diplomatic corps: "We plan to increase the level of our engagement with South Africans on foreign-policy matters."

If we take this as a substantial offer and not co-optation politics, non-governmental organisations (NGOs) and civil society will increase the level of their engagement with the department on foreign-policy matters.

To return to the foreign-policy agenda in light of the current global socio-economic and security climate, what kinds of short, medium and long-term responses are required by South Africa? And to what extent can and should it be state-driven, society-driven, or in the form of a compact between the state and its citizens? As we know, the global economy is experiencing its worst economic downturn since the Second World War.

As Azar Jammine recently pointed out, a combination of complacency and greed has contributed towards this situation, and it will take years, if not decades, to eliminate the excesses of the past decades.

“ *In the meantime a perfect storm rages in Africa's arc of instability from Somalia in the east to Mauritania in the west. Global climate change, combined with global economic recession, will massively increase the need for humanitarian assistance in the arc of crisis.* ”



In the meantime a perfect storm rages in Africa's arc of instability from Somalia in the east to Mauritania in the west. Global climate change, combined with global economic recession, will massively increase the need for humanitarian assistance in the arc of crisis. And as an academic colleague recently noted, we might very well be entering an era of chronic emergencies. How many cholera cases in Zimbabwe? Was it 100 000?

South Africa is also directly affected by the global downturn. Its economy is highly dependent upon exports of raw materials used in the production of manufactured goods in countries such as China and countries of the Organisation for Economic Co-operation and Development (OECD).

And Azar Jammie notes that, although there is optimism that South Africa will weather the global economic storm reasonably successfully, there's also the reality of its main challenges: poverty, unemployment and inequality, coupled with the scourges of crime and disease. One might add that none of these challenges respects borders, which means that South and Southern Africa's futures are entwined.

These are the issues that our foreign-policy makers need to address

most urgently, and form the basis of our national and national security interests. So in a way we're back to the idea that foreign policy springs from domestic insecurities, and for me that's a new definition. And the ANC, in 1994, said the essence is to promote and protect the interests and values of the country's citizens.

There's a development-co-operation component to foreign affairs which I think is critically important. And so the overriding challenge is not to redefine foreign policy, its purpose and objectives. It is clear that our international relations must be conducted in a manner that draws from the ANC's experience of solidarity and speaks to the removal of our un-freedoms, as Sen calls them: the triple burden of poverty, inequality and unemployment in South Africa, in SADC, in Africa, in the global South.

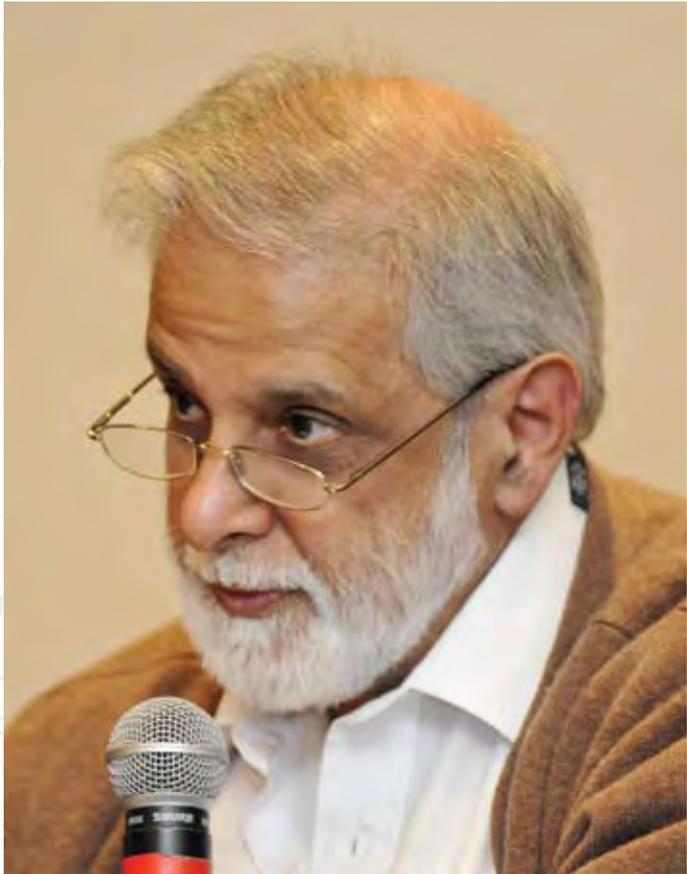
In doing so, the department must spend much more time in getting its policy priorities right, including the implementation and management thereof. Our contribution to helping to remove some of these un-freedoms, from Wits University's perspective, is to offer a certificate in Humanitarian Assistance with the co-operation of Medecins sans Frontieres, as a new beginning to help make a change and a difference.

