

South Africa's Responses to Gross Violations of Human Rights in Libya, Sudan and Zimbabwe: An Explanation of the Contradictions

Mohammed Saif Islam

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COMPULSORY DECLARATION

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Abstract

When South Africa made the transition to democracy in 1994, led by the charismatic Nelson Mandela, it proclaimed that it would make human rights a centrepiece of its foreign policy. The international community also expected South Africa to play a leading role in promoting human rights around the world, not least due to the country's own history of gross human rights violations during apartheid. However, in the last 20 years, South Africa's track record in protecting human rights has come under scrutiny. Scholars have accused South Africa of turning a blind eye to gross human rights violations, contradicting its stated commitment to human rights. South Africa's responses to gross human rights violations in Libya, Sudan and Zimbabwe have been particularly criticised. This dissertation analyses the scholarly explanations of South Africa's contradictory behaviour in order to identify the strongest explanations on a bilateral level and a multilateral level in the context of South Africa's membership of the United Nations Human Rights Council (UNHRC). Delving into the literature on South Africa's foreign policy behaviour, I argue that South Africa has indeed failed to live up its promise of standing up for human rights. The emphasis on human rights in the country's foreign policy has also diminished over time. Most importantly, I argue that the major explanations of South Africa's contradictory behaviour are solidarity with African, developing and anti-apartheid allies; deterioration of domestic human rights regime which inevitably affects human rights promotion abroad; and South Africa's desire to be a leading conflict mediator that precludes it from criticising gross human rights violators, although there remain questions over South Africa's neutrality as a mediator.

1 Chapter One: Introduction

1.1 Problem Statement

In 1993, Nelson Mandela published an article in *Foreign Affairs* outlining South Africa's future foreign policy. He listed the pillars upon which the country's foreign policy would come to rest, the first of which is the belief that "issues of human rights are central to international relations and an understanding that they extend beyond the political, embracing the economic, social and environmental" (Mandela, 1993:87). He characterised the anti-apartheid campaign as "the most important human-rights crusade of the post-World War II era" (Mandela, 1993:87-88) and vowed that human rights would guide post-apartheid South Africa's foreign affairs. The peaceful transition from apartheid led many countries around the world to expect that South Africa would take "a principled stance against human rights abusers" (Solomon, 2010:132). After the first democratic election in 1994, the ruling African National Congress (ANC) published a foreign policy document sharing the same sentiments, claiming that South Africa "shall not be selective nor, indeed, be afraid to raise human rights violations with countries where our own and other interests might be negatively affected" (ANC, 1994). After Mandela (1994-1999), the Thabo Mbeki (1999-2008) and Jacob Zuma (2009-present) administrations¹ have also expressed their firm commitments to human rights in South Africa, Africa and around the world.

Undoubtedly, South Africa has made significant contributions to Africa in terms of peace keeping, conflict resolution, multilateral institution-building, human and social development in the last two decades. However, critics also argue that South Africa's foreign policy behaviour has not always been consistent with its stated agenda of promoting and protecting human rights. There is consensus among prominent scholars that South Africa has not always lived up to its own idealistic expectations, that it has often failed or refused to condemn gross violations of human rights around the world (Friedman, 2008; Graham, 2008; Landsberg, 2010; Nathan, 2010; Solomon, 2010; Marthoz, 2012). In particular, South Africa's refusal to condemn regimes responsible for gross human rights violations in Africa – especially in Libya, Sudan and Zimbabwe – garnered significant criticism (Geldenhuys, 2011:1). This criticism raises questions about South Africa's stated human rights obligations, and emboldens the notion that the country has strayed from its so-called principled foreign policy of the mid-1990s.

¹ Between Mbeki and Zuma, Kgalema Motlante temporarily assumed the Presidency from September 2008 to May 2009. There were no major foreign policy milestones during his short tenure in power.

1.2 Research Question

This dissertation analyses South Africa's responses to gross human rights violations in Libya, Sudan and Zimbabwe on a bilateral and multilateral level. I identify explanations of the contradictions between South Africa's stated commitment to human rights and its foreign policy behaviour, and ask: what best explains these contradictions?

1.3 Research Methodology

This dissertation will analyse South Africa's responses to gross violations of human rights in Libya, Sudan and Zimbabwe between 1994 and 2015. The aim is to critically analyse major scholarly explanations of contradictions between South Africa's commitment to human rights and its foreign policy behaviour, and identify the strongest explanations. This assessment of explanations is supported by qualitative and quantitative evidence.

I am focusing on the period between 1994 and 2015 for two reasons. Firstly, in 1994, South Africa's first democratically elected government came to power, which promised to promote and protect human rights. Secondly, 2015 is the second year of President Zuma's second term, which allows me to examine some of the most recent foreign policy developments during his presidency. Although South Africa maintains varying degrees of relations with several countries responsible for gross violations of human rights, I have selected Libya, Sudan and Zimbabwe because South Africa's relations with these countries arguably attracted the most significant and consistent criticism.

In addition to an analysis of bilateral relations, South Africa's responses to gross human rights violations in these countries on a multilateral level – particularly in the United Nations Human Rights Council (UNHRC) – will be examined. The UNHRC consists of 47 members.² South Africa is a founding member and has served two terms from 2006-2010, and was re-elected for the 2014-2016 period. It should be noted that South Africa's responses to gross human rights violations in other multilateral forums, including the United Nations Security Council (UNSC), have also generated negative reactions from critics (Van Nieuwkerk, 2007:62). However, my decision to primarily focus on the UNHRC has been motivated by the body's sole aim of promoting and protecting human rights, as opposed to the UNSC, which has broader

² Of the UNHRC's 47 members, 13 are from Africa, 13 from Asia, eight from Latin America and the Caribbean, six from Eastern Europe, and seven from Western Europe and Others Group (WEOG).

goals relating to international peace and security. Moreover, on more than one occasion, South Africa championed the use of the UNHRC to deal with gross human rights violations as opposed to other bodies, presumably due to the UNHRC's direct focus on human rights. According to Eduard Jordaan, South Africa attaches great significance to the UNHRC (Jordaan, 2014a:92).

My research and analysis will be supported by a wide range of primary and secondary sources of evidence.

In terms of primary sources on gross human rights violations, I will use reports or investigations by human rights-focused non-governmental organisations (NGOs) such as the Amnesty International and the International Committee of the Red Cross (ICRC); and international organisations such as the UN.

In order to analyse South Africa's foreign policy, I will use the Department³ of International Relations and Cooperation's (DIRCO) Annual Strategic Plans; DIRCO's Annual Reports to Parliament; and speeches and statements by South African Presidents, ministers and other government officials. Other primary sources include DIRCO's press releases on relevant foreign policy matters. Furthermore, I will analyse the government's two reviews of its own performance, namely the Ten Year Review (2003) and Fifteen Year Review (2009).

Lastly, I will be using a range of secondary sources to assess explanations of South Africa's contradictory foreign policy behaviour. The literature deals with general and South Africa-specific explanations. These sources include local and international academic works (e.g. scholarly books and journal articles), news articles, publications by interest groups and various local and international commentators.

1.3.1 Definitions

'Foreign policy', according to Mark Webber and Michael Smith (2002), comprises of "the goals sought, values set, decisions made and actions taken by states, and national governments acting on their behalf, in the context of the external relations of national societies" (Webber & Smith, 2002:2). This is the broad definition of foreign policy that I will use in this dissertation.

³ DIRCO was formerly known as the Department of Foreign Affairs (DFA). The renaming occurred when President Zuma came to power in 2009.

Suzanne Graham defines ‘principles’ as standards or benchmarks that “guide policymakers in the formulation and implementation of policy” (Graham, 2013:36).

Foreign policy ‘behaviour’ involves “actions and words used to influence others in the realm of foreign policy” (Hudson, 2008:12).

Foreign policy ‘outcome’ can be defined as the “end result of a state’s foreign policy in interaction with the foreign policy behaviour of other states” (Breuning, 2007:8).

Foreign policy ‘goals’ or ‘objectives’ refer to “visions[s] of a future state of affairs that policymakers aspire to bring about by influencing the behaviour of other state and nonstate actors” (Russett, Starr & Kinsella, 2010:137).

‘Human rights’ should be understood in terms of the 1948 Universal Declaration of Human Rights (UDHR), which is viewed as a common standard in most parts of the world, even if not applied accordingly. The UDHR has 30 provisions, which recognises, among other things, that all human beings are born free and equal in dignity and rights; all humans have the right to life, liberty and security of person regardless of race, language, sex, religion, political affiliation, class or national origin (UN, 1948).

Although the concept of ‘gross violation of human rights’ has been widely used by international institutions, policymakers and scholars, there is no fixed definition of what constitutes gross violations. At times, it is difficult to distinguish between gross and less serious human rights violations, between individual and large-scale violations, or between sporadic and systematic violations (Zerk, 2013). A UN resolution on victims’ reparation, adopted by the UNHRC (then United Nations Commission on Human Rights) and the UN General Assembly in 2005, described victims of gross violations of international human rights law and serious violations of international humanitarian law as those who individually or collectively suffered “harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights” (UN, 2005). South Africa’s Truth and Reconciliation Commission (TRC), a restorative justice mechanism established after the end of apartheid, defined gross violations of human rights as “the violation of human rights through the killing, torture or severe ill-treatment of any person” (TRC, 1998:10-11). However, this definition, as several others, has been

criticised for being too narrow and lacking several serious violations. In the absence of a set definition, I will use guidance from the UN's Office of the High Commissioner for Human Rights (OHCHR), according to which, gross violation of human rights refers to:

“...genocide, slavery and slavery-like practices, summary or arbitrary executions, torture, enforced disappearances, arbitrary and prolonged detention, and systematic discrimination.” (OHCHR, 2012:6)

1.4 Literature Review

There is consensus among prominent scholars that South Africa's responses to gross violations of human rights, particularly in Libya, Sudan and Zimbabwe, often contradicted its stated commitment to human rights (Friedman, 2008; Graham, 2008; Landsberg, 2010; Nathan, 2010; Solomon, 2010; Marthoz, 2012). According to them, South Africa not only maintained close ties with these regimes, but also refused to condemn them for gross human rights violations, and even shielding them from criticism and international sanctions. However, when scholars critique South Africa's behaviour, they often do not offer adequate explanations for these contradictions. This literature review will discuss both South Africa-specific and general explanations.

1.4.1 South Africa-specific explanations

There are certain South Africa-specific explanations that have been raised by multiple scholars, which are discussed below.

1.4.1.1 Ideological conflicts in foreign policy

Several scholars have identified ideological conflicts in South Africa's foreign policy as a broad explanation for the country compromising its stated commitment to human rights. During apartheid, the ANC was a leftist liberation movement influenced and supported by the Soviet Union. By the time it came to power in 1994, the Soviet Union had disintegrated and, broadly speaking, free market capitalism emerged victorious. As a result, the ANC government found it difficult to reconcile “the ideals it developed during the liberation struggle with the realities of the international environment” (IGD, 2012:9). This arguably explains “the seemingly paradoxical tendencies in South Africa's foreign policy. It tries to pursue an ethical, moralistic foreign policy while also pursuing its economic self-interests” (IGD, 2012:9).

Chris Alden and Garth le Pere argue that the ANC's "idealistic leanings and the realist inclinations of globalised world brought into stark relief a range of tensions and contradictory impulses in implementing foreign policy" (Alden & Le Pere, 2004:286). Although the Mandela government was "desperate to create the impression of a clear, solid identity in its foreign policy, it instead displayed an eclectic set of often clashing and contradictory orientations" (Landsberg, 2010:97). Jean-Paul Marthoz also suggests that South African foreign policy is hampered by several ideological conflicts, which expresses "the tensions between two major ingredients of the anti-apartheid struggle: democracy and human rights, on the one hand, and anti-imperialism and South-South solidarity, on the other" (Marthoz, 2012:2).

While the Mbeki government is credited with consolidating South African foreign policy, these contradictory impulses never disappeared. Laurie Nathan says that Mbeki's foreign policy outlook was rooted in three paradigms: (1) Africanist, (2) anti-imperialist, and (3) democratic (Nathan, 2005:363). The first two paradigms represent "a visceral anger at historical and contemporary manifestations of imperialism and racism" (Nathan, 2005:363) while the democratic paradigm espouses the need for good governance and human rights. Nathan argues that the Africanist and anti-imperialist paradigms are "seldom if ever in conflict with each other, but both are occasionally in conflict with the democratic paradigm" (Nathan, 2005:363). When they are in conflict, Nathan contends that "it is usually the democratic position that gives way" (Nathan, 2005:263).

1.4.1.1.1 Solidarity with African, developing and former anti-apartheid allies

The above section discussed how the Africanist and anti-imperialist paradigms usually triumph over the democratic paradigm with regards to South Africa's foreign policy and behaviour. Relatedly, several scholars argue that South Africa's desire to be a leader in Africa and the developing world – which requires showing solidarity with African countries and those from the global South – often prevents it from condemning gross violations of human rights (Nathan, 2005; Nathan, 2008; Van Nieuwkerk, 2007). A number of scholars argue that with regards to Africa, this development has been primarily shaped by South Africa's diplomatic row with Nigeria in the mid-1990s (Barber, 2005; Nathan, 2005; Friedman, 2008; Landsberg, 2010; Solomon, 2010). This row originated in 1995, when Nigeria's then military ruler General Sani Abacha sentenced prominent activist Ken Saro-Wiwa and nine other Ogoni leaders to death for treason and attempt to overthrow the government. In order to prevent their executions, Mandela sent his then-deputy, Mbeki, to Nigeria to request for clemency; he also called Abacha personally to dissuade

him (Landsberg, 2010). Abacha assured Mandela that he would not carry out the executions. Much to Mandela's surprise, the accused were eventually executed. Mandela responded by calling for sanctions against Nigeria. He supported Nigeria's suspension from the Commonwealth and also withdrew the South African High Commissioner from Nigeria (Landsberg, 2010:105). Mandela's actions turned many African leaders against South Africa, many of whom were "averse to human rights" (Thipanyane, 2011:3). The Organisation of African Unity [which later became the African Union (AU)] condemned the call for sanctions as "not an African way" (Vale & Maseko, 1998:272) of resolving disputes. Liberia urged other African countries to prevent Mandela and South Africa from undermining African unity and solidarity (Venter, 1996:2). The accusation of South Africa acting against African unity was a grave one. Before coming to power, Mandela stressed that the "concerns and interests of the continent of Africa should be reflected in our foreign-policy choices" (Mandela, 1993:87).

Thus, South Africa could not be seen to be "criticising the domestic orders of these states while building solidarity with them" (Landsberg, 2010:118). South Africa also had to be wary of being too assertive "because of regional fears of domination, especially in light of its history of destabilization in the 1990s" (Borer & Mills, 2011:90-91). Realising the dangers of alienating regional and continental states, South Africa saw the row with Nigeria as a mistake that should not be repeated. Addressing parliament in 1996, then Deputy President Mbeki stated that Mandela had been set up for failure by Western countries. In 2001, a senior ANC leader defended South Africa's policy on Zimbabwe by explaining that "Pretoria would not repeat Mandela's 'terrible mistake' when he acted as a 'bully' against the Nigerian dictatorship and 'everyone stood aside and we were isolated'" (ANC leader in Nathan, 2008:5). Scholars see the Nigeria saga as a significant lesson and turning point in South Africa's foreign policy (Barber, 2005; Nathan, 2005; Friedman, 2008; Landsberg, 2010; Solomon, 2010). President Mbeki – driven by his seminal foreign policy ideology of the 'African Renaissance' – became more adamant on dealing with human rights issues through continental multilateral institutions such as the Southern African Development Community (SADC), the AU and the New Partnership for Africa's Development (NEPAD). Nathan argues that this vigorous commitment to African solidarity and multilateralism were "sometimes substantially at odds with the commitment to democracy and human rights" (Nathan, 2005:366).

