



## South African Foreign Policy and Human Rights

### Obligations

A case study of whether South Africa's foreign policy with Zimbabwe and China is informed by its constitutional and international human rights obligations.

Course Code: PBL 5627W

Course Name: Master of Philosophy in Human Rights Law

Supervisor: Professor Danwood Chirwa

Word Count: 24 378

University of Cape Town

First Degree: BA Social Science, BA Social Science (Honours)

Reshoketswe Madima

MDMRES001

The copyright of this thesis vests in the author. No quotation from it or information derived from it is to be published without full acknowledgement of the source. The thesis is to be used for private study or non-commercial research purposes only.

Published by the University of Cape Town (UCT) in terms of the non-exclusive license granted to UCT by the author.

## **ACKNOWLEDGEMENTS**

I would like to offer my thanks to my supervisor, Prof. Danwood Chirwa and my family for their support through this process.

## ABSTRACT

*South Africa is a country that in the past has experienced gross human rights violations, and therefore has sought never again to have such violations. The government has sought to protect people's human rights by including them in the country's Constitution. Furthermore, South Africa has engaged with various international human rights bodies to further advocate for good human rights practices.*

*However, the country has encountered some domestic challenges, with inequality and poverty being rife in the country. These challenges have implications for South Africa's economic foreign policy goals. This study explores South Africa's foreign policy with the Chinese government and the Zimbabwean government to explain why the country has chosen countries with poor human rights such as these. The research study will be centred around the period from 2008 to 2017.*

*The offensive realism theory formed the theoretic framework of this research study. The study employed a qualitative research strategy as well as an interpretivist research paradigm. The findings show that when it comes to South Africa's foreign policy agenda, the government's goal is to establish a partnership with another country that will ultimately benefit the economic interests of South Africa, regardless of the country's human rights principles.*

## TABLE OF CONTENTS

ABREVIATIONS/ACRONYMS.....	7
 CHAPTER ONE: INTRODUCTION, RESEARCH PROBLEM, LITERATURE REVIEW; THEORETICAL FRAMEWORK AND METHODOLOGY	
1.1 Introduction.....	8
1.2 Background	
1.2.1 The Apartheid System.....	11
1.2.2 South Africa and Human Rights.....	11
1.2.3 South Africa’s Foreign Policy during Apartheid.....	12
1.2.4 Foreign Policy Initiatives Post 1994.....	13
1.3 Research Question.....	15
1.4 Problem Statement.....	15
1.5 Rationale of Study.....	17
1.6 Literature Review.....	19
1.6.1 Foreign Policy Based on National-Interests.....	19
1.6.2 Liberal Foreign Policy Approach Based on Human Rights.....	21
1.7 Theoretical Framework.....	22
1.7.1 Realist Theory.....	22
1.7.2 Offensive Realism Theory.....	23
1.7.3 Origins of the Theory.....	24
1.8 Methodology.....	25
1.8.1 Research Approach.....	25
1.8.2 Research Paradigm.....	26
1.9 Research Strategy.....	26
1.9.1 Case Study.....	26
1.9.2 Case Study Selection Method.....	27
1.10 Data Collection.....	29
1.11 Ethical Consideration.....	30
1.12 Limitation of Study.....	30
1.13 Chapter Synopsis.....	31

## CHAPTER TWO - THEORETICAL FOUNDATION INFORMING ANALYSIS OF SOUTH AFRICA'S FOREIGN POLICY

2.1 Introduction.....	32
2.2 An Anarchic International System.....	32
2.2.1 Anarchy and Foreign Policy.....	33
2.3 Economic Globalisation and Foreign Policy.....	35
2.4. South Africa's Economic Need for Investments.....	35
2.4.1 The Poor Standard of Living.....	37
2.4.2 The Challenges of the Public Education System.....	38
2.4.3 The Issue of Unemployment.....	41
2.4.4 South Africa and The Millennium Development Goals.....	42
2.4.5 The Challenges in Healthcare.....	42
2.4.6 The Challenges of Reducing Poverty.....	44
2.5 Conclusion.....	45

## CHAPTER THREE: SOUTH AFRICA'S CONSTITUTIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

3.1 Introduction.....	46
3.2 South Africa's Constitutional Obligations.....	47
3.2.1 South Africa's Armed Forces.....	48
3.3 South Africa's International Obligations.....	49
3.4 International Human Rights Treaties.....	49
3.4.1 International Covenant on Economic, Social and Cultural Rights.....	50
3.4.2 International Convention on Civil and Political Rights.....	50
3.4.3 Convention on the Elimination of All Forms of Discrimination Against Women....	51
3.4.4 Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.....	52
3.5 International Obligations Relating to Foreign Policy.....	53
3.5.1 South Africa's UN Peacekeeping Missions.....	54
3.5.2 South African Military in the Democratic Republic of the Congo.....	54
3.5.3 South Africa's Involvement.....	55
3.5.4 The Rome Statute.....	56
3.6 South African Foreign Policy Within the African Region.....	57