# Questions



**JASON WEINBERG:**  
(British High Commission)

*South Africa does have a good strength of soft power because of its history. But I think if you asked foreign-policy makers in the South African government, they would say that soft power is the reason why they behave as they do in institutions such as the Human Rights Council: that it is better to work quietly with countries such as Burma or the DRC to persuade them to open themselves up for international scrutiny of human rights, rather than to force a special rapporteur or other individuals upon them. So I'm interested to hear the panel's view on what they think about that use of soft power.*



**PIROSHAW CAMAY:**  
(Co-operative research and education)

*If we take Anthoni's suggestion that foreign policy stems from domestic insecurity, then what would Tony define as the domestic insecurities that have created blips in our foreign-policy record? Because I don't think that we need to tarnish the department or the ANC, or the nation, with some of the mistakes that have been made.*

*I accept, as a human rights activist myself, that there have been disappointments. When the General Workers' Union is not recognised in the foreign embassy in Britain, for example, or where, at the level of the Economic and Social Council (ECOSOC), South Africa doesn't vote in favour of gay rights, then I think that all of us are disappointed. But I think that this tarnishing of South Africa and its 15-year history is not as bad as Colin Powell or Blair or Bush going before international structures and lying there. Colin Powell lied to the UN, and is now trying to identify himself with the Obama administration. That type of hypocrisy is not displayed by South Africans.*



**ROLF FREIER:**  
(Political consultant, Germany)

*Since the panel has elaborated quite extensively on the political relativist challenges to the universal claim of human rights, I think very reasonably so, my question goes to the panel at large and is linked to these challenges.*

*Since we have that deadlock on the international stage where we might simply say if you go for my neighbour, I go for your neighbour, and we stick in that deadlock, don't we have to intensify our programmes and activities with regard to regional dispensation? So should the European Union (EU) look not more intensively to EU countries? Should the AU and SADC not look more intensively to their neighbourhood and start working there articulately?*

*Because I think there are at least two concrete regional obligations, for example, for South Africa to start action against Zimbabwe, and those are the obligations that arise from NEPAD's Peer Review Mechanism and the African Human Rights Mechanism.*

# Answers



“ I do agree that South Africa has played a very important role in dealing with and addressing crisis situations in the region. Its role in Burundi, for example, was quite impressive. However, once again it has been one step forward and two steps back, and that's where we would like to see more consistency in terms of South Africa's actions. ”

**MS KASAMBALA:** I will address the question on the use of soft power. Has South Africa actually used its soft power to the greater good? In quite a few important instances, no, it has not even done that most basic of things. At the Human Rights Council, for example, certain decisions made by South Africa as part of the African bloc were based, not on it thinking that addressing these issues privately would achieve more, but, I believe, because of what my colleague Ade raised earlier, South Africa not wanting to be seen as the puppet of the West or toeing a different line from the African bloc.

My specific example is on the Human Rights Council, where the African bloc's positions are blatantly wrong at times and do not achieve anything at all, because South Africa doesn't want to be seen to be breaking ranks. And so I think that's not the way I would envisage the use of soft power.

Another example came from Tony Leon who talked about Burma at the UN Security Council, then going to the Human Rights Council, but no changes there either. And the Human Rights Council, I think, is one of the best places for that use and exercise of soft power and co-operation, where we would expect South Africa to take the lead.

In conclusion, I do agree that South Africa has played a very important role in dealing with and addressing crisis situations in the region. Its role in Burundi, for example, was quite impressive. However, once again it has been one step forward and two steps back, and that's where we would like to see more consistency in terms of South Africa's actions.

**DR ADEBAJO:** I think human rights lobbyists are the missionaries of the new era. And if anybody knows how the missionaries operated as an ally to imperialism in the past, you will understand perfectly well what I mean. Having praised Nicole and her op ed, I want to disagree with her in an agreeable fashion.

I think the ICC is an experimental guinea pig. It's carrying out an experiment on Africa which we must not accept. And I think it will lose legitimacy. You cannot argue that it's just a coincidence that the cases are all in Africa. And when you say that the Africans are bringing it to their attention, it's leaders like Museveni who want to manipulate it to go after their opponents, or, in some cases, the Security Council or others within it.

So as long as there are abuses in Sri Lanka, Latin America and Palestine, I don't think we should accept these double standards. And I think the court will lose a lot of legitimacy because the United States and Israel, and others, need to be looked at in the same way that everybody else is looked at. You can't have an Animal Farm-type situation where some pigs are more equal than others.

In terms of what Tony Leon said, FIFA and a non-permanent seat do not make you a global power. And I think the most important thing to note here is that Bafana will not go beyond the first round in the World Cup. For me, the myth of South African exceptionalism



was shattered by the xenophobic attacks last May. That was a watershed moment which I don't think South Africans have quite digested.