In addition to African countries, scholars also contend that South Africa often breaks its commitment to human rights in order to defend developing countries from the criticism of dominant and arguably hypocritical Western countries (Van Nieuwkerk, 2007; Nathan, 2008; Lipton, 2009). Anthoni Van

Nieuwkerk and Nathan argue that South Africa views the international human rights arena as “one of the main sites of struggle between the North and the South” (Nathan, 2008:6), a view shared by certain South African government officials. Dumisani Khumalo, South Africa’s former Permanent Representative to the UN, states that the developed and developing countries are not in agreement on the correct approach towards human rights. He highlights the tendency of developed countries to target specific developing countries for criticism of their human rights record, which leads to “double standards, hypocrisy, and the abuse of the UN’s human rights machinery to serve narrow national political agendas” (Khumalo in Van Nieuwkerk, 2007:72). According to Merle Lipton, countries belonging to the ‘global South’ believe that the West promotes good governance and respect for human rights as a “neo-colonial device to advance its own interests and retain global dominance” (Lipton, 2009:343). This, according to Lipton, explains why South Africa shows reluctance to criticise or support punitive measures against countries of the South, and prioritises “South-South solidarity over human rights” (Lipton, 2009:333).

Lastly, Chris Landsberg and others contend that South Africa often refuses to condemn gross violations of human rights in countries that supported the ANC against the apartheid regime. Tristan Borer and Kurt Mills write, “South Africa felt the tension of wanting to project a moral foreign policy because of its legacy of apartheid, but also wanting to stand in solidarity with states that are not always human rights supporters but that supported the ANC when it was a liberation movement” (Borer & Mills, 2011:90). This arguably explains why President Mandela went on to seek closer ties with the likes of Cuba, Iran and Libya following his release from prison. In October 1995, Mandela said, “We will never forget those who stood by us in the darkest years of our struggle” (Mandela in Landsberg, 2010:106). On several occasions, he condemned Western countries including the US for their criticism of his close ties with Gaddafi. He hinted that some of these Western countries were working against the ANC during apartheid, and had no right to try and influence democratic South Africa’s foreign policy. Of course, there are exceptions to the view that South Africa will always support a former anti-apartheid ally. Nigeria also assisted the ANC during apartheid, which did not prevent South Africa from pursuing punitive measures against the Abacha regime in the mid-1990s.

1.4.1.1.2 Conclusion

Ideological conflicts in foreign policy undoubtedly result in contradictory behaviour, and as such, this is a popular explanation. However, there is some consistency in South Africa’s behaviour in the sense that

it generally sides with African, developing and former anti-apartheid allies in international relations. As chapter two will demonstrate, on many occasions, South Africa defended its controversial responses to gross violations of human rights in Libya, Sudan and Zimbabwe by accusing the West of hypocrisy and unfair interference with these countries' domestic order.

1.4.1.2 National interest

Scholars claim that South Africa's pursuit of national interest is another reason for the country compromising its commitment to human rights. Although the Mandela, Mbeki and Zuma administrations have all highlighted the crucial role of national interest in guiding South Africa's foreign policy, Landsberg argues that the concept has not been clearly defined by any administration (Landsberg, 2010a:276). The Mandela administration highlighted a number of national aims including sovereignty, human rights, job creation and economic growth without establishing a coherent national interest paradigm (Landsberg, 2010a:276). The Mbeki administration prioritised fighting inequality through economic growth, job creation and poverty alleviation, but there was no cohesive national interest doctrine (Landsberg, 2010a:276-277). The same can be said about the Zuma administration, which basically repackaged these loose concepts from the previous administrations.

In 2009, the DIRCO said that South Africa's national interests broadly include economic development, job creation, eradication of poverty and inequality, food, water and energy security and state security (DIRCO in Landsberg, 2010a:279). This demonstrates the primacy of economic objectives, which is not surprising given the country's enormous socio-economic challenges. Although respective governments failed to establish clear links between these domestic priorities and foreign policy goals, Aziz Pahad, former deputy minister of foreign affairs between 1999 and 2008, said in 1995: "Whether we like it or not, foreign policy is driven by economics" (Pahad in Landsberg, 2010:101). Landsberg adds that South Africa does not shy away from "trading with all states (democratic and undemocratic alike), and even selling arms to states engaged in conflict" (Landsberg, 2000:107) in order to pursue its economic and developmental interests.

Scholars have also written about economic considerations in South Africa's dealings with Libya, Sudan and Zimbabwe, albeit infrequently. Deon Geldenhuys notes that the ANC received significant financial

contributions from the Gaddafi regime, especially in the 1990s (Geldenhuys, 2011:12). Nathan states that at the height of the Darfur conflict, South Africa was cooperating with Sudan on oil exploration and significantly increased exports to the country (Nathan, 2008:3). Dale McKinley argues that South Africa's policy posture towards Zimbabwe has been primarily motivated by a desire to expand South Africa's long-term economic interests (McKinley, 2003:1). However, most scholars do not hold that national economic interest is a major driver of South Africa's responses to gross violations of human rights (Balchin & Soko, 2009:42).

1.4.1.2.1 Conclusion

All countries' foreign policies are driven by national interest, including South Africa, even though the concept has not been properly defined by its leadership. National interest almost always includes economic objectives, which is especially true in South Africa's case given its numerous socio-economic challenges. Nonetheless, its salience as an explanation of South Africa's responses to gross violations of human rights in Libya, Sudan and Zimbabwe has not been established.

1.4.1.3 Domestic dimensions

Several critics of South Africa's foreign policy propose that considering the relationship between domestic and foreign policy, particular domestic dimensions can explain some of South Africa's foreign policy contradictions (Friedman, 2008; Lipton, 2009; Marthoz, 2012). These domestic dimensions are particularly relevant for South Africa's relations with Zimbabwe.

Firstly, Steven Friedman and Lipton suggest that South Africa's mediation of the Zimbabwean conflict – particularly its perceived bias against the trade union-based opposition Movement for Democratic Change (MDC) – is motivated by South Africa's domestic political dynamics. The reason being, one of the biggest critics of South Africa's Zimbabwe policy and President Robert Mugabe's regime has been the country's largest trade union federation, the Congress of South African Trade Unions (COSATU). There have been rumours about COSATU and the South African Communist Party (SACP) breaking ranks from the Tripartite Alliance⁴ in future and challenging the ruling ANC in the polls. Therefore, Friedman holds that

⁴ The Tripartite Alliance consists of the ANC, SACP and COSATU. Each organisation is an independent entity with its own constitution, membership and policies. COSATU and SACP do not participate in national general elections, but campaign on behalf of the ANC.

by drawing similarities between the MDC and COSATU, Mbeki saw the idea of “a trade union-led civil society coalition unseating a ‘liberation’ party” (Friedman, 2008:48) in Zimbabwe as a precedent undesirable to South Africa. Lipton agrees by saying that COSATU’s support for the MDC arguably increased Mbeki’s support for Mugabe as he would not want “a successful MDC-type challenge” (Lipton, 2009:340) to the ANC in South Africa.

Secondly, several scholars argue that any condemnation of Mugabe by the ANC government would have been unpopular to many South Africans. The reason being, Mugabe is popular among many black South Africans and Africans across the continent, who “regard him as a liberation war hero and his seizure of white farms as an example to be followed” (Lipton, 2009:340). The ANC government’s land reform efforts have seen mixed results, with 80 percent of farmlands still in white hands (Lipton, 2009:340). Thus, the likes of Lipton and James Barber argue that South Africa did not criticise Mugabe because it did not want to appear to be anti-transformation by its constituents or the electorate (Barber, 2005; Lipton, 2009).

Thirdly, the migration of many Zimbabweans to South Africa following the political and socio-economic crisis in their country imposed certain costs on the South African state. The inclusion of unskilled Zimbabwean workers into the economy undermined “wage levels and services for low-paid and unemployed South Africans” (Lipton, 2009:339). Adelman writes that as “a direct neighbour, South Africa fears nothing more than the outbreak of an open civil war on its northern border... with the chance of mass emigration of refugees” (Adelman, 2004:268). In other words, South Africa did not wish to condemn the Mugabe regime in case that fuelled instability and attracted a higher influx of migrants from Zimbabwe.

A few scholars have also suggested that the ANC government’s commitment to human rights should not be automatically assumed (Marthoz, 2005; Friedman, 2008). They contend that while South Africa has a progressive constitution that promotes human rights, it does not mean the ANC government is equally committed to human rights at home or abroad. Nathan points to the ANC’s “history as a liberation movement with a Marxist-Leninist orientation, backed by the Soviet Union” (Nathan, 2008:2), which arguably influences the party to this day. Friedman suggests that the ANC’s main goal during apartheid was to come to power and prove white racism wrong about the notion that blacks cannot govern, and its struggle for human rights merely served as means to that end (Friedman, 2008:44). Marthoz goes on to

say that the ANC government has become increasingly intolerant of its critics at home, which had a negative impact on its human rights diplomacy (Marthoz, 2012:5).

1.4.1.3.1 Conclusion

The influence of a variety of domestic factors on foreign policy is undeniable. These factors include the ANC's political considerations, the desire to limit the effects of external crises at home (especially in the case of Zimbabwe) and questions about the ANC's commitment to human rights as a whole. However, the majority of scholars do not explore the domestic dynamics adequately. It can also be argued that there has been a deterioration in South Africa's domestic human rights regime, which is bound to have a significant influence on its foreign policy. I will explore these dynamics in greater detail in chapter three and four.

1.4.1.4 Belief in 'quiet diplomacy'

When South Africa is criticised for its failure to condemn gross human rights violations, the government typically defends its behaviour by stating that it is better to engage in dialogue and negotiate with gross human rights violators, instead of punishing them as that could be counter-productive. South Africa defines this approach as 'quiet diplomacy'. According to Landsberg, 'quiet diplomacy' implies that South Africa publicly commits to human rights but prefers engaging actors "behind the scenes to persuade them of the virtues of 'the democratic options'" (Landsberg, 2000:117). According to South Africa, public condemnation of perpetrators will only make them defensive and alienated, instead of encouraging them to change their behaviour. Alfred Nzo, South Africa's former minister of foreign affairs from 1994 to 1999, once said that "communication or persuasion could be more constructive than isolation" (Landsberg, 2010:105) when dealing with perpetrators. This approach is particularly employed when South Africa plays the role of a mediator, which it did in Zimbabwe and Sudan, where its objective was to negotiate an end to violence. South Africa's successful mediation of the Lockerbie bombing case involving Libya also falls under 'quiet diplomacy' even though the term was not used at the time.

Thus, South Africa's refusal to condemn gross violations of human rights in Libya, Sudan and Zimbabwe can be explained by its pursuit of a policy of 'quiet diplomacy', believing it would be "more effective than the West's 'megaphone diplomacy'" (Lipton, 2009:336). It is worth noting that South Africa's 'quiet

diplomacy’ approach, especially in Zimbabwe, has been questioned by many critics who wanted South Africa to take a tougher stance against the Mugabe regime (Adelman, 2004:249).

1.4.1.4.1 Conclusion

The ‘quiet diplomacy’ approach has undoubtedly become a popular explanation of South Africa’s contradictory behaviour, which has been employed in Zimbabwe, Sudan and Libya in varying degrees. Nevertheless, South Africa’s justification that ‘quiet diplomacy’ is better than public criticism and punitive measures – which may be counterproductive in terms of changing gross human rights violators’ behaviour – cannot be discounted easily.⁵ The rationale behind ‘quiet diplomacy’ will be explored in detail in chapter four.

1.4.1.5 Export of negotiated political settlement

Scholars argue that when responding to conflict situations, South Africa tends to export its own experience of conflict resolution in 1994, which is a negotiated political settlement involving all the main actors (Lipton, 2009; Landsberg 2010; Solomon, 2010). Nkosazana Dlamini-Zuma, former minister of foreign affairs between 1999 and 2009, once said: “Our own national experience has taught us the value of seeking negotiated solutions to problems, no matter how intractable they may at first seem, and of engaging all the relevant players in a dialogue” (Dlamini-Zuma in Nathan, 2008:4). The criticism of this approach is that in negotiated transitions, gross human rights violators are typically not held accountable for their violations, as peace and stability gain prominence over justice. Since 1994, South Africa has been extensively involved in conflict resolution on the African continent, mediating in a number of countries including Angola, Burundi, Comoros, the Democratic Republic of Congo (DRC), Ivory Coast, Kenya, Madagascar, Sudan and Zimbabwe. In these situations, where there have been gross human rights violations, South Africa traditionally proposes an inclusive negotiated solution – which usually results in a government of national unity – involving all the main actors (Solomon, 2010:132-133).

For example, South Africa was fully supportive of Zimbabwe’s government of national unity of 2009. Under the auspices of the 2005 Comprehensive Peace Agreement (CPA) in Sudan, South Africa supported

⁵ For example, the West has imposed several diplomatic and economic sanctions against Russia following its annexation of Ukraine’s Crimean peninsula in 2014, and subsequent support for pro-Russian separatists in Eastern Ukraine. However, it can be argued that these punitive measures did little to change Russia’s behaviour.

the government of national unity formed by the al-Bashir government and South Sudan's Sudan People's Liberation Movement (SPLM) rebels. South Africa also supported the 2006 Darfur Peace Agreement (DPA) signed between the al-Bashir government and a faction of Sudan Liberation Army (SLA) led by Minni Minnawi, which gave the SLA faction a position in Sudan's government of national unity. This 'one size fits all' policy, however, has rarely proved to be effective, as South Africa's democratic transition "cannot simply be transplanted onto any other country" (Solomon, 2010:133).

1.4.1.5.1 Conclusion

South Africa has proven over time that its preferred conflict resolution mechanism is a negotiated political settlement inclusive of all parties, which may result in a government of national unity. This has been the case in both Zimbabwe and Sudan. A negotiated political settlement typically protects gross human rights violators from criticism. Nevertheless, mediators are also practically unable to take a tough stance on gross human rights violators if they want the mediation process to be successful. Critics often ignore these practical considerations, which I will explore in chapter four.

1.4.2 General explanations

South Africa-focused explanations discussed above are undoubtedly relevant in explaining South Africa's foreign policy behaviour. Nevertheless, there are also general or universal difficulties around aligning human rights goals with foreign policy. Several commentators hold that "there is an inescapable tension between human rights and foreign policy" (Vincent, 1986:129). This tension, which affects all countries, requires further examination.

1.4.2.1 Conflicting interests and priorities

Even if a state's foreign policy commits to promoting and protecting human rights, it has other and sometimes conflicting interests and priorities. Hans Morgenthau writes that "the principle of the defence of human rights cannot be consistently applied in foreign policy because it can and it must come in conflict with other interests that may be more important than the defence of human rights in a particular instance" (Morgenthau, 1979:7). In other words, states often do not denounce human rights violators because it would impact its other interests including "economic transactions, trade agreements, the welfare of their

nationals based in other countries, foreign aid programs and other issues” (Sethene, 2000:2).⁶ For example, even though the US claims that promotion of democracy and human rights around the world is a key goal of its foreign policy, its track record in doing so is inconsistent. Its responses to human rights violations in Middle Eastern states – in countries such as Egypt, Israel, Libya, Iran, Saudi Arabia, and Syria – vary⁷ according to its strategic interests in the region (Lagon, 2011). There are countless examples of similar state behaviour and South Africa is no exception.