3.6.1 The Southern Development Community.....	58
3.7 Conclusion.....	59

#### CHAPTER FOUR: SOUTH AFRICA'S FOREIGN POLICY IN PRACTICE

4.1 Introduction.....	61
4.2 China's Economy.....	62
4.3 China and South Africa's Foreign Policy.....	63
4.4 A Critique of South Africa's Foreign Policy with China.....	65
4.5 China's Human Rights Violations.....	66
4.6 China and the Crisis of Tibet.....	67
4.7 History of Zimbabwe under Robert Mugabe.....	68
4.8 Land Redistribution Crisis.....	68
4.9 Zimbabwe's Constitution and Human Rights.....	70
4.10 Violence and Oppression in the Country.....	70
4.11 South Africa's Foreign Policy with Zimbabwe.....	71
4.11.1 Use of Quiet Diplomacy .....	71
4.11.2 Quiet Diplomacy Under Jacob Zuma Administration.....	72
4.11.3 The Southern African Development Protocol.....	72
4.12 The International Communities Response to the Crisis in Zimbabwe.....	73
4.13 Motivation for South Africa's Foreign Policy Position with Zimbabwe .....	75
4.13.1 The Issue of State Sovereignty.....	75
4.13.2 Protection of South Africa's Interests.....	76
4.13.3 South Africa's Relationship and Interests within Africa.....	76
4.14 Conclusion.....	77

#### CHAPTER FIVE: CONCLUSION

5.1 Introduction.....	78
5.2 Main Findings.....	78
5.3 Conclusion.....	79
BIBLIOGRAPHY.....	81
DECLARATION FORM.....	93
PLAGARISM RECEIPT.....	95

## ABBREVIATIONS/ACRONYMS

African Charter on Human and Peoples' Rights: ACHPR

African National Congress: ANC

African Union: AU

Brazil, Russia, India, China and South Africa: BRICS

Charter of the United Nations: UN Charter

Constitution of the Republic of South Africa: The South African Constitution

Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT)

Convention on the Elimination of All Forms of Discrimination Against Women: CEDAW

Democratic Republic of the Congo: DRC/ Congo

International Covenant on Economic, Social and Cultural Rights: ICESCR

International Convention on Civil and Political Rights: ICCPR

International Criminal Court: ICC

National Party: NP

People's Republic of China: China

Republic of South Africa: South Africa

Republic of Zimbabwe: Zimbabwe

South African National Defence Force: SANDF

Southern African Development Community: SADC

United Nations: UN

United Nations Declaration of Human Rights: UDHR

United Nations General Assembly: General Assembly

United Nations Organisational Stabilisation Mission in the Democratic Republic of the Congo: MONUSCO

United Nations Security Council: UNSC/ Security Council

Zimbabwe African National Union – Patriotic Front: ZANU-PF

**CHAPTER ONE**  
**INTRODUCTION: RESEARCH PROBLEM; LITERATURE REVIEW;**  
**THEORETICAL FRAMEWORK AND METHODOLOGY**

### **1.1 Introduction**

The Republic of South Africa (South Africa) has been a democratic country for more than two decades. The first democratic elections took place on 27 April 1994. In establishing a democratic government and ending an oppressive one, the country had to not only introduce a new Constitution but also include what has come to be known as universal human rights norms into it. The Constitution is centred on the promotion and the protection of every person's best interests and basic human rights.

The Bill of Rights which is in Chapter 2 of the South African Constitution guarantees these rights to every single person in South Africa. Section 7 provides that every single person has the right to be treated with dignity and not have their dignity violated.<sup>1</sup> Human dignity is one of the important rights that is afforded to everyone and is required in order to live a fulfilled life.

Domestically, the Bill of Rights is the cornerstone of democracy and effective governance. Among other things, it protects the right of every citizen to make political choices freely.<sup>2</sup> It is this human right and many others in the Constitution that ensure law and order in the country by making sure everyone is treated with respect and is treated equally.

Furthermore, not only have human rights been entrenched in the South African Constitution but South Africa has also ratified various human rights instruments. South Africa is a member of the United Nations (UN). This therefore makes the state party to the Universal Declaration of Human Rights (UDHR) and therefore committed to upholding the values of the UDHR. The UDHR states that all people have human rights and that states should make sure that these rights are respected and enforced. Article 1 of the UDHR states that all people are inherently

---

<sup>1</sup> Constitution of the Republic of South Africa of 1996, Section 7.

<sup>2</sup> Ibid.

equal in their rights and dignity as well as having the equal right of freedom.<sup>3</sup> The UDHR applies to every single person without distinction.