The whole rainbow nation myth has been exploded, and the amount of damage that did to South Africa's image around the world is something you all need to grapple and deal with. It may be an internal thing. And the fact that Mandela wrote an article on foreign policy, which was probably written by somebody else for him, as often happens, does not mean that human rights were actually what he carried out. Every regime, no matter how bad it is – even the Abacha regime, even the Bush regime, self-righteous as it was – says that it is following human rights. Arms sales to the Great Lakes happened under Mandela, and the arms deal happened under Mandela, which many people seem to forget.

And the ANC also got a lot of funds for its election campaigns from a lot of very disreputable autocrats, which actually limited Mandela's ability to be able to criticise those governments. So I do think we shouldn't keep perpetuating myths.

And, on Zimbabwe, the key to the solution was actually in Harare, not in Pretoria, as it turned out. Pretoria could only assist and help, which it did eventually. So again, I think South Africa should be more modest in terms of what it can achieve.

My last point, because I think it's important also to respond to perfidious Albion, the British representative, is that I like your point on soft power, actually. And I think South Africa doesn't use it enough. The fact that there are lots of African students and academics studying in South Africa, means you can actually do what America does, which is skim off the cream and get them to buy into a lot of things you believe in.

The fact SABC Africa broadcasts to 40 African countries, and your soaps are also seen in much of Africa, means that there is a cultural tool which can help shape things. And, on a global level, the fact that Tsotsi wins an Oscar in an African language means that South Africa can actually help to promote a different image of Africa, other than the conflicts and diseases and stereotypes.

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# Answers



“Thirty African countries have signed and ratified, the largest proportion of any continent. To suddenly say, because politically there is a sense in which the al-Bashir indictment is problematic, that the ICC is neo-imperialist, that it’s experimental, is wrong.”

**MS FRITZ:** Let me try to respond in as agreeable fashion to your points about the ICC and it being a sort of guinea pig, using Africa in order to experiment with international justice. The reason that Israel and the United States are not bound by the ICC is the same reason that Zimbabwe isn't bound by the ICC. It's because they haven't signed and ratified it. Sudan came by way of a referral. And Russia and China, the greatest proponents of non-interference in internal affairs, did not veto that resolution because of the extent of the violence and human rights violations that had been committed in the Sudan.

The other three [African] situations have come by self-referral. You're right when you say Museveni, initially, made the [Sudan] referral, thinking that the investigations would only target the Lord's Resistance Army, his opponents. And he has attempted to back-pedal and has been happy to use the anti-African discourse, now that it no longer suits his political purposes.

But I think we need to look at the ICC and its establishment in the long-term history. The Rwandan Tribunal was established at the request of Kagame. Rwanda's position was that a tribunal had been established for Yugoslavia: “Look how the international community responds to egregious human rights violations that are carried out in a European nation. The world has turned its back on the genocide in Rwanda. At the very least we must be given the same standard in terms of ensuring accountability.” The Special Courts of Sierra Leone were also at the request of the Prime Minister of Sierra Leone. Africa, to some extent, has really given support to these international institutions.

And again, to restate the case, [African nations] were some of the fiercest proponents at the Rome conference in 1998 in the establishment of the ICC. Thirty African countries have signed and ratified, the largest proportion of any continent. To suddenly say, because politically there is a sense in which the al-Bashir indictment is problematic, that the ICC is neo-imperialist, that it's experimental, is wrong. However, I do think that the ICC, as you rightly say, cannot afford to look only at African situations.

But the approach taken by the South African Government cannot be that we're now going to withdraw our support from this institution, an institution to which we have given so much support previously. There is a far more constructive approach, which is that we will continue to support those initiatives where [redress for] human rights violations is being called for on the continent, but we will also insist on Georgia, Iraq, Afghanistan and Gaza being brought before the ICC. And I don't think South Africa is using its voice in the way that it can, in respect of that.

I just want to address one other issue in respect of your comments. You talk about South African exceptionalism being exploded by the outbreak of xenophobic violence last year. I think that that's right, but you also have to look at examples such as the civil-society support – on the part of trade unions, churches and human rights groups – for stopping the transfer of those armaments on the Chinese ship across

South African territory to Zimbabwe.

We have seen amazing demonstrations on the part of civil society to make good on our human rights commitments in foreign policy. And I think that that's a reason for good faith and admiration.

I don't think South Africa has used its soft power in the way that it should have. I think often our leaders have spoken to us, the public, with contempt, as if we don't understand the structures of multilateral institutions. We were told, for instance, in respect of the Burma vote, that the Security Council wasn't the forum, but South Africa failed to support a resolution in the General Assembly on Burma directly thereafter.