1.4.2.2 Tension between state sovereignty and human rights

There is an inevitable tension between state sovereignty and human rights, as both principles are part of various regional and international multilateral norms (Daği, 2001; Titus, 2009; Donnelly, 2014). Those in favour of state sovereignty argue that each country has the right to self-determination, and other countries do not have the right to determine or even criticise another country’s domestic order. The counter argument is that human rights are universal, and countries should hold other countries accountable when human rights violations occur. This dichotomy leads to an uneasy partnership between human rights and foreign policy (Vincent, 1986; Gropas, 1999; Daği, 2001). Post-colonial African countries have been particularly sensitive to Western criticism of human rights violations, and fended off such criticism by highlighting the supremacy of state sovereignty. As discussed under South Africa-specific explanations, South Africa’s foreign policy behaviour has not been immune from this tension, as South Africa consistently opposed regime change of any kind.

1.4.2.2.1 Conclusion

The majority of literature on South Africa’s foreign policy do not pay adequate attention to general explanations, which is perhaps due to their universal nature. The above discussion also demonstrates that there are clear overlaps between South Africa-specific and general explanations.

⁶ Of course, a state can also set promotion of human rights as part of its national interest, as the US did during the Jimmy Carter administration (1977-1981), believing that “US security would be enhanced by the expansion of human rights and democracy around the world” (Cohen, 2008:6). Nonetheless, this is more of an exception than the norm.

⁷ For example, the US has been historically critical of human rights violations in Iran, but it is not nearly as critical of Saudi Arabia for similar or worse violations, as Saudi Arabia is a major regional ally.

1.5 Gaps in Literature

This literature review presents some of the prominent scholarly explanations of contradictions in South Africa's responses to gross human rights violations in various countries around the world, particularly in Libya, Sudan and Zimbabwe. While these explanations are relevant, there are several important dynamics that critics of South Africa's foreign policy behaviour have not addressed adequately.

Firstly, scholars often point to South Africa's deviation from human rights-based foreign policy without taking into account the evolution of foreign policy over time, which deserves greater attention. Landsberg argues that in South Africa, foreign policy analysts often take a deductive approach, reminding us of "what is wrong with foreign policy before telling us what the actual policy is" (Landsberg, 2012:2). He adds that they are often "unfamiliar with the goals and intentions of policy as they refuse to consult primary texts" (Landsberg, 2012:2). Thus, it is important to evaluate official government foreign policy and discussion documents to assess how South Africa viewed human rights over the last two decades, and also evaluate the claims of scholars that South Africa's emphasis on promoting human rights has diminished over time (Barber, 2005; Nathan, 2010; Marthoz, 2012). Thus, an analysis of the relationship between South Africa's foreign policy and human rights is crucial, and chapter three will focus on this issue.

Secondly, scholars have not paid sufficient attention to domestic factors that influence South Africa's foreign policy behaviour. The connection between the ANC government's commitment to human rights at home and abroad has been underdeveloped. For example, in recent years, there have been several issues – including the killing of 34 miners in Marikana, North West Province, in August 2012, or the government's alleged complacency in preventing xenophobic violence against foreigners – that tainted South Africa's reputation in terms of protecting human rights at home. Thus, it can be argued that if commitment to human rights at home has diminished, it is very unlikely for the same government to vigorously promote human rights abroad.

Lastly, and as discussed above, all countries face certain difficulties around implementing human rights commitments in foreign policy. No country's foreign policy can be consistent or morally sound at all times. Nonetheless, it seems that South Africa "has in many ways been unfairly burdened with moral standards that are neither expected nor imposed on other countries" (McKaiser, 2012:154). Barber adds

that in South Africa, “the gap between principle and practice emerged perhaps more clearly than in other cases” (Barber, 2005:1096). This is due to many critics treating South Africa as a special or exceptional country. The reason being, when the Mandela-led ANC government came to power in 1994, it pronounced with enthusiasm that issues of human rights would be central to South Africa’s foreign relations. As a result, the world expected South Africa “to make human rights a priority in foreign policy precisely because South Africa told the world that it would” (Borer & Mills, 2011:78). Furthermore, given the history of racial oppression and ensuing liberation of South Africa’s majority black population, there was expectation that democratic South Africa would play an instrumental role in opposing human rights violations around the world. The critics’ treatment of South Africa as a special or unique country, however, has resulted in unrealistic expectations that South Africa has failed to live up to.

1.6 Chapter Outline

1. Introduction – This chapter consists of problem statement, research question, research methodology, literature review and gaps in literature.
2. South Africa’s responses to gross human rights violations in Libya, Sudan and Zimbabwe – This chapter will discuss scholarly criticisms that South Africa’s responses to gross violations of human rights in Libya, Sudan and Zimbabwe contradict its stated commitment to human rights. I will analyse South Africa’s behaviour on a bilateral level, and on a multilateral level in the form of the UNHRC, where South Africa’s refusal to condemn gross human rights violators have come under scrutiny.
3. Human rights in post-apartheid South African foreign policy – This chapter will explore the evolution of South Africa’s foreign policy since 1994, particularly in terms of South Africa’s commitment to human rights in foreign policy. I will analyse various government foreign policy documents – such as the DIRCO’s Annual Strategic Plans and Annual Reports to Parliament – to assess whether South Africa’s commitment to human rights has diminished over time. There will also be a discussion of the ANC’s influence on foreign policy.

4. An Explanation of the Contradictions – This chapter will critically analyse scholarly explanations of South Africa’s response to gross violations of human rights, using Libya, Sudan and Zimbabwe as case studies.

2 Chapter Two: South Africa's Responses to Gross Human Rights Violations in Libya, Sudan and Zimbabwe

2.1 Introduction

This chapter assesses South Africa's responses to gross violations of human rights in Libya, Sudan and Zimbabwe – which scholars have described as contradictory to its stated commitment to human rights – on a bilateral and multilateral level.

2.2 Libya

2.2.1 Gross violations of human rights in Libya

Libya was ruled by Muammar Gaddafi for almost four decades between 1969 and 2011. He seized power through a military coup in September 1969, and has single-handedly dominated Libyan politics until the overthrow of his regime during the 2011 Libyan crisis. According to the International Committee of the Red Cross (ICRC), there have been “severe and systematic violations of human rights perpetrated since the beginning of the Gaddafi regime” (ICRC, 2014:383). An Amnesty International report from 2010 notes that gross human rights violations committed by the regime “in the 1970s, 1980s and 1990s included arbitrary detentions, enforced disappearances, torture and other ill-treatment, extrajudicial executions and deaths in custody” (Amnesty International, 2010:2). Victims have “ranged from political dissidents living in Libya or abroad to suspected members or supporters of armed Islamist groups” (Amnesty International, 2010:2). These armed Islamist groups include, for example, the National Front for the Salvation of Libya (NFSL), which allegedly tried to stage coups on several occasions. Furthermore, the return of Libyan fighters from Afghanistan who fought the Soviet Union also increased the threat of Islamist militancy, posed by groups including the Libyan Islamic Fighting Group (LIFG). Islamist groups were reportedly responsible for two failed assassination attempts on Gaddafi in 1996 and 1998 (Bright, 2002). These incidents led to an increase in political repression and gross human rights violations by the regime.

One of the most notorious instances of gross human rights violations in Libya under Gaddafi was the reported prison massacre in Abu Salim, a maximum security prison in Tripoli, on 28 and 29 June 1996. The origin and circumstances of the incident are disputed. Human Rights Watch claims that after some prisoners captured a guard, hundreds of inmates escaped their cells to protest against poor living conditions and restricted family visits. Security forces responded by shooting and killing an estimated 1,200 prisoners to quell the protest (Human Rights Watch, 2006). The Libyan authorities denied the killings for many years, until Gaddafi publicly acknowledged in April 2004 that killings took place in Abu Salim (*Al Jazeera*, 2011).⁸

The 2000s saw moderate improvements in Libya's human rights record, which South Africa eagerly celebrated. During this period, the regime started allowing visits by some human rights activists and organisations to the country to investigate progress in protection and promotion of human rights. The January 2011⁹ Universal Periodic Review¹⁰ of Libya by the UNHRC's Working Group praised some of these positive developments (UNHRC, 2011), although some UNHRC members and human rights organisations continued to shed light on sporadic gross human rights violations. For example, Libya's controversial treatment of migrant workers – primarily in the form of arbitrary arrests, mistreatment in custody and forcible return to countries where they could face persecution or torture – continued to come under scrutiny (Amnesty International, 2010a).

Gross violations of human rights increased significantly during and in the aftermath of the 2011 crisis, perpetrated by the Gaddafi regime as well as the armed rebel groups (Amnesty International, 2011). Libya's relations with South Africa have been very limited since the fall of Gaddafi during the crisis.

2.2.2 The Lockerbie bombing and South Africa's mediation

In addition to gross human rights violations in Libya, the Gaddafi regime sponsored various groups involved in international terrorism. According to a detailed study on Libyan state-sponsored terrorism by

⁸ In 2009, the Gaddafi International Charity and Development Foundation (GICDF), which used to be a Tripoli-headquartered NGO chaired by Gaddafi's son, Saif al-Islam Gaddafi, reported that there were 1,167 victims, and that 598 victims' families had received compensation from the government (Becker, 2013).

⁹ At the time Sihasak Phuanketkeow of Thailand was the president of the UNHRC.

¹⁰ The Universal Periodic Review periodically assesses the human rights performance of all 193 UN member states.

the Institute of National Security and Counterterrorism (INSCT)¹¹ in the US, supporting and being involved in terrorism was one of the key instruments of Gaddafi's foreign policy (Azar, Ross & Zoli, 2011). The most infamous example was the bombing of a passenger airplane (Pan Am Flight 103) in December 1988, for which Gaddafi only accepted responsibility in 2003. The plane was travelling from Germany to the US via the UK, and it exploded and mainly crashed in Lockerbie, Scotland. The incident came to be known as the Lockerbie bombing. Several terrorist groups claimed responsibility for the attack at the time. After three years of investigation, the US and Scottish investigators issued arrest warrants for two Libyan nationals, Abdelbaset al-Megrahi and Al-Amin Khalifah (*The Guardian*, 2012). However, Gaddafi refused to hand over the suspects on the basis that they would not receive fair trials in the US or the UK. Libya increasingly came to be seen as an international pariah for its refusal to cooperate. While the Lockerbie investigation was ongoing, in February 1990, Mandela was released from prison. A few months later, he travelled to Libya to accept the inaugural Al-Gaddafi International Prize for Human Rights, which was awarded to him in 1989 (Geldenhuys, 2011:11). Gaddafi reportedly donated R14 million to the ANC during that visit. It is important to note that Gaddafi's support for the ANC at the time was for a political and liberation movement, not a ruling party. Such support was not necessarily driven by the Libyan state's national interest, although those favours were not forgotten by the ANC that came to govern South Africa few years later. Mandela visited Libya a second time prior to becoming president in 1994 (Geldenhuys, 2011:11).

By the mid-1990s, Libya had become internationally isolated, and the UN imposed several sanctions on the country including an air travel ban (*The Guardian*, 2012). South Africa, along with several African countries, was opposed to the sanctions (Geldenhuys, 2011). Landsberg argues that by distancing itself from Western sanctions, South Africa was trying to cement relations with Tripoli "in return for support Libya had given during the struggle years" (Landsberg, 2010:108). Although South Africa condemned the Lockerbie bombing, it "could not openly condemn Libya for any involvement in the Lockerbie incident" (Landsberg, 2010:108). Much to the US government's displeasure, Mandela visited Libya in 1997 via car from Tunisia (due to the air travel ban), and conferred South Africa's then-highest civilian order for foreigners, the Order of Good Hope on Gaddafi. In response to the US government's disapproval of his visit, Mandela said, "Those who say I should not be here (in Libya) are without morals" (Mandela in

¹¹ The INSCT is based at the Syracuse University, US.

Geldenhuys, 2011:11). He reiterated that democratic South Africa would not abandon Libya in its time of need, and went on to say that Libya “supported us during our struggle when others were working with the apartheid regime” (Mandela in Geldenhuys, 2011:11). This shows that South Africa was prepared to risk damaging relations with a major power such as the US. Considering Mandela’s enormous influence within the ANC at the time, his support for anti-apartheid allies such as Libya had undoubtedly set an example, which was followed by his successors to varying degrees.

Mandela visited Libya a second time in October 1997 with the aim of mediating between Libya and the West over the Lockerbie bombing. As a result of these efforts, a deal was reached in 1999 as Libya handed over the suspected bombers for a trial in the Netherlands (*The Guardian*, 2012). This, according to scholars, was “instrumental in Gaddafi’s international ‘rehabilitation’ after years of Western ostracism over his involvement in terrorism abroad” (Geldenhuys, 2011:11). In June 1999, when South Africa hosted Gaddafi, Mandela acknowledged that close ties between democratic South Africa and Libya have come under international scrutiny. However, he reiterated that South Africa chose to “defy predominant international opinion” because it would have been “pure expediency” to turn its back on Libya, which assisted South Africa in obtaining democratic rule (Mandela, 1999). He once again lamented that those who criticised South Africa-Libya friendship – particularly countries in the West including the US – had no right to criticise as they once had close ties with the apartheid regime. South Africa’s foreign relations with Libya at the time is typical of the foreign policies of liberation movements in power, which tend to show solidarity towards other liberation movements and struggle-era allies.

2.2.3 South Africa-Libya relations in the Mbeki era

Although South Africa-Libya relations went from strength to strength during Mandela’s tenure, it was during Mbeki’s presidency that the first South Africa-Libya Joint Bilateral Commission (JBC) was held in June 2002. Both countries expressed interest in further enhancing bilateral ties (DIRCO, 2002:136). Economic ties between the two states gradually improved over the years (DIRCO, 2006:108). The personal affinity that existed between Mandela and Gaddafi, did not always exist between Mbeki and Gaddafi; however, both of them envisioned a stronger role for the AU on the continent. Mbeki fervently championed the creation and use of multilateral institutions including the AU that African countries can belong to as sovereign states, and commit to shared values, norms and principles. On a different note,

Gaddafi saw the AU as an ideal platform for him to achieve his vision of “a federated United States of Africa with a single parliament, army and bank” (Geldenhuys, 2011:12). Mbeki had also been occasionally critical of Gaddafi’s history of military interventions, including support for certain military dictatorships and rebel groups on the African continent (Adebajo, 2011; Ngalwa, 2011). Nevertheless, these disagreements were offset by Mbeki’s appreciation of Gaddafi’s significant financial contributions to the AU,¹² which was a key pillar of Mbeki’s ‘African Renaissance’ project (Allison, 2011). Not surprisingly, South Africa was never a vocal critic of gross human rights violations in Libya when Mbeki was in power.

2.2.4 South Africa’s role in the 2011 Libyan crisis

In contrast to Gaddafi’s occasionally frosty ties with Mbeki, he initially enjoyed good rapport with President Zuma, and attended his inauguration ceremony in May 2009. Zuma also visited Tripoli twice in 2010 to consult with Gaddafi in his capacity as then chairman of the AU, and attend the Third Africa-European Union (EU) Summit (Geldenhuys, 2011:13). In the middle of January 2011, anti-government protests broke out in Libya as part of the wider Arab Spring protests in the region, but they were largely peaceful. In the following month, more intense protests started in the city of Benghazi, and Libyan security forces responded with excessive force. On 21 February, South Africa noted “with grave concern the reports of numerous civilian deaths following anti-government protests” (DIRCO, 2011b).