Since the dawn of democracy, South Africa has expanded its foreign policy initiatives. The country had to adjust its policy from what had previously been in place pre-democracy. The new policy had to include human rights norms. By 1994, South Africa did not regard the principle of human rights as a separate matter but instead as an imperative contributing factor to good governance.<sup>4</sup> Human rights and democracy therefore became an important aspect in South Africa's foreign policy.

South Africa has recognised the relationship between globalisation and foreign policy. The government has further recognised the power and relevance of globalisation and the fact that the world has become more interconnected. Therefore, after independence, the government began to embrace the idea of multilateralism.

The government practised transparency and forming partnerships with other governments and international organisations in order for South Africa to begin achieving its own interests in the world and wield some power. The South African government has practised multilateral diplomacy with the objective of increasing the country's influence.<sup>5</sup> This has resulted in South Africa making multilateral diplomacy a core aspect of its foreign policy agenda.

The government has been involved in many partnerships internationally. This includes its membership to the UN. Furthermore, South Africa is engaged in regional partnerships with bodies such as the African Union (AU) and the Southern African Development Community (SADC).

In addition to these partnerships, South Africa's foreign policy is also centred around trade partnerships. This study will focus on South Africa's partnership with the People's Republic of China (China) and its relationship with the Republic of Zimbabwe (Zimbabwe).

---

<sup>3</sup> United Nations Declaration of Human Rights Resolution 217A of 1948, Article 1.

<sup>4</sup> James Barber 'The New South Africa's Foreign Policy: Principles and Practice' (2005) 81 *International Affairs* 1079-1096 at 1084.

<sup>5</sup> Eduard Jordaan 'South Africa, Multilateralism and the Global Politics of Development' (2012) 24(2) *European Journal of Development Research* 283-299 at 286.

The concept of human rights and foreign policy regarding South Africa is however a complex issue. The idea of integrating human rights into South Africa's foreign policy would in theory have been a good idea in that it would be keeping up the country's constitutional values.

However, this has not been successfully achieved by the government, specifically regarding South Africa's diplomatic relations with China and Zimbabwe. Both the Chinese and Zimbabwean governments have been accused by the UN of human rights abuses in their respective countries. United Nations' and Regional Human Rights Bodies' findings on Zimbabwean human rights abuses concluded that between 2000 and 2005, Zimbabwe was guilty of human rights violations.<sup>6</sup> Also, China has threatened the global human rights established norms by denying its citizens these rights that they should intrinsically have.<sup>7</sup>

The same can be said for Zimbabwe as there has been reported to be extensive levels of repression encountered by civil society groups when elections are held. Since 2012, leaders of opposition political parties have been arrested and their offices subjected to raids by the Zimbabwean police.<sup>8</sup> Both countries can therefore be said to have experienced a humanitarian crisis as the welfare of people has been threatened.

Despite these violations, South Africa continues to maintain relations with these two nations on a political and economic level without fully addressing the humanitarian crisis that continues in Zimbabwe and China. This resulted in the country going against its human rights obligations, constitutionally and internationally.

This research study will explore South Africa's human rights obligations regarding its foreign policy agenda, South Africa's human rights domestic obligations as well as the country's international and regional obligations with the UN, the AU and the SADC.

---

<sup>6</sup> United Nations and Regional Human Rights Bodies 'Findings on the Human Rights Situation in Zimbabwe (2000-2005)' *61<sup>st</sup> Session of the Commission on Human Rights* 3-105 at 3.

<sup>7</sup> Human Rights in China (2001) *UN Commission on Human Rights ignores China's human rights violations at para. 2* available at <https://www.hrichina.org/en/content/2539> [accessed on 7 September 2018.]

<sup>8</sup> Amnesty International (11 November) *Zimbabwe Human Rights* at para 2 available at <https://www.amnestyusa.org/countries/zimbabwe/> [accessed on 7 September 2018.]

Furthermore, the research will also explore the conflict that the South African government has in remaining true to its human rights beliefs and obligations, yet having diplomatic relations with countries that are abusers of human rights themselves. The South African government has continued to engage in a trade-off of pursuing its own foreign policy interests with China and Zimbabwe above honouring its human rights stance and obligations.

## **1.2 Background**

### **1.2.1 The Apartheid System**

South Africa's political system for more than 40 years was that of apartheid. The system of apartheid was in place from 1948 to 1994, which was characterised by the legalised separation and discrimination of people on the basis of the colour of their skin. Individuals in the country were classified according to which ethnic or racial group they belonged to.<sup>9</sup> This separation permeated all aspects of social and political life. The system of apartheid was developed to ensure racial segregation.

In order to implement this policy, South Africans had to be classified according to their race.<sup>10</sup> The implementation of policy was one of the ways the government used to control people in all aspects of life, political, social and economic.