The final thing I would say, about South Africa not using hypocrisy, perhaps, in the same way as the United States, is that you only need to look at the statements that the South African government representatives made in respect of the Chinese ship, for instance. And recently, in respect of the Dalai Lama example, there have been blanket, flat-out denials, which were subsequently proved to be false.

**MR LEON:** Let me briefly answer the question put to me about the domestic insecurity that causes mistakes. I think we do have a desire to show solidarity on African issues, and we tend to be, I think, far too discomforted by an idea that an attack on one part of Africa is an attack on the whole of Africa, or indeed on South Africa itself. I think that is the genesis of a lot of mistakes we have made.

Actually, it's in South Africa's interest to differentiate itself from failing states on the continent, and to be on the side of those which are successful. I'm in favour, not of exceptionalism, but of a form of African differentiation, because there are some shocking states in Africa and there are some very good states in Africa.

If you make the common denominator just every state in Africa, you land up in all kinds of odd places with some very uncomfortable bedfellows that you shouldn't be with. And that depends on what denominator you wish to use. Within SADC, just to give you a recent example, Botswana's a very interesting case. Botswana has decided that it's not going to follow the SADC solidarity approach on Zimbabwe or on dealing with Robert Mugabe. This might not have consequences, but Ian Khama has taken a specific position, which is outside what you might call the consensus position.

The second issue is sticking to a failing policy. That to me is the biggest error in politics. I didn't say it; I think Lord Salisbury said it in the last century or the century before that. You have invested so much prestige, you have invested effort and a lot of political capital, and that's your policy, and you're going to stick with it. When the results don't go the way that you want them to, you stay with it. And then you're surprised. I think Zimbabwe is a classic case.

Again, with great respect to Ade, I do not accept that there isn't a form of coercive diplomacy that could have been applied. I'm not an armchair critic. I went there a lot myself and interacted with a lot of



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# Answers



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the players there – admittedly not on the government side. They weren’t too keen to entertain me, but the opposition were. I got the very, very strong impression that what we were doing was basically green-lighting a tyranny, and we persisted with that. So agreements were entered into and broken, and we carried on accepting the good faith of someone who displayed no good faith at all. And that, I think, is a mistake.

On the issue of hypocrisy, well, of course, the world is full of hypocrisy, the world is what it is. If you are going to take a position that you can’t deal with this item on the agenda, because there are 25 other items that should also be on the agenda, and in the absence of the other 25, I’m not dealing with this one . . . then, actually, you’re never, ever going to be effective or proactive.

I can give you a lot of explanations, but motive and background do not necessarily explain how you need to act when [an issue] is in front of you in a particular forum. Why did the United States finally take action against Bosnia or Kosovo? Because a lot of domestic pressures being applied in Washington came to the fore. It had a lot to do with the imaging that was coming out of there, which reminded people of the holocaust of 1945.

Why is the Sudan in the frame? One of the reasons – it might be a terrible reason – is that it’s about the only point of coincidence in United States foreign policy, where the left and the right, for completely different reasons, meet each other. They meet on the territory of Darfur. So that then creates a very big place in the world.

We apologised for our complete inaction in Rwanda in 1994. A lot of people dispute this, but some people have described Darfur as Rwanda in slow motion. So when you say we were wrong not to have done something about Rwanda, or at least have engaged with it at the time of this unbelievable genocide, and then 15 years later you have something that might resemble that, and you’re not objecting to the massacres, the loss of life, the privations, but you’re objecting to an indictment that’s been served against the head of state who was, at the very least, complicit with it – then I think you’re on the wrong side of the agenda. That’s my view, anyway.

**PROF VAN NIEUWKERK:** I will probably anger the entire panel by saying the following: nit-picking who’s right and who’s wrong, who said what, when, and obsessing about human rights is not taking our foreign policy forward. It is the wrong tone of the conversation. How does it help us to get rid of those un-freedoms that Sen identified?

For example, the challenge in Sudan is about the internationalisation of the conflict under the ground, the oil. And the question on the table is, what can South Africa and other African actors do to bring peace to that country? Not whether you grandstand on this or that aspect of human rights. That’s the overriding impression that I have of the challenges facing our foreign and security policy.

So let me respond to one or two other points. Ade is saying we should develop a sense of modesty. I have no problem with that. At

some point, our foreign affairs officials and a lot of South Africans were quite confident that we should go for a permanent position on a restructured Security Council at the UN. I'm beginning to rethink this position now, given the global financial crisis. It is hugely expensive to commit to a role on the Security Council as a permanent member.

Instead, we should do what Nkosazana Zuma did when we were on the Security Council for two years, and that is to ask how we can make the UN Charter, and chapter 8 of the Charter, more effective to help Africans to achieve peace. This relates to UN relations with regional organisations such as the AU and SADC, and so on. The outcome of that was a couple of visits and a whole developmental process, which some of us know about, and which resulted in policy positions being put forward, including how to fund the ability and the capacity of Africa to make and keep the peace, not to mention post-conflict recovery in a place like Sudan.