At the time, South Africa was serving as a non-permanent member of the UNSC, and on 26 February 2011, it cosponsored the UNSC Resolution 1970, which enforced an arms embargo against Libya, an asset freeze and travel ban on Gaddafi and his key allies, as well as a referral of charges of crime against humanity to the International Criminal Court (ICC) (Geldenhuys, 2011:13). Ambassador Baso Sangqu, South Africa’s permanent representative to the UN, said in support of the resolution, “This resolution sends a clear and unambiguous message to the Libyan authorities to end the carnage against its people” (Sangqu in DIRCO, 2011b). The resolution did not have a visible impact on the ground as violence continued to increase. In March 2011, South Africa cosponsored the UNSC Resolution 1973, which imposed a no-fly zone over Libya and authorised UN member states to take necessary measures to protect

¹² Libya under Gaddafi was one of the biggest financial contributors to the AU, along with South Africa, Nigeria, Egypt and Algeria. It reportedly paid 15% of the AU’s budget as well as membership fees of certain countries; according to one estimate, its average annual contribution was USD 40 million (Allison, 2011).

civilians. Sangqu once again condemned the Libyan government, saying it defied the previous resolution and “continued to kill and displace thousands of civilians whilst continuing to violate their human rights” (Sangqu in DIRCO, 2011d). Around the same time, South Africa supported the suspension of Libya’s membership¹³ of the UNHRC (Langeni, 2011). When the Resolution 1973 came into effect, several North Atlantic Treaty Organisation (NATO) members and few non-NATO states began a bombing campaign against Libyan military positions. Geldenhuys notes that South Africa’s behavior during this period represented “an uncharacteristically forceful position on the internal affairs of a fellow African state” (Geldenhuys, 2011:14), particularly one responsible for gross violations of human rights.

However, there was a significant shift in South Africa’s position once it became clear that the intervention was going to cause a regime change. South Africa appeared to “distance itself from the resolution once these (military) strikes were in full swing” (McKaiser, 2012:148). Several days after the passing of the resolution, Zuma said in a speech, “no to the regime change doctrine, and no to the foreign occupation of Libya” (Zuma in McKaiser, 2012:148). As the head of an AU delegation that included South Africa, Uganda, Mauritania, Congo and Mali, Zuma visited Libya and met Gaddafi twice in April and May with the aim of implementing an AU roadmap for peace (Lamloum, 2011). Zuma also condemned the ICC for issuing an arrest warrant for Gaddafi, his son and a top military official in June, as he viewed it as disruptive to the AU-led negotiations (*Mail & Guardian*, 2011a). As the conflict went on, Zuma said in June 2011, “We have spoken out against the misuse of the good intentions in Resolution 1973. We strongly believe that the resolution is being abused for regime change, political assassinations and foreign military occupation” (Zuma in Meo, 2011). This view became even more pronounced after the killing of Gaddafi in October 2011, and has been described as a remarkable turnaround in South Africa’s position by commentators.

In August 2011, then deputy minister of DIRCO, Ebrahim, defended the reversal of South Africa’s position by stating that South Africa supported Resolution 1973 solely to protect human lives and create conditions for political dialogue, but not support regime change (Ebrahim, 2011). Although the notion that South Africa did not fully understand the implications of Resolution 1973 has been challenged by some commentators (Christie, 2011), South Africa is not alone in criticising NATO’s actions in Libya that led

¹³ Libya became a member of the UNHRC for the 2010-2013 term.

to the overthrow of the Gaddafi regime. Reports of South Africa's initial concerns regarding loopholes in the wording of Resolution 1973 – which did not prevent it from voting in favour – also suggests that South Africa may have made a hasty decision. The reversal of South Africa's position was likely also motivated by domestic and regional opposition to the resolution. For example, all four of South Africa's BRICS allies – Brazil, China, India and Russia – abstained from the vote, some of whom became increasingly critical of NATO's actions as the conflict went on.

After Gaddafi's death, South Africa reluctantly acknowledged the legitimacy of the National Transitional Council of Libya (NTC), the de facto government that was formed by the rebels in the beginning of the civil war. The rebels were also accused of gross human rights violations. In January 2012, Zuma met an envoy from the NTC who sought South Africa's expertise in rebuilding Libya, particularly in terms of its transition to democracy, and both acknowledged the need for stronger political and economic relations (*SABC*, 2012). The NTC played an instrumental role in holding parliamentary elections in June 2012 and then handing over power to a newly elected assembly (*BBC*, 2012). In mid-2014, Libya descended into further instability as rival organisations became engaged in an armed conflict that remains unresolved to this day. South Africa has so far avoided getting involved diplomatically, apart from warning South African travelers or those living in Libya regarding the deteriorating security situation. Relations between South Africa and post-Gaddafi Libya are undoubtedly limited at this stage.

It should be noted that during the Libyan crisis that toppled Gaddafi, South African media outlets and opposition politicians raised the issue of the country's controversial sale of arms to Libya in previous years. Jeff Radebe, then Minister of Justice and Constitutional Development and chairman of the National Conventional Arms Control Committee (NCACC), reported that South Africa exported arms worth R80.9 million to Libya between 2003 and 2009; in 2010, weapons worth R70 million were reportedly sold (*Times LIVE*, 2011). Reports of Libyan government using these weapons against protesters and anti-Gaddafi rebels further intensified these criticisms, although South Africa defended the sales by stating that there were no UN or AU arms embargoes against Libya when the transactions took place (Geldenhuys, 2011:13). Nonetheless, opposition politicians including David Maynier, the Democratic Alliance's (DA) then defence spokesperson, said that South Africa “should never have sold weapons to a serial human rights violating country such as Libya” (Maynier in Rademeyer, 2011). This is because according to Section 15 of South Africa's National Conventional Arms Control Act, the NCACC may not approve

transfers of conventional arms to governments that systematically violate or suppress human rights and fundamental freedoms (Underhill & Rawoot, 2011). To what extent this is adhered to is debatable, as in addition to Libya, South Africa also sold arms to several human rights violating regimes including Azerbaijan, Equatorial Guinea and Saudi Arabia (*Times LIVE*, 2011).

2.3 Sudan

2.3.1 Gross violations of human rights in Sudan

Sudan has been ruled by Omar al-Bashir since he seized power through a military coup in 1989, when he ousted the democratically elected government of Prime Minister Sadiq al-Mahdi. The country has experienced several internal conflicts over the last half a century, namely the First Sudanese Civil War (1955-1972), the Second Sudanese Civil War (1983-2005), and the conflict in Darfur (2003-present). The latter two conflicts represent the majority of gross human rights violations that reportedly occurred under al-Bashir. The Second Sudanese Civil War (1983-2005), fought between the Sudanese government and the Sudan People's Liberation Movement (SPLM), had a devastating impact on southern Sudan. The war and famine contributed to a major humanitarian crisis that led to the death of two million people while four million people were displaced (UN, 2011a). Democratic South Africa had been engaging the Sudanese government and the SPLM regarding finding a resolution to the conflict. South Africa was fully supportive of the Comprehensive Peace Agreement (CPA) of 2005 that eventually ended the war and led to the formation of a Government of National Unity (GNU) (Nathan, 2010). In October 2007, the SPLM withdrew from the GNU, only to return to government in December 2008. In 2011, South Sudan became independent from Sudan following a popular referendum. Nevertheless, fighting has continued in southern states of South Kordofan and Blue Nile.

South Africa has been committed to the peace process and post-war reconstruction in South Sudan.¹⁴ However, it is South Africa's response to the Darfur conflict – especially its refusal to condemn the Sudanese government responsible for the majority of gross human rights violations – that attracted criticism from commentators. Darfur is a region in western Sudan, which is largely underdeveloped. The conflict began in 2003, when the Sudan Liberation Army (SLA) and Justice and Equality Movement (JEM) rebel groups began attacking government positions. This initiated a civil conflict between them and

¹⁴ Under Operation Cordite, the South African National Defence Force (SANDF) currently has 809 soldiers deployed in Sudan.

the Khartoum-backed Sudanese army and the associated Janjaweed militia. Mahmood Mamdani notes that the Janjaweed, mainly consisting of poorer nomads, were trained and armed by the Sudanese army; they have been arguably responsible for the “worst violence” (Mamdani, 2007) including gross human rights violations. The multilayered causes of the conflict include “unequal distribution of land, ecological degradation, Darfur’s marginalized place in the Sudanese state and nation, and the destructive influence of regional and international power” (Lanz, 2009:675). The UN reportedly estimates that since 2003, 300,000 people have been killed in the conflict, although the Sudanese government claims only 10,000 people died; approximately 2.3 million people have been displaced since the conflict started (*Al-Jazeera*, 2013).

The issue of gross human rights violations in Darfur is highly contested and politicised. The US and a large coalition of activist groups, including Save Darfur,¹⁵ have almost exclusively accused the Sudanese army and Janjaweed of gross human rights violations, going as far as claiming that a genocide was taking place in Darfur (Copnall, 2013). This view, however, has been challenged by scholars and the UN. According to a 2004 report by the UNSC-appointed International Commission of Inquiry on Darfur, the Sudanese army and Janjaweed had indeed “conducted indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur” (UN, 2004:3). Although these acts were conducted on a widespread and systematic basis in what could be defined as crimes against humanity, the Commission found that the Sudanese government did not pursue a policy of genocide (UN, 2004:3-4). Furthermore, and quite importantly, the Commission also found evidence of rebel groups, primarily members of SLA and JEM, being responsible for gross violations of human rights, including cases of “murder of civilians and pillage” (UN, 2004:4). Although violations by them were on “a far smaller scale” (Geldenhuis, 2011:7) compared to Sudanese government forces, the Commission found that these acts could “amount to war crimes” (UN, 2004:4). Several reports by Amnesty International also identified “war crimes and crimes against humanity perpetrated on a wide scale” (Amnesty International, 2005) by all parties in Darfur. Gross violations of human rights by the rebels, however, were mostly ignored by the US and the likes of Save Darfur.

¹⁵ Save Darfur, founded in New York in July 2004, became a coalition of more than 190 faith-based, advocacy and human rights organisations.

Furthermore, the US, Save Darfur and many Western commentators and media outlets framed the conflict “as a genocide committed by ‘Arabs’ against ‘Africans’” (Lanz, 2009:675), ignoring the multifaceted causes of the conflict. According to them, the Sudanese army and Janjaweed militia were the “Arabs”, while the SLA and JEM rebels were the “Africans”, completely disregarding the complexities of racial identity in Sudan (Mamdani, 2007). They also designated fixed ethnic labels to the local population: “Arabs are perpetrators, who need to be punished, while Africans are victims in need of protection” (Lanz, 2009:675). Such characterisations are problematic as they obscured “both the fact that the violence was not one-sided and the contest over the meaning of ‘Arab’ and ‘African’” (Mamdani, 2009) in Sudan. Despite a failed ceasefire attempt in 2011, namely the Doha Document for Peace in Darfur (DDPD), the armed conflict continues to this day.

2.3.2 South Africa-Sudan relations

As stated above, South Africa’s position on the Darfur conflict has come under scrutiny. Several commentators have noted that since the beginning of the conflict in 2003, South Africa opposed any confrontational approach towards the al-Bashir government (Jordaan, 2014; Geldenhuys, 2011; Nathan, 2010). Scholars including Nathan have suggested that “Pretoria prioritised the CPA and the south above Darfur” (Nathan, 2010: 59). In 2006, for example, Ronnie Kasrils, South Africa’s then Minister of Intelligence, made a speech urging international donors to support peace building in Sudan almost exclusively in relation to the CPA (Nathan, 2010:59). He went on to say that “we need to ensure that the implementation of the CPA... is not overshadowed and undermined by events in Darfur” (Kasrils in Nathan, 2010:59). Nathan adds that the ANC also had political affinity with the SPLM, which it did not share “with the politically unsophisticated Darfur rebels” (Nathan, 2010:60). This is not to state that South Africa ignored the Darfur peace process. In fact, Mbeki played a crucial role in ensuring that the under-resourced African Union Mission in Sudan (AMIS) peacekeeping force in Darfur was replaced by a well-resourced United Nations–African Union Mission in Darfur (UNAMID) in 2007.

A year after the Darfur conflict started, in 2004, South Africa sent high-level cabinet ministers and businesspeople to Sudan, who signed trade deals in several sectors including energy and transportation. Between 2000 and 2006, South Africa’s exports to Sudan increased from USD 7 million to USD 66 million (Nathan, 2008:3). The South African government publicly emphasised the need for enhancing bilateral

relations with Sudan. In 2007, al-Bashir visited South Africa, and the two countries signed a number of economic, trade and military cooperation deals. Mbeki called Sudan a strategic partner of South Africa. He, along with al-Bashir, also condemned the Darfur rebels for refusing to attend peace talks in Libya and “choosing to engage in violent actions against the innocent people of Darfur” (Mbeki in Nathan, 2008:1). Mbeki’s comment was not entirely without merit, as scholars have also criticised the rebels on occasions for being uncooperative in peace talks, for reasons including expectation of a humanitarian intervention in Darfur (Lanz, 2009:676). However, South Africa never singled out the Sudanese government forces’ violence against civilians and disproportionate response to rebels in Darfur, leading some scholars to claim that South Africa had become “a defender of oppressive regimes and an obstacle to the international promotion of human rights” (Jordaan, 2014:92).

In 2007, as a non-permanent member of the UNSC, South Africa supported Sudan in “rejecting a resolution that could lead to sanctions against combatants who attacked civilians, obstructed peace initiatives, or refused to cooperate with UNAMID” (Nathan, 2010:56). South Africa defended its position by stating that these issues were outside the UNSC’s mandate on dealing with international threats to peace and security, and “should be tackled instead by the Human Rights Council” (Nathan, 2008:6).

South Africa also opposed a resolution that condemned rape as a political and military instrument, tabled by the US in the UN General Assembly, because South Africa felt that the US was targeting Sudan (Nathan, 2010:56). This is an important point, as in international relations, most countries support some gross human rights violators and oppose others. This explains why South Africa would resist the US’s urges to condemn Sudan purely because it suits the US. More specifically, South Africa’s disagreement was likely motivated by its opposition to the US position (also held by the likes of Save Darfur) that a genocide was taking place in Darfur, and the simplification of the atrocities in Darfur as an ethnic conflict between Arabs and Africans. Reliable knowledge of gross human rights violations is also difficult to find when a conflict is ongoing. Thus, given the contentious nature of gross human rights violations in Darfur, it is possible that South Africa did not condemn Sudan in order to avoid supporting the conclusions of US, Save Darfur and certain celebrity humanitarians. Furthermore, some of the critics who almost one-sidedly criticised Sudan wanted a humanitarian intervention which could even lead to regime change, an outcome South Africa traditionally opposes.

2.3.3 South Africa, the International Criminal Court and Omar al Bashir

In July 2008, the Chief Prosecutor of the International Criminal Court (ICC), Luis Moreno Ocampo, alleged that al-Bashir was responsible for genocide, crimes against humanity and war crimes in Darfur. In a visit to Sudan in September 2008, Mbeki said that the ICC's prosecution against al-Bashir would be counterproductive, and could undermine efforts to resolve the conflict and potentially further destabilise the region (*Sudan Tribune*, 2008). In March 2009, the ICC issued an arrest warrant against al-Bashir for war crimes and crimes against humanity in Darfur. South Africa opposed the arrest warrant and sided with the AU's response, which wanted the arrest warrant to be issued a year later to give the peace process in a chance (*SA News*, 2009). In July 2010, the ICC issued a second arrest warrant for genocide committed in Darfur, particularly for al-Bashir's alleged role "as an indirect perpetrator or indirect co-perpetrator of genocide in Darfur through killing, causing bodily or mental harm, and deliberately inflicting conditions of life calculated to bring physical destruction" (Human Rights Watch, 2010).

By the time the second arrest warrant was issued, President Zuma had come to power. In 2010, Zuma said that although al-Bashir along with other African heads of state were invited to the 2010 Fédération Internationale de Football Association (FIFA) World Cup in South Africa, he would be arrested if he sets foot in the country (*Reuters*, 2010). Zuma said at the time, "South Africa respects the international law and certainly we are signatories (of the ICC statute), we abide by the law. The AU has not said we must not arrest Bashir... South Africa respects international law" (Zuma in *Reuters*, 2010).