And that brings me to the point of soft power. Soft power is not about human rights posturing. Soft power, in essence, the way our practitioners do it in Africa, is using the power of persuasion. So if you shout at al-Bashir or other regional leaders, you close the door and you will really struggle to re-engage with them later in a peace process. That explains Zimbabwe as well, in my view.

And secondly, soft power increasingly refers to development assistance. When South Sudan asked how they should prepare for a referendum in two years' time to choose whether they should become independent or stay with the north, the question on the table was: "If we exercise the first option of secession or independence, do we have the institutions of government or governance in place to make this a reality?" The answer is no. If you go to the capital of the south, you will see it's totally underdeveloped.

So, South Africa, through this example of soft power, offers training and capacity-building across government departments and agencies to assist them in coming to that decision. For me, that is the real meaning of soft power.

Finally, on Burma, I think perhaps some of our panellists have missed the point that Dumisani Khumalo made when he made the argument on why we took the position we did on Burma in the Security Council. He advanced three reasons. We covered one.

The other two were: we have to allow the special representative of the UN to try to make peace or strike a balance between Aung Sang Suu Kyi's imprisonment and the establishment of a democratic order. Secondly, we have to recognise the role of the regional organisation, which is the Association of South East Asian Nations (ASEAN), in pursuing this.

In conclusion, why is it that the Minister can now say with confidence that we are prepared to send a delegation to Burma to mediate in a peace process? It's precisely because we didn't whack them over the head, and used persuasion, that we are able to enter that door.



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## There will be no surprises in SA's foreign policy. Really

Basically, the new government intends to dot the i's and cross the t's of existing policies, writes **Mpumelelo Mkhabela**

**S**OMETIME in 2002 Jacob Zuma, then deputy president of the republic, was assigned the role of peacemaker in Burundi, the small Central African country.

South Africa's peacemaking efforts included the deployment of South African National Defence Force members to serve as guards to the members of the government of national unity, formed after a war between ethnic Hutu and Tutsi groups lefts hundreds of thousands dead.

Then president Thabo Mbeki authorised the deployment of 700 soldiers. Mbeki also tasked former president Nelson Mandela to add weight to the peace process.

The most striking thing about this costly process was that South Africa had no economic interests to protect, let alone advance in that country. No South African company had invested in the economy largely driven by subsistence farming. Unlike the Democratic Republic of Congo, Burundi possessed no large mineral deposits.

South Africa's "interests" in Burundi could not be articulated, except in the grand foreign policy scheme defined by the Mbeki administration as the "African agenda" of continental development. This was largely based on the notion that South Africa could be an island of prosperity on a continent ravaged by war and underdevelopment.

Burundi was Zuma's last meaningful state-sanctioned diplomatic activity before he was axed in 2005. Although, at the time, Mbeki undertook to continue deploying Zuma on peace missions, it turned out that the most important thing for Zuma was to unseat Mbeki and later return to diplomacy as a foreign-policy boss instead of an envoy.

Mbeki's interests in continental issues — the New Partnership for Africa's Development and the African Peer Review Mechanism, among others — is legendary. But it dented his local standing. Within the ANC he has been likened to Jan Smuts, an international statesman and a contributor to the formation of the United Nations who was ridiculed at home.

Zuma's close allies say he will veer from the Smuts-Mbeki route but he will not be an isolationist either.

"He will not neglect foreign relations. But he will leave most of the work in the hands of the foreign affairs ministry," says Ebrahim Ebrahim, chairman of the ANC's subcommittee on international relations.

So what will the republic's foreign policy be under Zuma's administration? Ebrahim says Zuma will maintain the focus on the African agenda, but will focus mainly on the peace efforts in the Sudan and the post-war reconstruction in the Democratic Republic of Congo.

The global financial crisis and strains on government's budget will force the new administration to improve on present diplomatic efforts instead of expanding to new ones, says Ebrahim.

A snap review of Polokwane resolutions on foreign policy reveals that, in addition to largely endorsing all the foreign policy decisions taken by the Mbeki administration, there are new dimensions, most of which had not been

guide the operations of South African companies operating on the continent. It was also decided that provinces and municipalities would not formulate and execute their own foreign policies. A review would be undertaken of the memorandums of understanding signed by municipalities and provinces with foreign governments.

The Polokwane proposals signal few shifts from the Mbeki era. If any thing, they are an improvement of what the government implemented under his watch.

"To this extent, Zuma's undertaking that "there will be no surprises" makes sense. In any event, as Polokwane was passing the resolutions, the government had already begun addressing some of the foreign policy gaps.

But what evidence is there that Zuma will implement the resolutions? A few months after Polokwane, Zuma and an entourage of ANC leaders visited, among other countries, Mozambique, Zambia and Tanzania to "consolidate the ANC's strategic relations on the continent", while implementing the resolution on building "party-to-party" relations.

One does not need a foreign policy guru to see that the high-level nature of Zuma's diplomatic forays since he defeated Mbeki were a precursor for smooth relations with African states when assuming the presidency.

Which policy instruments and structures will Zuma find in the Union Buildings? In addition to institutional experience of 15 years, to which he also contributed, Zuma will inherit a powerful presidency which was largely responsible for conceiving and executing foreign policy.

On the table will be a revised white paper on South Africa's participation in international peace missions drafted by the Department of Foreign Affairs, with input from the Department of Sports and Recreation. This policy document provides the clearest guidelines yet on the deployment of peace missions in pursuit of "foreign policy objectives for promoting the peaceful resolution of conflicts and the creation of an environment that is conducive for sustainable development".

The document, which is yet to be released, is clear about the need for the

president to brief parliament within seven days of the deployment of missions. It stresses the significance of co-ordination among departments who contribute to the missions.

Also on the table Zuma will find a "framework for overseas development assistance". It is understood this policy guideline will ensure that South African donor funding is tied to specific foreign policy objectives, instead of merely a need expressed by recipient countries or organisations. It is a clear indication that South Africa will no longer do out aid for the sake of it or to the detriment of its interests.

The presidency's policy-co-ordinating and advisory services unit has made a proposal for the drafting of a code of conduct for South African multinational corporations operating on the continent to ensure they do so in line with the "values and ethos" of the republic's constitution.

The presidency's policy-co-ordinating and advisory services unit has made a proposal for the drafting of a code of conduct for South African multinational corporations operating on the continent to ensure they do so in line with the "values and ethos" of the republic's constitution.

**'We will ensure continuity in the key role SA has played in international affairs'**

This proposal, and the "concerns" noted in the Polokwane resolution about the alleged failure of South African multinational corporations to follow good business practices in Africa, show that the ANC-led government wants to earn returns for having paved the way for local businesses to spread their wings to the rest of Africa. There is no more free diplomacy.

These are arguably the most ambitious foreign policy proposals to have emerged in recent times, given the fact that many countries battle to control the external operations of their multinationals.

Zuma will also find on the table policy proposals to address the need for what Polokwane described as the "twinning" of provincial and municipal governments' agreements on foreign engagements.

So what will Zuma bring with him? Mandela brought what political

scientist John Kane called "moral capital", and Mbeki brought experience and innovation in international institution building.

Judging from his remarks, Zuma may want to put to good use the institutions created under Mandela and Mbeki.

"South Africa has played a key role in international affairs since 1994. We will ensure continuity in that regard," Zuma said in his first speech after the ANC was declared the winner in the April elections.

But he also seems to have some ambitious ideas. On Human Rights Day, he proposed the formation of a continental-wide civil movement on human rights, which would police powerful heads of state on the African continent who tend to abuse the rights of ordinary citizens. It remains to be seen whether he will eventually ensure the formation of this body.

Like Mbeki, Zuma will bring with him negative baggage in the area of diplomacy. Mbeki, while deputy president of the country, engaged in unsavoury diplomatic meetings with international arms dealers, which he could later not recall. Zuma pursued unusual "private" diplomacy with Mauritian authorities when he tried to stop evidence from being brought home for his aborted corruption trial.

And there was, of course, the allegation contained in the now discredited special Broeze report that he had planned to overthrow Mbeki with the assistance of Angolan president Jose Eduardo dos Santos and Libya's Muammar Gaddafi.

Zuma is set to build warm relations with these figures, who did not enjoy good relations with Mbeki. Gaddafi is among several leaders who have already invited Zuma for a state visit after his inauguration.

Like Mbeki, Zuma has committed himself to multilateral institutions — to continue with the ambitious struggle to reform the UN and work within the confines of regional organisations.

An interesting question, though, is whether Mbeki will be Zuma's envoy on foreign policy issues, almost in the same way Mandela and Zuma was to him when he needed them.

**'Zuma will leave most of the work in the hands of the foreign affairs ministry'**

executed by the ANC's national executive committee for immediate implementation, according to Ebrahim. It recommended that the Department of Foreign Affairs be renamed the Department of International Relations and Co-operation to embrace the concepts of "development partnership" that should guide South Africa's foreign policy. In a sense, Polokwane has endorsed what would amount to an addition to the Burundi-type of peacemaking efforts, by proposing a tie between economic interests and diplomatic activities.