In October 2013, the AU hosted an "extraordinary summit" to discuss the possibility of 34 African signatories to the Rome Statute (which created the ICC) to pull out of the court. This was primarily in response to the ICC's prosecution of Kenyan President Uhuru Kenyatta and Deputy President William Ruto (Patel, 2013). At the time, South Africa did not conclusively state whether it would or would not support a resolution to withdraw from the ICC (Patel, 2013).

In June 2015, when al-Bashir visited South Africa to attend an AU meeting, a South African high court issued an order barring him from leaving the country, prior to deciding whether or not he should be arrested and handed over to the ICC (*BBC*, 2015). The court ruled in favour of his arrest, but the South African government allowed him to leave the country in disregard of the court order, arguing that he was granted

immunity to attend the summit. The ruling ANC defended the government's actions, saying the ICC is no longer useful because it selectively targets African and Eastern European leaders (Sangoni, 2015). While this is a popular view in Africa, the South African government's refusal to arrest al-Bashir contradicts Zuma's assertion in 2010 that al-Bashir would be arrested if he visited South Africa.

2.4 Zimbabwe

2.4.1 Gross violations of human rights in Zimbabwe: 1980-2000

Zimbabwe has been ruled by Robert Mugabe for more than three decades, during which his administration has been responsible for systematic gross violations of human rights, most notably against political opposition. Mugabe was the leader of one of rebel groups, Zimbabwe African National Union (ZANU), which fought white minority rule in Rhodesia (which later became Zimbabwe). Prior to and after Zimbabwe's independence in 1980, ZANU and Zimbabwe African People's Union (ZAPU) were rivals for popular support, despite their common origin. ZAPU was founded and led by Joshua Nkomo. ZANU supporters were predominantly drawn from Shona ethnic group, while ZAPU members were mostly of Ndebele origin. In 1980, Mugabe and renamed ZANU-Patriotic Front (ZANU-PF) won the general elections. While ZANU-PF's popularity among the electorate at the time cannot be discounted, it also used "violence and intimidation to win power" (Kriger, 2005:5). Tensions between Mugabe and Nkomo, as well as between ZANU-PF and ZAPU, persisted, sometimes resulting in sporadic violence. The apartheid government in South Africa also contributed to sowing distrust between ZANU-PF and ZAPU, with the aim of destabilising the newly independent Zimbabwe. Distrustful of Nkomo and ZAPU, in 1983, Mugabe deployed the Fifth Brigade of the national army, a unit of 2,500-3,500 soldiers, in ZAPU-dominated Matabeleland and the Midlands province to suppress dissidents (Scarnecchia, 2011:92-93). The campaign, known as Operation Gukurahundi, lasted until 1987, "leaving thousands of dead civilians and many others traumatized by their terror tactic" (Scarnecchia, 2011:93). An estimated 20,000 people were killed during this campaign (Grebe, 2010:6).

Not surprisingly, ZANU-PF won the 1985 elections, which saw significant "violence and intimidation of suspected opposition supporters" (Kriger, 2005:7). In December 1987, Mugabe and Nkomo signed a unity accord, merging ZANU-PF and ZAPU, with the new entity retaining the name ZANU-PF. ZAPU was effectively forced to agree to this arrangement, as a result of which "Mugabe's party reached its objective

of establishing a de facto one-party state” (Grebe, 2010:6). In the same year, Mugabe assumed the role of President. This merger, however, did not end violence and intimidation against political opposition, with the newly-formed Zimbabwe Unity Movement (ZUM) facing the brunt of it around the 1990 elections (Kriger, 2005). Both 1990 and 1995 elections were convincingly won by the ZANU-PF as the political opposition steadily weakened, until the formation of the Movement for Democratic Change (MDC) in 1999. It is worth noting that despite gross violations of human rights against political opposition, the UK had been an ally of Zimbabwe since independence in 1980, even partly financing Zimbabwe’s land reform project. However, in 1997, the newly-elected Tony Blair government refused to fund the land reform programme any longer, starting the deterioration of UK-Zimbabwe relations. Their relations worsened after Mugabe gave support to forcible and uncompensated land acquisition from white farmers in the early 2000s.

2.4.2 Gross violations of human rights in Zimbabwe: 2000-2007

In February 2000, the Mugabe government’s proposed new constitution lost in a national referendum. The new constitution suggested two major changes: (1) allowing Mugabe to stay in power for two more terms and ensure immunity from prosecution for political and military leaders accused of committing crimes while in office, and (2) allowing the government to forcibly acquire land from white minority farmers without compensation (Mamdani, 2008). The referendum result was seen as a major victory for the MDC, especially ahead of the imminent parliamentary elections. However, armed war veterans and squatters backed by the government started invading hundreds of white-owned farms, sometimes violently. Prior to the June 2000 general elections, there was an increase in violence and intimidation (including murder, rape and assault) by government and ZANU-PF backed groups, and the majority of victims were black farm workers and MDC supporters (Venter, 2005). More than 30 people were killed ahead of the poll, which ZANU-PF narrowly won (*BBC*, 2000). In the early 2000s, the government passed several legislations aimed at limiting the ability of independent media and political opposition to operate freely (Blair & Thornycroft, 2002).

The March 2002 presidential elections also saw significant political violence, primarily by the ZANU-PF, including intimidation, torture and murder of opposition supporters (Makumbe, 2006). Approximately 30 people, majority of them believed to be opposition supporters, were reportedly killed in the two months prior to the election (*BBC*, 2003). Gabriel Shumba notes that this was in line with ZANU-PF’s “history of

violence against political opponents” (Shumba, 2003:115). Electoral violence also occurred on polling days, for which international observers primarily blamed the ZANU-PF. Mugabe won the election with almost 56 percent of the vote. The AU and SADC election observers declared the elections free and fair, and the South African Observer Mission (SAOM) appointed by President Mbeki stated that “the elections should be considered as legitimate” (DIRCO, 2002b). Nevertheless, EU observers were not allowed in the country, while the Commonwealth Observer Group stated that the election was not free and fair. Interestingly, President Mbeki also appointed a Judicial Observer Mission (JOM) consisting of Justice Dikgang Moseneke and Justice Sisi Khampepe. Their report on the election was never made public. The JOM report was only released in 2014 after a lengthy legal battle between the government and the *Mail & Guardian* newspaper. The report concluded, “having regard to all the circumstances, and in particular the cumulative substantial departures from international standards of free and fair elections found in Zimbabwe during the pre-election period, these elections, in our view, cannot be considered free and fair” (JOM in Benjamin, 2014). The report also highlighted that 107 people were killed between March 2000 and March 2002, the majority of them being MDC supporters. The South African government not only prevented the release of the report, it also opposed Zimbabwe’s suspension from the Commonwealth in 2002 and the Western smart sanctions against the country (Geldenhuys, 2011:5). Furthermore, Nkosazana Dlamini-Zuma, South Africa’s then foreign minister, explicitly said that South Africa would never condemn Mugabe as long as the ANC government was in power (*IOL*, 2003).

In the next few years, the MDC and its leader Morgan Tsvangirai came under increasing pressure. In 2003, Tsvangirai was arrested twice for alleged treason and plot to kill President Mugabe. The following year, he was acquitted of treason charges regarding the alleged plot to kill President Mugabe, but a separate treason charge stayed in place until all charges against him were dropped in August 2005 (Meldrum, 2005). In March 2005, ZANU-PF convincingly won the parliamentary elections. Although there was less electoral violence compared to the 2000 and 2002 polls, Norma Kriger notes that the ruling party’s “use of violence and intimidation” (Kriger, 2008:360) remained a feature. Also in 2005, the government demolished thousands of shanty dwellings and illegal street stalls across the country that left approximately 700,000 people homeless (UN, 2005a:7). According to a UN report, one of the alleged motives behind the demolition programme, named Operation Murambatsvina, was “retribution against areas known by the Government to have voted for the opposition during the last few presidential and parliamentary elections” (UN, 2005a:20). However, South Africa remained silent to these developments,

consistently arguing that not condemning the Mugabe government was part of its practical, 'quiet diplomacy'.

2.4.3 Gross violations of human rights in Zimbabwe: 2007-present

On 11 March 2007, Tsvangirai was once again arrested by police. He was beaten and tortured in detention for two days. MDC MP Tendai Biti said at the time, "I saw him being assaulted. There was a time when for 15 minutes they were assaulting him with their baton sticks non-stop. He has got a cracked skull and his face is puffed up and he has bruises all over. He must have passed out at least three times" (Biti in *BBC*, 2007). Exiled MDC leader Roy Bennett stated that he was "hoping the South African government would make a statement against the Mugabe regime, because at that stage we were fearing for the life of Morgan Tsvangirai" (Bennett in Bevan, 2007). However, South Africa's only response was a statement by a low-level DIRCO official, which quoted Deputy Minister Aziz Pahad urging the Zimbabwean government to "ensure that the rule of law including respect for rights of all Zimbabweans and leaders of various political parties is respected" (DIRCO, 2007b).

In late March 2007, SADC gave South Africa a formal mandate to facilitate dialogue and resolve the power struggle between the ZANU-PF and MDC. Tsvangirai and other opposition leaders and activists were continued to be detained and harassed by the government. As a result of negotiations, all parties agreed to participate in the 2008 general elections on 29 March. Controversially, the official outcome of the election was released a month later, declaring Tsvangirai the winner with 47.9 percent votes while Mugabe received 43.2 percent. Since no candidate received 50 percent of the vote, a run-off election was going to be held, which Tsvangirai initially agreed to. However, after the election outcome was announced, there have been reports of violence and intimidation – including killings, torture, arrests and abductions – against MDC activists and perceived MDC voters (*Mail & Guardian*, 2008). Amnesty International reported that the Zimbabwean army, police and intelligence service "were directly involved in committing human rights violations against perceived opponents of the ZANU-PF government" (Amnesty International, 2008:2). Human Rights Watch claimed that the government was responsible for "the killing of up to 200 people, the beating and torture of 5,000 more, and the displacement of about 36,000 people" (Human Rights Watch, 2011).

Following these reported abuses by the government and ZANU-PF militias, and the delay in holding the run-off election, Tsvangirai said that Mbeki should no longer be a mediator due to the worsening of the crisis and Mbeki's perceived bias towards Mugabe (*Mail & Guardian*, 2008). In June 2008, Tsvangirai withdrew from the run-off election, citing fears of violence against MDC members and supporters. Not surprisingly, Mugabe won the run-off election. In September 2008, ZANU-PF, MDC and MDC breakaway party led by Arthur Mutambara signed a power-sharing agreement. This agreement culminated in the creation of a government of national unity in February 2009, which would be followed by constitutional reforms and free and fair election. Tsvangirai emerged as the prime minister in the coalition government. By then, Mbeki had been ousted as the leader of ANC and president of South Africa. After President Zuma came to power, he assumed the role of the SADC facilitator, and he was initially more assertive towards Mugabe than his predecessor. He has been critical of lack of implementation of the power-sharing pact, and "bluntly stated that the situation in Zimbabwe could no longer be tolerated and had to be resolved peacefully to the satisfaction of SADC and the world at large" (Geldenhuys, 2011:7). When Mugabe called for new elections in 2011, Zuma rejected the idea, saying the elections cannot be held in an environment characterised by violence, intimidation and fear (*The Economist*, 2011). Mugabe also wished to hold general elections in 2012, which did not come to fruition, and the election date was eventually set for July 2013. Ahead of the July 2013 elections, Lindiwe Zulu, a member of the SADC facilitation team appointed by Zuma, said that Zimbabwe's electoral preparations were not adequate and that the election should be postponed (*BBC*, 2013). This angered Mugabe, who publicly insulted her, and at his behest, Zuma reportedly silenced Zulu (*BBC*, 2013). It is widely believed that towards the end of his SADC facilitation role, Zuma stopped making critical remarks about Zimbabwe, much like his predecessor.

The 2013 elections went ahead, which the ZANU-PF won comfortably. Although there were some incidents of pre-election violence, intimidation and irregularities, there was no widespread electoral violence like previous occasions. The result was accepted by SADC, which took Zimbabwe off the agenda, ending South Africa's facilitation role. DIRCO's 2013-2014 Annual Report to Parliament praised the government's role in "successful conclusion of a negotiated constitution, a successful constitutional referendum and generally free and peaceful elections" (DIRCO, 2013). Since then, there has been increased cooperation between South Africa and Zimbabwe on a diplomatic level, marked by Mugabe's first visit to South Africa in 20 years in April 2015.

2.4.4 Preference of stability over change of government

As mentioned above, South Africa's foreign policy behavior towards the Zimbabwean crisis since 2000 has been widely criticised by scholars. Friedman laments that during Mbeki's tenure, South Africa "offered substantial aid and comfort to the Zimbabwean regime by sending official delegations which endorsed elections regarded by independent sources as fraudulent, often ignoring the opposition, seeking to temper international action against Mugabe and remaining silent on human rights abuses" (Friedman, 2008:37). South Africa consistently countered these criticisms by saying that public condemnation of or international sanctions against the Mugabe regime are counterproductive, and that South Africa's own brand of 'quiet diplomacy' was most suitable to achieving the desirable outcomes. Of course, it is impossible to say whether a more assertive South Africa would have prevented gross violations of human rights in Zimbabwe. Nevertheless, South Africa's perceived bias towards ZANU-PF has also been cited as problematic by some scholars (Friedman, 2008; Nathan, 2005). Nathan adds that South Africa's preferable solution to the crisis involved "a reformed ZANU-PF or a government of national unity" (Nathan, 2005:369), but not a scenario where the MDC takes power. Similarly, although South Africa would argue that its mediation efforts achieved political and economic stability in Zimbabwe, it was arguably "more concerned with regime security than with the rights and dignity of the Zimbabwean people" (Nathan, 2005:369). Thus, it can be argued that with regards to Libya, Sudan and Zimbabwe, South Africa opposed regime change of any kind.

2.5 South Africa in the UNHRC

2.5.1 Overview

South Africa's actions on the UNHRC proved to be as contentious as the UNSC. As stated in chapter one, South Africa helped found the UNHRC, serving two terms from 2006-2010 and being re-elected for the 2014-2016 term. The UNHRC consists of 47 members: 13 from Africa, 13 from Asia, eight from Latin America and the Caribbean, six from Eastern Europe, and seven from Western Europe and Others Group (WEOG). As a result, critics argue that African and Asian countries, or developing countries, or members of non-geographic organisations such as the Non-Aligned Movement (NAM) and Organisation of the Islamic Conference (OIC) have "considerable influence" in the body, leading to "bloc politics" (Jordaan, 2014:93). This automatically manifests in bias and selectivity regarding whose violations are emphasised

and whose violations are ignored.¹⁶ Many of the countries in the dominant blocs also have a poor human rights record at home, and South Africa often sides with them (Jordaan, 2014), arguably due to its solidarity with African and developing countries. Furthermore, in May 2007, the UN Watch, a Geneva-based NGO, published an analysis of UNHRC's 47 members' voting record (in terms of protecting human rights) during its first year. The analysis found that South Africa had the worst record along with the likes of Azerbaijan, Bahrain, China, Russia and Saudi Arabia (UN Watch, 2007a). South Africa's responses to gross violations of human rights in Libya, Sudan and Zimbabwe on the UNHRC is discussed below.

2.5.2 Libya

During South Africa's membership of the UNHRC between 2006 and 2010, gross human rights violations in Libya never made it to the agenda. Libya became a member of the UNHRC for the 2010-2013 term. However, after the 2011 civil conflict began, the UN General Assembly suspended Libya from the UNHRC, particularly after the UNHRC's recommendation (UN, 2011). The general assembly's decision was motivated by reported "repression of the population and the clear incitement to violence against the civilian population by Colonel Gaddafi and his supporters" (UN, 2011). Although South Africa was not a member of UNHRC at the time, Maite Nkoana-Mashabane, Minister of International Relations and Cooperation, said that South Africa had "led the campaign to suspend Libya from the Human Rights Council" (Nkoana-Mashabane in Langeni, 2011). As discussed above, this was in line with South Africa's assertive role in criticising gross human rights violations during the 2011 Libyan conflict, although there was a reversal of South Africa's position as Gaddafi's ousting became imminent. During South Africa's 2014-2016 term, the UNHRC requested the United Nations High Commissioner for Human Rights to dispatch "a mission to investigate violations and abuses of international human rights law" (OHCHR, 2015) in Libya since the beginning of 2014. This request, part of a UNHRC resolution that was adopted without a vote, was accepted by the High Commissioner.

¹⁶ For example, the council focused more on gross violations of human rights in Israel than the Democratic Republic of Congo, Central African Republic, Sri Lanka, Myanmar and North Korea combined (Freedman, 2013a).

2.5.3 Sudan

Eduard Jordaan argues that South Africa played “a key role in obstructing UNHRC efforts in addressing the crisis in Darfur” (Jordaan, 2014a:103). As mentioned in the literature review, of UNHRC’s 47 members, 13 are from Africa, which is called the African Group. Although the African Group was not always in agreement on Darfur, Jordaan argues that its several members including South Africa consistently tried to shield the Sudanese government from criticism. In 2006, amidst worsening conflict, African and European countries signed the request for a special session on Darfur, but South Africa was not one of them (Jordaan, 2014:236). A month before the special session, which took place in December 2006, the UNHRC adopted Decision 2/115 on Darfur, which called on all parties to sign the Darfur Peace Agreement and stop human rights violations. South Africa voted in favour of the Decision. Soon afterwards, the EU noted that the special mission should try and help implement existing recommendations on improving the human rights situation in Darfur (Jordaan, 2014:237). However, the African Group claimed that information regarding what was happening in Darfur had been tainted by propaganda campaigns in the media (Jordaan, 2014). Despite the existence of various UN reports on Darfur, which identified gross human rights violations by both the government and rebel groups, the African Group called for the establishment of a fact-finding mission.

The composition of the fact-finding mission became the next point of contention, as “the EU wanted the group to consist of independent experts whereas the African group wanted representatives of states” (Jordaan, 2014:237). A month later, it was agreed that the mission, led by Nobel laureate Jody Williams, would consist of three independent experts and two state representatives (Jordaan, 2014a:104). However, Sudan refused to grant visas to the mission. Sudan claimed that it only denied visa to one member of the mission, Bertrand Ramcharan, former acting UN High Commissioner for Human Rights, for his alleged bias against Sudan.¹⁷ Unable to enter Sudan, the mission conducted interviews in Addis Ababa, Geneva, N’Djamena and refugee camps in Eastern Chad (Jordaan, 2014a:105). The Williams report concluded that while the rebels were responsible for gross violations of human rights, a violent counterinsurgency campaign by the Sudanese army and the Janjaweed militia against civilians was a principal pattern (Jordaan, 2014a:105).

¹⁷ Ramcharan had previously criticised gross human rights violations in Darfur.

The UNHRC was split on whether to accept the report or not; some members of the African Group including South Africa said that since the mission could not enter Sudan and not all representatives visited Chad, the report lacked legitimacy. In a compromise resolution adopted in March 2007, which was designed to satisfy the EU and the African Group, the UNHRC merely “took note” of the Williams report (Jordaan, 2014:238). The resolution created a new expert group tasked with working with the Sudanese government to implement various UN resolutions and recommendations on Darfur, and monitor the human rights situation (Jordaan, 2014:238).

The expert group noted that although working with Sudan was successful in procedural terms, most recommendations had not been fully implemented. However, in late 2007, the UNHRC – supported by both the EU and the African Group – ended the expert group’s mandate, and Darfur was placed under the mandate of “the less influential and less well-resourced” Special Rapporteur for Sudan (Jordaan, 2014a:105). In September 2008, the Special Rapporteur reported that the human rights situation in Darfur remained serious, but most members of the African Group claimed that there have been improvements on the ground (Jordaan, 2014a:1056). The UNHRC passed a resolution to extend the mandate on Sudan for nine months, which was agreed by all parties. After the end of nine months, in June 2009, another resolution was passed to extend the mandate by one more year. South Africa and several African countries voted against the resolution, showing its opposition to continuing the mandate (Jordaan, 2014:239).

2.5.4 Zimbabwe

During South Africa’s spells as members of the UNHRC or beyond, gross human rights violations in Zimbabwe never received much attention in the UNHRC, which has been a major criticism of the body (Freedman, 2013:226). Lipton argues that while South Africa may have been correct to oppose the UNSC sanctions against Zimbabwe, saying the crisis should be discussed in more appropriate forums, it also blocked attempts to “use alternative forums, such as the Human Rights Council and Commonwealth” (Lipton, 2009: 337). Although several UNHRC members expressed concerns regarding human rights violations in Zimbabwe in 2007, South Africa was not one of them (UN Watch, 2007). In fact, the UNHRC’s failure to deal with human rights violations in Zimbabwe has been a general criticism of the body.

2.6 Conclusion

This chapter has demonstrated that South Africa's responses to gross violations of human rights in Libya, Sudan and Zimbabwe – on a bilateral and multilateral level – contradict its stated commitment to human rights. Furthermore, South Africa's criticism of, and actions against, the Gaddafi regime during the 2011 Libyan conflict was temporary and followed by a swift reversal. The following chapter will explore the evolution of South Africa's foreign policy since 1994, particularly in terms of South Africa's commitment to human rights.

3 Chapter Three: Human Rights in Post-Apartheid South African Foreign Policy

3.1 Introduction

This chapter will explore the evolution of South Africa's foreign policy since 1994, particularly in terms of South Africa's commitment to human rights. It will analyse several government foreign policy documents since 1994, in order to determine whether South Africa's stated commitment to human rights has diminished over time. There will also be a discussion of the ANC's influence on foreign policy.

3.2 Mandela Administration, Foreign Policy and Human Rights

Before becoming president, in 1993, Mandela wrote an article for *Foreign Affairs* where he listed the six pillars that would serve as a foundation for democratic South Africa's future foreign policy. The first pillar was that "issues of human rights are central to international relations and an understanding that they extend beyond the political, embracing the economic, social and environmental" (Mandela, 1993:87). He went on to emphasise that given South Africa's own history of gross human rights violations during apartheid, which was challenged by a global anti-apartheid movement, democratic South Africa "will not be indifferent to the rights of others. Human rights will be the light that guides our foreign affairs" (Mandela, 1993: 88). Towards the end of the article, he stated that "South Africa's future foreign relations will be based on our belief that human rights should be the core concern of international relations, and we are ready to play a role in fostering peace and prosperity in the world we share with the community of nations" (Mandela, 1993:97).

In 1994, an ANC document titled 'Foreign policy perspective in a democratic South Africa' reiterated Mandela's commitment to human rights. Although the document also emphasised the need for economic development, multilateralism, African unity and South-South solidarity – which later clashed with South Africa's commitment to human rights – human rights still received significant attention. The ANC vowed that South Africa would actively promote and protect human rights on various international multilateral forums (ANC, 1994). The document also claimed that human rights concerns will influence bilateral relations: "...we shall not be selective nor, indeed, be afraid to raise human rights violations with countries where our own and other interests might be negatively affected. South Africa's experience, we believe,

shows how damaging policy can be when issues of principle are sacrificed to economic and political expediency” (ANC, 1994). Then foreign minister Alfred Nzo said in 1994, “human rights are the cornerstone of our government policy and we shall not hesitate to carry the message to the far corners of the world” (Nzo in Landsberg, 2010:98). Of course, these were highly idealistic pronouncements that South Africa would later abandon.

It is worth noting that during these early years of democracy, South Africa did not have a codified foreign policy doctrine. Nathan argues that the “ad hoc and often haphazard” (Nathan, 2005:361) approach to foreign policy during that period can be explained by a number of factors, including the government’s more pressing domestic priorities, such as national reconciliation and socio-economic transformation. Foreign policymaking also suffered due to “tense competition and conflict between various centres of foreign policy decision-making”, including “the president and deputy president’s office; other departments such as trade and industry and defence; and the partly restructured foreign ministry staffed by a significant number of senior ‘old order’ bureaucrats” (Le Pere, 2004:6). Moreover, instead of developing a focused foreign policy doctrine, the government was more concerned with normalising relations with the world. This was done by rebuilding ties with countries and international institutions that were broken during apartheid, or signing treaties from which South Africa was excluded.¹⁸

There was more emphasis on logistical or infrastructural dimensions of foreign affairs than on formulation of a clear and coherent policy. South Africa’s foreign policy was primarily driven by Mandela and his larger-than-life personality. Greg Mills wrote at the time, “South Africa’s image (and its foreign policy) tends largely to be equated with the President’s profile. As a result, policy has often followed his public statements, rather than the other way around” (Mills, 1997:18). Democratic South Africa simply communicated to the world that in order to make a clean break from its apartheid past – during which gross human rights violations occurred – it would stand up for human rights

It is worth noting that Mandela, the ANC and the South African government’s championing of human rights in those early years also coincided with close ties with the likes of Libya, Cuba and Iran, which

¹⁸ For example, in early 1990s, the apartheid government had 30 diplomatic missions around the world; under Mandela, the number increased to 124 by 1996 (Barber, 2005:1082). Similarly, democratic South Africa became a member of 45 international organisations (Barber, 2005:1082), and signed up to key human rights instruments (Landsberg, 2010:99).

represent contradictory behaviour.¹⁹ This also represents the ad hoc nature of foreign policy at the time. Furthermore, it can be argued that Mandela's support for the likes of Libya had set an example regarding dealing with gross human rights violators that his successors followed to varying degrees.

Nevertheless, Mandela still tried to promote human rights when he could, but South Africa's diplomatic row with Nigeria in the mid-1990s became a major turning point in this regard (Barber, 2005; Nathan, 2005; Friedman, 2008; Landsberg, 2010; Solomon, 2010). South Africa realised that "propagating moral values did not guarantee that its target states (or even its own ministers) would follow its professed moralistic diplomatic gospel" (Landsberg, 2010:99). Not surprisingly, the DIRCO's 1996 discussion paper on foreign policy was less idealistic compared to Mandela's and the ANC's earlier pronouncements. It called for a foreign policy that is modest and not overly ambitious, and acknowledged that there are limits to what South Africa can achieve on the international stage. While a focus on human rights remained, the document stated that the "implications of the issue of human rights as a cornerstone of South African foreign policy must be fully explored" (DIRCO, 1996:20). The DIRCO also emphasised the importance of economic development, multilateralism, unity and cooperation with African countries, quiet diplomacy and constructive relations with all countries. It became clear that going forward, commitment to human rights was not going to become an overriding concern of South Africa's foreign policy. This disjuncture, partly shaped by the Nigeria saga, demonstrates that the DIRCO was keen to move away from Mandela's personality-driven diplomacy. Mandela saw himself as an important international figure who could bring about positive change in the world, but did not have the necessary knowledge and experience to do so.

In the ANC's 1997 discussion document on developing a foreign policy, the ruling party admitted, "...with the benefit of three years of experience, it is becoming more and more clear that the difficult challenge is to translate these principles into effective governmental policies" (ANC, 1997:172). The gap between principled commitment to human rights and implementable human rights-focused foreign policy became evident. The document also stated that human rights are interpreted differently in different parts of the world. Moreover, it discussed the diplomatic row with Nigeria, saying the row highlighted "the potential limits of our influence if we act as an individual country" and the need for acting within multilateral

¹⁹ South Africa also sold weapons to human rights-violating regimes and other countries in civil war when Mandela was in power (Landsberg: 2010).

institutions such as the OAU and UN, which “almost always involves negotiations and compromise” (ANC, 1997:172). The ANC went on to say that while the government should not merely focus on trade and diplomacy and ignore human rights, a country’s unsatisfactory human rights record should not prevent the government from conducting trade or diplomatic relations with them (ANC, 1997).

On one hand, these ideas contradict some of Mandela and the ANC’s earlier pronouncements regarding the newly-democratic South Africa pursuing a human rights-focused foreign policy even if its own interests are undermined. On the other hand, these notions reflect that South Africa’s foreign policy started maturing with experience, setting more realistic and pragmatic expectations. Undoubtedly, then Deputy President Mbeki – who succeeded Mandela – was influential behind this shift. The following section will investigate the evolution of South Africa’s *stated* commitment to human rights in foreign *policy*, which seems to have diminished by the time Mbeki left his presidency.

3.3 Human Rights in South Africa’s Foreign Policy under Mbeki and Zuma

President Mandela was instrumental in South Africa’s transition to democracy in 1994 and ensuing foreign relations. Le Pere rightly points out that Mandela’s “statesmanship was primarily responsible for South Africa’s rapid reintegration into global affairs” (Le Pere, 2004:15). While this provided a strong foundation for Mbeki to build on, Mbeki himself was thoroughly versed in diplomacy and international relations. He dealt with numerous foreign leaders during exile as one of the ANC’s key diplomats, and then as the Deputy President of South Africa. Mbeki is credited with consolidating South Africa’s foreign policy, with his seminal foreign policy ideology being the ‘African Renaissance’. The concept of ‘African Renaissance’ has been defined in many ways²⁰ but it essentially advocates “a renewal of the continent by seeking African solutions to African problems” (Le Pere, 2004:15). Mbeki’s Africa-driven foreign policy was rooted in ideas including continental peacemaking, economic revival, and principled solidarity with African governments (Nathan, 2008). He was a major proponent of “African unity” (Lipton, 2009:332).

²⁰ Paul-Henri Bischoff has described ‘African Renaissance’ as the “mobilisation of the African people to take their destiny in their own hands and stand up for clean and purposive government; the establishment of political democracy, respect for human rights and good governance; a clean program of economic regeneration to help reposition Africa in the world economy and at the same time being about a new more equitable world order” (Bischoff, 2003:199).

However, an Afrocentric, or what Nathan calls “Africanist” (Nathan, 2008), foreign policy is bound to result in indifference towards gross violations of human rights. For South Africa to provide leadership on the continent to achieve the aspirations of an ‘African Renaissance’ meant that it could not publicly criticise the gross human rights violators on the continent. South Africa realised that “idealist leanings were difficult to sustain in a world where *realpolitik* and champions of free markets held away” (Alden & Le Pere, 2004:288). As a result, under Mbeki, issues of human rights and democracy shifted from bilateral to multilateral spheres such as the SADC, AU and UN, which has also been the case during Zuma’s tenure in power. As discussed in chapter two, commitment to multilateralism in Africa was “sometimes substantially at odds” (Nathan, 2005:366) with commitment to human rights. Not surprisingly, there was a “gradual retrenchment of human rights concerns under Mbeki” (Alden & Le Pere, 2004:2008), which is reflected in South Africa’s foreign policy documents and other government reports released under the Mbeki and Zuma administrations.

3.3.1 DIRCO’s Annual Strategic Plans

While debates and discussions surrounding South Africa’s foreign policy continued to flourish in the late 1990s, the DIRCO formally started publishing its Annual Strategic Plans under Mbeki in the early 2000s. These documents lay out the government’s key foreign policy principles, goals, strategic objectives and priorities.

According to the Strategic Plan 2002-2005, South Africa’s foreign policy objectives were primarily speeding up service delivery, job creation, economic growth, and promoting peace and socio-economic development in Africa (DIRCO, 2002a). It mentioned the importance of promoting human rights, especially in terms of protecting the rights of oppressed (e.g. migrants, displaced persons, women, children and persons with disabilities), supporting the ratifications of human rights instruments, and encouraging compliance with international resolutions.