A resolution on economic diplomacy stated that South African embassies would have to assist businesses to gain access to opportunities abroad and on the African continent. But businesses would not be allowed free reign. It was proposed that a code of good business practice be formulated and legislated to

# Comment & Analysis

South Africa is not a global power, it is a geo-political dwarf

## Time for SA diplomats to get real

### Comment

Adekeye Adebajo



In light of South Africa's disappointing decision to refuse the Dalai Lama a visa, many analysts have pushed for a more human rights focus for South Africa's foreign policy. However, viewing foreign policy primarily through a human rights lens can be flawed, value-laden and perhaps naive.

Human rights and their promotion are undoubtedly important, but international politics does not work solely on this basis and it never has.

South Africa, for example, is consistently scolded by detracting headmasters for behaving like a naughty boy by selling arms abroad, yet it is important to remember that the five veto-wielding permanent members of the United Nations Security Council responsible for international peace and security — the United States, Russia, China, France and Britain — sell 85% of the arms in the world.

Foreign policy is thus the art of the possible and not some monastic pastime for secular saints. Even the saintly Nelson Mandela insisted on remaining friends with Libya's Moammar Gadhafi and Cuba's Fidel

Castro — two *enlighten terribles* castigated by the West — on the grounds that both leaders had strongly supported the fight against apartheid, while Western democracies such as the United States, Britain and France were stepping with the apartheid devil without the requisite long spoons.

Human rights are certainly an important aspect of foreign policy, but they are often shrouded in hypocritical rhetoric and every country mainly pursues what it believes to be its own interests while trying to observe human rights where they can.

South Africa, despite its delusions of grandeur, is clearly not a global power. Instead, it is a geo-political dwarf, even within the Group of 20. The country is, however, a regional superpower in Africa, clearly demonstrated through its accounting for 80% of the Southern African economy and its creditable peacemaking roles in Burundi and the Democratic Republic of Congo (DRC). South Africa can, however, have only influence and be respected abroad if its leadership role is accepted on its own continent.

If the country no longer wants to go into the rest of Africa, the rest of Africa will come to South Africa. A Jacob Zuma presidency can therefore, no more than a Thabo Mbeki administration, avoid focusing on Africa as the centrepiece of its foreign policy. As demonstrated by the horrific xenophobic attacks last



May, foreign policy cannot be so easily delinked from domestic policy.

South Africa inhabits a "rough neighbourhood" in which fragile states still suffer from poor governance and autocratic misrule. Even if it wanted to, Tshwane could not make human rights the main thrust of its foreign policy. The country would simply find itself diplomatically isolated, as Mandela did in 1996 after a clash with Nigeria's dictator General Sani Abacha. After Abacha hanged Ken Saro-Wiwa and eight fellow environmental activists, "Madiba" sought to rally regional support to sanction Nigeria and ended up being diplomatically shunned.

This was a watershed moment for South Africa's foreign policy and painfully exposed a "new kid on the block" to the Sphinx-like intricacies of pan-African diplomacy. The Nigeria case determined future South African policy on Zimbabwe and other issues, as the country was determined never again to find itself diplomatically snubbed and depicted as a "Western Trojan horse" on the continent.

In the Nigeria case Mbeki thought that Mandela had been set up for failure and ridicule by Western countries which continued to profit from Abacha's oil-rich regime.

Mbeki

also felt that South Africa had few alternative policies to deal with the Zimbabwe crisis, since any spillover effects resulting from its neighbour's implosion would drive even more refugees and instability to South Africa. He therefore sought to "contain" the situation, by bringing Zimbabwe's government and opposition together in an interim government, which eventually succeeded in February.

The riddle of Zimbabwe was that no one seemed to have a viable alternative to "quiet diplomacy", and the key to resolving the problem clearly lay in Harare and not Tshwane. But by apparently legitimising flawed elections in 2002; by vociferously, but unsuccessfully, defending Zimbabwe from suspension from the Commonwealth in 2003; and by adopting a distrustful approach towards Zimbabwe's opposition, Mbeki was, sometimes justly, criticised for not playing a difficult hand with more diplomatic tact.

During its stint on the UN Security Council in 2007-08, South Africa should have focused largely on African issues and not become embroiled in unnecessary spats with Western powers over Iran and Myanmar. At the UN South Africa sometimes acted like a light middleweight boxer trying to fight

with heavyweights and suffering the inevitable technical knock-outs that result from such hopeless mismatches. The country sometimes did the right of a 15-year-old juvenile trying to change the world, with Western emperors having to tell the kid that he was wearing no clothes. South Africa should simply have abstained and hidden behind Russian and Chinese vetoes. The hypocrisy of countries such as the US, which invaded Iraq in 2003 without UN approval, must naturally be exposed. But post-apartheid South Africa should clearly not have been

making the same arguments over Myanmar as the apartheid government was making over punishing Pretoria's behaviour.