The Strategic Plan 2005-2008 did not mention human rights among the strategic objectives, values or priorities of DIRCO (DIRCO, 2005a). In fact, it interpreted the pursuit of human rights primarily in terms of eradicating racism, poverty and underdevelopment in a multilateral context (DIRCO, 2005a:54). The document mentioned South Africa’s efforts to ensure peace and stability in Sudan and Zimbabwe, but

made no mention of human rights violations in those countries. The same can be said about Strategic Plan 2007-2010, which only mentioned human rights in the context of South Africa's participation in the UNHRC's institution building process (DIRCO, 2007a).

The Strategic Plan 2008-2011, however, stated that one of the principles that underpin South Africa's foreign policy is "a commitment to the promotion of human rights" (DIRCO, 2008a:9), which was repeated in future Strategic Plans. This was partly reminiscent of the Mandela era idealism, although it did not represent a renewed emphasis on human rights. Quite possibly, it was the DIRCO's response to criticism that South Africa took a soft stance on gross human rights violations in Sudan and Zimbabwe. The plan reaffirmed that South Africa wishes to protect human rights around the world primarily through multilateral institutions such as the UN, and emphasised the importance of economic, social and cultural rights, including the right to development (DIRCO, 2008a:14). Broadly speaking, the prioritisation of socio-economic and developmental rights within human rights – and frequent disregard of the infringement of political rights – was typical of Mbeki's leadership.

Following the election of President Zuma in 2009, Maite Nkoana-Mashabane became the new minister of DIRCO. However, in terms of South Africa's stated commitment to human rights, there was nothing new or unusual. The Strategic Plan 2009-2012 and 2010-2013 were very similar to previous plans.

In May 2011, the government released a White Paper on foreign policy, titled "Building a Better World: The Diplomacy of Ubuntu". Although the White Paper introduced several new initiatives, it was not fundamentally different from previous foreign policy documents. Tom Wheeler wrote in 2011, "South Africa's current foreign policy has been described as "care and maintenance" of what was created during the Mbeki presidency. The White Paper does little to disabuse that characterisation" (Wheeler, 2011). Most importantly, the references to human rights remained broad, with no mention of the government wanting to take a tougher stance on gross human rights violators. Tseliso Thipanyane notes that the document and Zuma's foreign policy speeches at the time lacked clarity on "the role and centrality of human rights in South Africa's foreign policy and international relations" (Thipanyane, 2011:6).

The Strategic Plan 2011-2014 highlighted South Africa's commitment to human rights in terms of elimination of all forms of racism including xenophobia, Islamophobia and Anti-Semitism; it also repeated

a previously expressed view that economic, social and cultural rights are as important as all other human rights (DIRCO, 2011a:19). As mentioned above, these concepts originated under Mbeki and remained in use under Zuma. Not surprisingly, the Strategic Plans 2012-2017 and 2013-2018 primarily repeated the contents of previous plans.

It is evident that these Strategic Plans – which were often similar and did not change significantly over the years – only expressed South Africa’s commitment to human rights in broad terms. There was no condemnation or even mention of gross violations of human rights in Libya, Sudan and Zimbabwe. Rather, South Africa expressed a general commitment to peace and stability, championed its own mediation roles in Sudan and Zimbabwe, and encouraged warring parties to work together, even in cases where one party was accused of gross violations of human rights to a greater extent than the other.

Furthermore, it became clear that according to South Africa, socio-economic and developmental rights are as important as political rights, if not more. South Africa acted accordingly in multilateral forums such as the UNHRC (Jordaan, 2014a). Jordaan argues that this type of stance from South Africa allows other states “to deflect attention away from their violations of political rights by pointing to their progress on realizing certain economic rights” (Jordaan, 2014a:118). Similarly, the emphasis on eradicating all forms of racism (including xenophobia and ethnic discrimination) – for which South Africa primarily criticised Western countries and Israel – but not necessarily other gross human rights violations by African and developing nations, is selective and controversial.

In the period between the early 2000s to present day, some of the main, stated priorities of South Africa’s foreign policy have been consolidation of the African agenda (including African unity), greater South-South and North-South relations, strengthening political and economic relations, and participation in multilateral forums – but not protection of human rights. Of course, these Strategic Plans have often stated that the promotion of human rights is one of the principles that underpins these foreign policy priorities. Nevertheless, that is a far cry from the South African government’s earlier assertion – especially when Mandela was president – that human rights should be the core concern of the country’s international relations.

3.3.2 DIRCO's Annual Reports to Parliament

The purpose of DIRCO's Annual Reports to parliament is to inform the body on progress made on its annual Strategic Plans. Not surprisingly, the Strategic Plans and Annual Reports are similar in content. However, what distinguishes the Annual Reports is that they are also the government's accounts of its achievements in the international human rights realm, and thus, they focus more on human rights issues than the Strategic Plans. The Annual Reports from 2002 to 2014 celebrated South Africa's contributions to the development of international human rights law, creation of and participation in the UNHRC, and ratification of a number of international human rights instruments. Just as the Strategic Plans, these reports emphasised the importance of developmental rights more than political rights (DIRCO, 2006; DIRCO, 2007). Quite predictably, these reports avoided discussion of gross human rights violations on the African continent or elsewhere in the world, apart from rare mentions of the Sahrawi Arab Democratic Republic or the Occupied Palestinian Territories (DIRCO, 2004). There was no mention of gross violations of human rights in Libya, Sudan and Zimbabwe, and the government generally hailed its mediation efforts in Sudan and Zimbabwe (DIRCO, 2013). Far from criticising the governments of these countries for committing atrocities, these reports repeatedly emphasised South Africa's desire to improve bilateral ties with Libya, Sudan and Zimbabwe.

3.3.3 Government reviews

Since 1994, the executive branch of government published a ten year and a 15 year review in order to evaluate its performance, particularly the successes and shortcomings of government policies in terms of achieving its primary objectives. In the ten year review, which was released in 2003, the government stated that one of its broad objectives was to "promote international respect for human rights and democracy" (The Presidency, 2003:57). It also claimed that South Africa has promoted human rights on the African continent through multilateral institutions including the UN, AU and SADC. Although the need for peace and stability in Sudan and Zimbabwe was stressed, there was no mention of gross human rights violations in either of these countries. The 15 year review mentions political violence in Zimbabwe following the 2008 elections, but unlike the international community – which primarily held the ZANU-PF responsible for atrocities – it does not point fingers at any party (The Presidency, 2009:60). This review also responded to criticism that South Africa protected human rights violating countries in the UNSC. It defended South Africa's record by saying that the country resisted powerful countries with political agendas in the UNSC,

who should have raised human rights-related issues in more appropriate platforms including the UNHRC (The Presidency, 2009:70). This is because the UNSC is primarily mandated to deal with international peace and security, not human rights.

3.4 ANC, Human Rights and International Relations

Foreign policy analysts generally focus on individual leaders, the government and/or the state when analysing a country's foreign policy, often disregarding the influence of ruling political parties or movements. This is also true in the case of South Africa, as "few analyses of post-apartheid South Africa's foreign policy behaviour take into account the influence of the ANC as a ruling party" (IGD, 2012:4). In post-apartheid South Africa, President Mandela and Mbeki (more so than Zuma) chose to be the most influential drivers of foreign policy, more so than the cabinet, DIRCO or the parliament. During Mandela's tenure in power, his views and personality largely shaped South Africa's foreign relations; Mbeki and his ideology of 'African Renaissance' had significantly influenced South Africa's foreign policy. Furthermore, the government is ultimately responsible for the implementation of foreign policy, not the ruling party (IGD, 2012:11). However, an argument can be made that the ANC – as the ruling party – has had an important influence on post-apartheid South African foreign policy. This is true in spite of divisions and contestations between various groups²¹ within the ANC. Some scholars believe that "the broad outline of South Africa's foreign policy emanates from ANC structures" (IGD, 2012:14).

As discussed above, when the ANC assumed power in 1994, it was imbued with a sense of idealism regarding the promotion of human rights globally (ANC, 1994). However, due to the ramifications of the fallout with Nigeria, and much-needed economic reconstruction through international trade, the ANC soon developed a more realistic and pragmatic foreign policy outlook. Regardless of the changes in outlook, the ANC has consistently expressed its commitment to human rights, which has been reflected in all ANC documents on international relations. What is interesting, however, is the ANC's *selective* emphasis on human rights, which is perhaps best explained by its *identity*. A case in point is the ANC's consistent solidarity with Palestine and Western Sahara (ANC, 2012), or criticism of Israel and the West's human rights record, but its refusal to condemn gross human rights violations in many developing countries.

²¹ As mentioned previously, the ANC is part of the Tripartite Alliance alongside the SACP and COSATU, who are influential in their own rights.

While the ANC has developed good ties with the West economically, in terms of its political ideology or identity, it remains a “pan-Africanist, non-racial and anti-colonial movement” (IGD, 2012:10), often at odds with the West and its criticism of gross human rights violations in countries including Libya, Sudan and Zimbabwe.

For example, in the ANC’s 2012 international relations policy discussion document, the party called for greater unity and solidarity with African and emerging countries, and criticised the West for exploitative economic policies, interference in the domestic affairs of other countries, and undue influence in institutions of global governance (ANC, 2012). While these criticisms are partially valid, they reflect the ANC’s political positioning in international affairs. The document also highlights the ANC’s resolution to “strengthen relations with former liberation movements” (ANC, 2012:27) including the ZANU-PF in Zimbabwe. Statements such as these justifiably raise questions about the ANC government’s neutrality in relation to the Zimbabwe crisis. Under Zuma, the ANC and the South African government has shifted even closer towards Russia and China, who are known for myriad of human rights violations at home. For example, the ANC’s discussion document ahead of the 2015 National General Council says, “The US does not appreciate the resurgence of China and Russia as dominant factors in the arena of international power relations. It has instead declared a cold war against these two emerging world powers” (ANC, 2015:162). The document goes on to blame the Western media for portraying Russia and China as human rights violators. Of course, these documents – a small selection of many others published by the ANC – do not represent the party’s foreign policy outlook in its entirety. The content of these documents are also debated, and they certainly do not directly influence foreign policy. However, they do arguably “wield an influence on the mental landscapes... of the party’s leadership whenever it turns its attention to international affairs” (Spector, 2013). Most importantly, they shed light on the ANC’s identity as an Africanist, anti-West, liberation movement that selectively promotes human rights and shields its allies from criticism of gross human rights violations.

3.5 Conclusion

In the mid-1990s, the Mandela-led South African government made several idealistic pronouncements regarding its commitment to human rights in international affairs. This idealism – motivated by having finally negotiated an end to apartheid – was understandable. Nevertheless, the diplomatic rift with Nigeria

showed that public condemnation of other countries for gross human rights violations can have negative consequences.

Not surprisingly, following Mandela's departure, President Mbeki – driven by his 'African Renaissance' ideology and aspirations for African unity – demonstrated pragmatism when dealing with gross human rights violating regimes. His Afrocentric foreign policy outlook and preference for multilateralism often resulted in indifference towards gross violations of human rights, a situation that remains unchanged under Zuma.

Quite importantly, an assessment of DIRCO's Annual Strategic Plans, Annual Reports to Parliament and other government documents reveal that South Africa's stated commitment to human rights abroad had steadily diminished over the last two decades. Its foreign policy evolved or experienced a significant shift from an idealistic commitment to human rights to a more pragmatic and selective approach to human rights.

Similarly, the ruling ANC's stance in the 1990s on promoting and protecting human rights became more selective, primarily targeting the West's rights violations and foreign policy failures in many international conflicts while protecting its allies. Undoubtedly, the ANC's orientation as a pan-Africanist, non-racial and anti-colonial movement discourage the South African government from condemning of gross human rights violators in Africa and the developing world.

4 Chapter Four: An Explanation of the Contradictions

4.1 Introduction

Chapter two has demonstrated how South Africa's responses to gross violations of human rights in Libya, Sudan and Zimbabwe have often contradicted its stated commitment to human rights. These contradictions have been visible on a bilateral level, and on a multilateral level in the context of South Africa's membership of the UNHRC. Furthermore, an analysis of government foreign policy documents and ANC policy documents in chapter three illustrated that South Africa's stated commitment to human rights has diminished over time. The aim of this chapter is to critically analyse the major scholarly explanations of South Africa's contradictory foreign policy behavior, and identify the strongest explanations.

4.2 Scholarly Explanations

In the literature review section of chapter one, I presented the major scholarly explanations of South Africa's behaviour. These explanations are –

- South Africa's foreign policy suffers from ideological conflicts. It has been influenced by pro-democracy and human rights sentiments, but also notions of anti-imperialism, African unity and South-South solidarity that often run counter to those values. Ideological conflicts in foreign policy are bound to result in contradictory foreign policy behaviour. However, in the context of ideological conflicts in South Africa's foreign policy, when Africanist and anti-imperialist paradigms clash with the democracy paradigm, the former usually prevail (Nathan, 2005). South Africa traditionally shows solidarity with African, developing and former anti-apartheid allies in international relations, an explanation that is applicable to South Africa's responses to gross human rights violations in Libya, Sudan and Zimbabwe.
- South Africa's foreign policy behaviour is influenced by national interest, although the concept of national interest has not been properly defined by its leadership. National interest invariably includes economic interests, especially in South Africa's case given its complex socio-economic challenges. However, most scholars have not cited national interest as a major explanation of South Africa's responses to gross violations of human rights in Libya, Sudan and Zimbabwe.

- Since domestic factors undoubtedly influence foreign policy, several scholars suggested that they are relevant in explaining South Africa's behaviour. These factors include the ANC's political considerations, the desire to limit the effects of external crises at home (especially in the case of Zimbabwe), and questions surrounding the ANC's commitment to human rights as a whole. However, the majority of scholars have not explored the domestic dynamics adequately, which merits further discussion.
- Scholars suggest that South Africa's 'quiet diplomacy' approach to foreign policy, be it in general or in cases where South Africa mediates a conflict, contradicts its commitment to human rights. The reason being, this approach focuses on speaking to actors – including gross human rights violators – behind the scenes to change their behaviour, as opposed to publicly condemning or punishing them. South Africa has employed this approach in Zimbabwe, but also in Sudan and Libya in varying degrees.
- When mediating a conflict, South Africa's preferred conflict resolution mechanism is an inclusive, negotiated political settlement, which may establish a government of national unity. A government of national unity was established in both Zimbabwe and Sudan with the hope of ending conflicts and political violence respectively. However, this mechanism – based on South Africa's national experience in 1994 – typically fails to hold gross human rights violators accountable.
- Lastly, as a general explanation, it is undoubtedly true that all countries have multiple interests and priorities, which can occasionally be in conflict. South Africa is no different.

4.3 Critical Analysis of Scholarly Explanations

4.3.1 Introduction

In this section, I will critically analyse the scholarly explanations in order to improve them and identify the strongest explanations.

4.3.2 Solidarity with African, developing and anti-apartheid allies

In my assessment, one of the strongest explanations of South Africa's responses to gross violations of human rights is its solidarity with African, developing and anti-apartheid allies. Since coming to power 1994, the ANC government led by Mandela vowed that it would pursue an ethnical foreign policy that involves promoting and protecting human rights around the world. However, it also espoused the need for unity with African countries, developing nations, and countries that supported the ANC during apartheid, even though many of these countries have poor human rights records at home. It soon became inevitable that South Africa could not bridge these ideological divides. In the 1990s, on one hand, Mandela embraced Libya's Gaddafi – then an international pariah – who had been responsible for international terrorism and gross violations of human rights at home. On the other hand, Mandela took a strong stance on Nigeria's Abacha regime for gross human rights violations and called for punitive measures against it. As mentioned before, Mandela's actions with regards to Nigeria backfired and resulted in political isolation on the continent. Scholars are right to view this incident as a major turning point in South Africa's foreign policy in terms of human rights promotion.

President Mbeki not only learnt from this lesson, but as I discussed in chapter three, he increasingly pursued an Africanist or Afrocentric foreign policy. The political and economic integration and development of Africa became the centerpiece of his foreign policy. His aspiration for South Africa to play a leading role in bringing about the 'African Renaissance' ultimately resulted in indifference towards gross human rights violations, despite his pleas for good governance on the continent.