Finally, it is important to emphasise that Africa remains the most important foreign policy issue facing the new Zuma administration. Building on 15 years of experience,

South Africa must pursue a bicycle strategy of diplomacy in Africa, choosing five "hubs" (regional powers) in each sub-region — Nigeria, Mozambique, the DRC, Ethiopia and Algeria — as well as 10 additional "spokes" (influential actors) — Angola (with which a close relationship is already being forged), Zimbabwe, Burundi, Rwanda, Ghana, Côte d'Ivoire, Sudan, Tanzania, Egypt and Libya.

These countries should then be used to increase the country's strategic engagement in diplomacy, conflict management and trade relations. At the head of this bicycle would be the presidency, controlling the speed at which the vehicle travels. The other four wheels would consist of the department of international relations and cooperation; the department of trade and industry; government parastatals; and South Africa's business community. Each of these four sets of actors would have bells on their handlebars to warn the presidency of any impending bumps on the road. It is through a careful weighing of concrete interests and human rights that South Africa's future foreign policy must continue to be pursued.

*Dr Adekeye Adebajo is executive director of the Centre for Conflict Resolution Cape Town*





ONE CAN HOPE. The SA government has asked the Myanmar government to release Aung San Suu Kyi, which could signal a shift in its pro-military government's policy towards the opposition.

# Finally, the condoned become the condemned

**O**ur government has made a good start in foreign policy. The Department of International Relations and Co-operation, led by newly appointed Minister Thomas Mashiane, issued a press statement calling on the Myanmar government to free Aung San Suu Kyi, Nobel peace prize laureate.

In the country's 1990 elections, the National League for Democracy won 82% of the parliamentary seats, but the military junta ignored the results. Aung Kyi has been under arrest in one form or another since.

The statement was followed up with a meeting between the department's deputy minister, Elizabeth Dlamini, and the Myanmar ambassador, U Tun Aung.

There has been a major step in redressing the perception of condonation created when our government voted against a UN Security Council resolution which condemned human rights abuses.

It is important to note that our government's vote was not a vote of support for the Myanmar government, but a vote of support for the Myanmar people.

Our statement from Aung San Suu Kyi's arrest in 1988 has been hailed as the most powerful statement ever issued by the African Union. It is a major step towards redressing the perception of condonation created when our government voted against a UN Security Council resolution which condemned human rights abuses in Myanmar.

In response to whether they signed a shift in policy or not, there is need for us to reconsider some aspects of our policies, especially those relating to human rights and democracy.

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## IN CONFIDENCE



MAC MAHUMALI

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It is important to note that our government's vote was not a vote of support for the Myanmar government, but a vote of support for the Myanmar people.

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## HELEN SUZMAN FOUNDATION

**All human beings are born free and equal in dignity and rights.** They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. All the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, shall be made available to everyone. No distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, a trust territory, a non-self-governing territory, a territory under special administration, a territory whose sovereignty is the subject of dispute, or a territory separated from the mother country. **Everyone has the right to life, liberty and security of person.** No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Everyone has the right to recognition as a person before the law. No one shall be subjected to arbitrary arrest, detention or exile. No one shall be subjected to discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any such discrimination by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Everyone has the right to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations, of any criminal charge against him, or of any claim to compensation for acts which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a person be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. **Everyone has the right to freedom of movement** and residence within the borders of each country. **Everyone has the right to return to his country.** Everyone has the right to seek and to enjoy in other countries asylum from persecution, but this right shall not be invoked in order to escape from acts contrary to the purposes and principles of the United Nations. (Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.) **Everyone has the right to marry and to found a family, which is the basis of the peace and well-being of the world. Marriage shall be entered into only with the free and full consent of the intending spouses. Everyone has the right to own property alone as well as in association with others.** **Everyone has the right to freedom of thought, conscience and religion,** this right includes freedom to change his religion or belief, freedom to manifest his religion or belief in teaching, practice, worship and observance. **Everyone has the right to freedom of opinion and expression;** this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. **Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.** **Everyone has the right to equal participation in the administration of public service in his country.** The will of the people shall be the basis of the authority of government; this will shall be expressed through periodic and genuine elections which shall be held by secret vote or by equivalent free voting procedures. Everyone, as a member of society, has the right to social security, and shall be entitled, through national effort and international co-operation, to the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and well-being. **Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.** Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, where necessary, by other social services. **Everyone has the right to form and to join trade unions for the protection of his interests.** **Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.** **Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and assistance.** All children, whether born in or out of wedlock, shall enjoy the same social protection. **Everyone has the right to education.** Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among the peoples of the world, and shall further the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children. **Everyone has the right to take part in the cultural life of the community,** to enjoy the arts and to share in scientific advancement and its benefits. **Everyone has the right to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.** In the exercise of his rights and freedoms, everyone shall be subject to the limitations necessary for the recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare of the community. These limitations shall be subject to the same restrictions as are those of the rights and freedoms set forth herein.