Furthermore, South Africa continued to side with other developing countries in opposing the West on human rights issues. Gross human rights violations is a highly contentious topic in the international political arena, and developing nations often claim that developed nations' critique of their domestic political order is imperialistic. Regardless of the validity of this claim, South Africa has in the past described Western criticism of developing countries' (including Libya, Sudan and Zimbabwe) human rights records as imperialistic, hypocritical and attacks on state sovereignty.

Of course, the one of the most important reasons behind these foreign policy positions is the ruling ANC's identity and ideological makeup. As I have discussed in chapter three, the ANC, formerly a national

liberation movement, consistently positions itself as a pan-Africanist and anti-imperialist organisation at odds with the West over human rights issues. There have also been numerous examples of ANC leaders showing support towards Mugabe and the ZANU-PF, as well as Gaddafi. Therefore, South Africa's solidarity with African, developing and anti-apartheid allies is undoubtedly one of the strongest explanations of its contradictory behaviour in Libya, Sudan and Zimbabwe.

4.3.3 National interest

The importance of national interest or national economic interest as an explanation of South Africa's behaviour requires further investigation. With respect to Libya, although Gaddafi provided financial support to the ANC during apartheid and after, there has been limited trade between Libya and South Africa. During the Presidency of Mandela, Libya was under sanctions from the UN, EU and US, severely curtailing trade and investment in the country. Although the UN sanctions were lifted in 1999, crippling US sanctions remained in place until the mid-2000s. In 2005, trade between South Africa and Libya was merely in the region of ZAR 70 million²² (Mokgola, 2005). Even though bilateral trade increased in the following years, especially in terms of South Africa's export of arms to Libya, the country never became one of South Africa's major trading partners on the continent. The South African President who was Libya's biggest defender – Mandela – never oversaw major trade between the two countries. Thus, national interest was not the biggest motivator behind South Africa's close ties with Libya, as that relationship only risked jeopardising South Africa's relations with an economic powerhouse like the US. Similarly, although South Africa's exports to Sudan increased from USD 7 million in 2000 to USD 66 million in 2006 (Nathan, 2008) – a period during which some of the worst atrocities occurred in Darfur – Sudan was also not a major trading partner of South Africa.²³

The national interest explanation is arguably more applicable to Zimbabwe. In the 1990s, trade between the two neighbours increased rapidly as numerous South African companies started investing in Zimbabwe (Balchin & Soko, 2009:36). Given South Africa's economic superiority and status as the most industrialised country in the SADC region, Zimbabwe became a major destination for South African

²² In 2004, for example, South Africa's exports to Zimbabwe amounted to ZAR 6.2 billion (Games, 2006).

²³ While South Africa set up bilateral commissions with Libya and Sudan in order to promote greater ties, which has been emphasised by various DIRCO documents over the years, South Africa's major trading partners in Africa are the likes of Angola, Botswana, Mozambique, Nigeria, Namibia, Zambia and Zimbabwe (Viljoen, 2014).

exports.²⁴ It appeared that South Africa refused to be critical of the Mugabe regime because it prioritised political stability, an absence of which could jeopardise its exports. Nevertheless, this argument ignores that the Mugabe government has been significantly responsible for Zimbabwe's grave economic woes – contributing to major social and political crises between 2000 and 2009 – which could not have been beneficial for South Africa. Balchin and Soko hold that “it is not clear from the available evidence that economic and commercial interests have been a primary consideration in South Africa's policy towards Zimbabwe” (Balchin & Soko, 2009:42). They argue that in South Africa, there is a disjuncture between government and business leadership, admitted by Mbeki himself; thus, it would be inaccurate to assume that there was strategic cooperation between the public and private sectors over Zimbabwe policy (Balchin & Soko, 2009:42). Furthermore, the success of South African companies in Zimbabwe was primarily driven by “their relative competitive advantages” (Balchin & Soko, 2009:43) including better access to human and physical capital as well as advanced technologies, not the South African government's involvement. In conclusion, while South Africa's foreign policy is undoubtedly linked to its national interest or national economic interest, it is not one of the strongest explanations of South Africa's contradictory behaviour in Libya, Sudan and Zimbabwe.

4.3.4 Domestic dimensions

The domestic dimensions that scholars raised, which I highlighted in chapter one, are relevant. However, they are inadequate, as the link between the ANC government's commitment to human rights at home and abroad has not been made explicit. I would argue that the most important domestic factor behind contradictory behaviour is that there has been a steady deterioration of South Africa's domestic human rights regime. For example, in recent years, the South African police forces often came under criticism for “excessive and disproportionate force” against civilian protesters (Human Rights Watch, 2015a). The most notable incident was the killing of 34 miners in Marikana, North West Province, in August 2012, for which the government accepted very little accountability. Furthermore, since the mid-2000s, there have been spates of xenophobic violence across the country, primarily against poor and working class migrants from other African countries. 2015 was no different, and although the government condemned the attacks last year, its refusal to take strong measures against public figures who made xenophobic remarks – such as

²⁴ In 2014, for example, Zimbabwe was one of South Africa's five major export destinations on the continent (Viljoen, 2014:3).

President Zuma's son Edward Zuma, or the Zulu King Goodwill Zwelithini – drew strong condemnation from civil society. These instances do not demonstrate that the South African government supports or is directly responsible for these violations. Nonetheless, if a government has become increasingly complacent about human rights violations at home, it is unlikely to confront gross human rights violators abroad. Of course, as per my assessment of the DIRCO's Annual Strategic Plans and Annual Reports in chapter three, the emphasis on human rights in South Africa's foreign policy has also diminished over time.

4.3.5 Aspiration to be a leading conflict mediator

I would suggest that the 'quiet diplomacy' and support for negotiated political settlement explanations jointly represent South Africa's aspiration to be a leading conflict mediator in the world. This aspiration was borne out of its own national experience of reconciliation and transition from apartheid to democracy in 1994. Since South Africa is not a global power and does not have adequate resources, its international mediation efforts have been limited. However, in Africa, South Africa has been involved in several peace initiatives over the last 20 years. Such a role undoubtedly prevents criticism of gross human rights violators, although there have also been allegations of bias against South Africa.

4.3.5.1 Belief in 'quiet diplomacy'

When it comes to mediating conflicts, where gross human rights violations may have occurred, South Africa traditionally uses the 'quiet diplomacy' approach. South Africa has prominently employed 'quiet diplomacy' with regards to the Zimbabwean crisis, but also in Sudan and Libya to a lesser extent. While scholars are right to critique this approach for shielding gross human rights violators from public condemnation, such measures can also be counterproductive. As a mediator, South Africa's role is to negotiate an end to violence, an objective that can be jeopardised by overt criticism or punishment of particular actors. This is why South Africa remains committed 'quiet diplomacy' even in the face of overwhelming scrutiny from critics at home and the West. Critics of South Africa's foreign policy have often failed to take such practical matters into consideration.

4.3.5.2 Export of negotiated political settlement

As a mediator, South Africa is a major proponent of an inclusive, negotiated political settlement, which may result in a government of national unity involving all the relevant stakeholders. This was South Africa's national experience in 1994, and South Africa feels confident in exporting this procedure to other countries. This is inevitable, as most countries' foreign policy is based on their domestic order. Most importantly, scholars criticise this approach because it typically fails to hold gross human rights violators accountable. In a government of national unity, gross human rights violators may even be empowered. However, mediating a conflict with the aim of creating long-term stability also requires that mediators do not exclude or punish certain actors, as they want the mediation process to be successful and the conflict to end. Undoubtedly, South Africa's mediation efforts in Zimbabwe and Sudan were aimed at ending political violence and armed conflicts respectively.

4.3.5.3 Allegations of bias and preference for regime security

While the above mentioned practical obstacles prevent South Africa from taking a strong stance on gross human rights violators, its neutrality as a mediator has been questioned on numerous occasions. As I have discussed in chapter two, in both Zimbabwe and Sudan, South Africa has been accused of being biased towards the Mugabe and al-Bashir regimes respectively, which raises questions about South Africa's underlying intentions and motivations. Although South Africa played an assertive role against the Gaddafi regime during the 2011 Libyan crisis, South Africa reversed its position as soon as regime change became a possibility. I would argue that South Africa is certainly sincere in its efforts to bring about peace and stability when mediating conflicts, but it is traditionally opposed to regime change.

Opposition to regime change – although not always publicised – is typical of former national liberation movements that came to power, especially in Africa. These movements have been in power since independence, and they are strongly opposed to the idea of ever losing or sharing power.²⁵ The ANC is one such movement and ruling party. In January 2014, for example, President Zuma said, “We will continue to run this government forever and ever” (Zuma in *Mail & Guardian*, 2014). There have been

²⁵ Examples of other African former national liberation movements that have been in power since independence include the People's Movement for the Liberation of Angola (MPLA) in Angola, the South West Africa People's Organisation (SWAPO) in Namibia, and the Mozambique Liberation Front (FRELIMO) in Mozambique.

several instances where ANC leaders and government officials made similar statements, or accused domestic and external critics of having a regime change agenda. While opposition to regime change can also be driven by other practical considerations – such as increased instability – these issues certainly raise questions about South Africa’s neutrality.

4.3.6 Conflicting interests and priorities

As a general explanation, it is certainly true that no country’s foreign policy behavior can be consistent at all times. A state’s foreign policy behavior is influenced by its priorities and interests, which are affected by various national and global constraints. It is practically impossible or extremely difficult to have a foreign policy that consistently prioritises human rights over other issues. Not surprisingly, in response to criticism of the South African government’s refusal to arrest al-Bashir in June 2015, ANC secretary general Gwede Mantashe said, “Once you emphasise one principle over the other, you will say you have human rights but have no relations with the continent. Nobody will want to touch you. What kind of a nation is that?” (Mantashe in *Eye Witness News*, 2015).

4.4 South Africa’s position in the UNHRC

According to Jordaan, South Africa has been “a defender of oppressive regimes and an obstacle to the international promotion of human rights” (Jordaan, 2014a:92) in the UNHRC, which has been discussed in detail in chapter two. A simplistic but relevant explanation is that contradictions between South Africa’s commitment to human rights and actual behaviour on bilateral levels are bound to be reproduced in multilateral settings such as the UNHRC. Nonetheless, a stronger explanation lies in South Africa’s position within the UNHRC’s bloc politics. As stated before, the council’s membership is dominated by African and Asian or developing countries, many of whom have a poor human rights record at home. This has been a major criticism of the UNHRC (Freedman, 2013a). When it comes to gross violations of human rights – a highly politicised issue in international relations – developing and developed countries are often in disagreement. This has also been the case in the UNHRC, and South Africa has mostly sided with developing nations. International NGOs including the UN Watch have criticised South Africa’s voting record in the council, saying it has sided with authoritarian and gross human rights violators on multiple occasions (UN Watch, 2007; UN Watch, 2007a).

4.5 Conclusion and key findings

In 1994, the newly democratic South Africa led by President Mandela vowed to implement an idealistic, human rights-focused foreign policy. South Africa told the world that it would promote and protect human rights in all corners of the world, not least due to its own history of gross human rights violations under apartheid. Nevertheless, in the last two decades, contradictions emerged between South Africa's stated commitment to human rights and its foreign policy behaviour. This has been evident on numerous occasions. In particular, South Africa's responses to gross violations of human rights in Libya, Sudan and Zimbabwe on a bilateral and multilateral level (including in the UNHRC) have come under scrutiny. These contradictions are not surprising, as no country's foreign policy behaviour can be consistent at all times, as all countries are driven by multiple interests and priorities. Treating South Africa as a special or unique country that would always protect and promote human rights – as some critics of its foreign policy have done – has only resulted in unrealistic expectations. Nevertheless, it is still worth exploring the major scholarly explanations behind South Africa's contradictory behaviour, which inspired this study. The major explanations as per my assessment are listed below:

- Firstly, South Africa's foreign policy undoubtedly suffers from conflicting ideologies. On one hand, South Africa is a major proponent of democracy and human rights, not least due to its own history of triumph over apartheid and transition to democracy. On the other hand, it believes in pan-Africanism, anti-imperialism and South-South solidarity. Interestingly, the Africanist and anti-imperialist paradigms in South Africa's foreign policy are rarely in conflict with one another, but when they clash with the democratic paradigm, the latter usually falls away. This has been particularly true since South Africa's diplomatic row with Nigeria in the mid-1990s.²⁶

Democratic South Africa has been traditionally supportive of its African, developing and former anti-apartheid allies, often shielding them from Western criticism over gross human rights violations. This has been particularly evident in South Africa's strong opposition to Western punitive measures against Libya, Sudan and Zimbabwe. Although South Africa continues to be a

²⁶ Of course, Mandela and the ANC have shown affinity towards Gaddafi and Libya even before the ANC came to power in 1994, as Gaddafi was a patron of ANC in exile during apartheid.

major critic of Israel's human rights violations in Palestine, for example, it does not condemn its allies in the global South with the same vigour or frequency. In the never-ending debate between the developed and developing countries (many of whom are African) over the contentious issue of gross human rights violations and how to address them, South Africa typically sides with the latter. South Africa's behaviour is unquestionably linked to the ruling ANC's positioning as a pan-African and anti-imperialist organisation at odds with the West over human rights.

- Secondly, South Africa's contradictory responses to gross human violations rights in Libya, Sudan and Zimbabwe can also be explained by certain domestic factors. Scholarly explanations have focused on the ANC's political considerations, the desire to limit the effects of external crises at home (especially in the case of Zimbabwe), and questions surrounding the ANC's commitment to human rights as a whole. While these views are relevant, I would argue that the most significant domestic factor is that there has been a steady deterioration of South Africa's domestic human rights regime. This deterioration has been driven by issues of police brutality and xenophobic violence. I would argue that a government that has become complacent over protecting human rights at home is unlikely to be a major proponent of it abroad. I have also demonstrated that the emphasis on human rights has steadily diminished in South Africa's foreign policy documents.
- Thirdly, South Africa's desire to be a leading conflict mediator is a major explanation of contradictory behaviour. When mediating conflicts, South Africa traditionally employs 'quiet diplomacy' and suggests an inclusive, negotiated political settlement that may result in a government of national unity. The latter approach was South Africa's own national experience in 1994. Scholars are critical of both approaches because they generally tend to protect gross human rights violators, who may evade accountability for their actions, which is problematic. However, the critics also fail to point out that South Africa's main objective as a mediator is to end violence and political violence, which can be thwarted if South Africa takes a harsh stance against gross human rights violators.

Of course, questions have also been raised about South Africa's neutrality in mediation, primarily due to South Africa's bias towards the Mugabe and al-Bashir regimes. I would argue that while South Africa is genuinely interested in bringing about peace and political stability, it traditionally

opposes regime change. The opposition to regime change is most likely due to the ANC being a former liberation movement; former liberation movements that came to power in Africa have a reputation for wanting to stay in power indefinitely.

These explanations are also applicable to South Africa's behaviour in the UNHRC, where it has often sided with the dominant bloc made up of developing countries, many of whom have poor human rights records at home. Of course, I am aware that my decision to only focus on the UNHRC provides an incomplete picture, as it excludes discussion on South Africa's performance in other multilateral platforms. However, I agree with Jordaan's assessment that "there is little evidence" (Jordaan, 2014a:92) to suggest that South Africa's actions elsewhere are significantly different to its behaviour in the UNHRC.

It should be stated that these explanations do not apply *equally* to South Africa's responses to gross violations of human rights in Libya, Sudan and Zimbabwe, nor do they explain *all* instances when South Africa deal with gross human rights violators. However, and broadly speaking, they work in conjunction in terms of explaining South Africa's contradictory behaviour.

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