The apartheid system targeted people of colour and many laws were established to keep them separate as well as to keep them oppressed and subservient. These laws included the Population Registration Act. The Population Registration Act categorised individuals into different groups.<sup>11</sup> The apartheid system had by then become legalised.

### **1.2.2 South Africa and Human Rights**

It is evident that the system of apartheid was a violation of human rights norms as the system was characterised by the subjugation of the minority population. Furthermore, because of the

---

<sup>9</sup> Nicola De Jager *South African Politics: An Introduction* (2015) 1-357 at 37

<sup>10</sup> *Ibid.* at 37

<sup>11</sup> AJ Christopher *Urban Segregation in Post-apartheid South Africa* (2001) 38(3) *Urban Studies* 449-466 at 449.

implementation of this system, the South African government had not ratified the UDHR and therefore was not party to its norms.

The UDHR is a universal declaration of human rights norms that was established in 1948. Article 2 of the UDHR states that every single person is granted all the rights in the UDHR without any constraints.<sup>12</sup> The UDHR therefore protects everyone's human rights without discrimination of any kind.

Although the Declaration is not a legally binding document because it is just a declaration, it nonetheless is an international declaration that sets up the norms of human rights that countries and governments ought to abide by to protect and promote human rights values.

However, the South African government during apartheid had not signed or ratified the UDHR. It was not party to the UDHR because the system of apartheid was in direct violation of the provisions in the document.<sup>13</sup> This resulted in the country having little or no interaction with the international community in terms of being involved in human rights institutions.

### **1.2.3 South Africa's Foreign Policy during Apartheid**

South Africa's foreign policy before 1994 was largely strained as a result of the government's policy of apartheid, which restricted the human rights of the majority of the population.

This resulted in the system being widely condemned by the international community. Protests were organised around the world calling for the system to be abolished. The American government implemented sanctions whilst Britain and other European countries agreed to limit trade with the country.<sup>14</sup> The South African government's system of apartheid and its discriminatory principles had become international knowledge and invited much-needed criticism.

---

<sup>12</sup> Universal Declaration of Human Rights Resolution 217A of 1948, Article 2.

<sup>13</sup> Lennox S. Hinds 'Apartheid in South Africa and the Universal Declaration of Human Rights' (1985) 24 *State Terrorism in South Africa* 5-43 at 8.

<sup>14</sup> Audie Klotz *Norms in International Relations: The Struggles against apartheid* (1995) 1-183 at 3-4.

It was only during the 1980s that the apartheid system began to crumble. Many countries limited their interaction with South Africa. South Africa during this period had become subject to numerous sanctions by various countries and had become cut off from the rest of the world. This was confirmed in the UN Resolution in 1962 in which the Security Council called for all member states to end their diplomatic relations or not enter into any relations in the future.<sup>15</sup> The international community had responded to apartheid by isolating South Africa.

Despite being isolated from the rest of the world, South Africa was able to pursue some of its foreign policy goals. The National Party's (NP) foreign policy in combating the anti-apartheid struggle by banning parties such as the African National Congress (ANC) was legitimised to prevent the infiltration of the communist ideology into South Africa. It perceived anti-apartheid parties such as the ANC as communist-inspired terrorist organisations that were a threat to national security. The National Party was against communism and viewed the ideology as a threat.<sup>16</sup>

Furthermore, the communist threat and the government's foreign policy had been further legitimised by the then Soviet Union's involvement during this time in its assistance with the military wing of the ANC Umkhonto We Sizwe. The Soviet Union had been externally involved in the anti-apartheid struggle as it proceeded to assist with its military training.<sup>17</sup> The government's foreign policy can be said to have been about entrenching the apartheid system as a justification to prevent the infiltration of communism by the ANC, through the party's association with the Soviet Union.

#### **1.2.4 Foreign Policy Initiatives Post 1994**

South Africa became a democratic country in 1994. This resulted in the country changing its stance on human rights. A new Constitution was developed in 1996. Embodied within the

---

<sup>15</sup> United Nations Resolution 1761 of 1962, Section 4

<sup>16</sup> South African History.org (2015) *The impact of the collapse of the USSR on South Africa* at para 3 available at <http://www.sahistory.org.za/article/impact-collapse-ussr-south-africa-grade-12> [accessed 12 September 2018].

<sup>17</sup> South African History.org (2012) *The Union of Soviet Socialist Republics and the Anti-Apartheid Struggle* at para 17 available at <https://www.sahistory.org.za/topic/union-soviet-socialist-republic-ussr-and-anti-apartheid-struggle> [accessed 15 September 2018].

Constitution is the Bill of Rights, which seeks to protect and promote all human rights. The Bill of Rights upholds the democratic values of freedom, equality and human dignity for all.<sup>18</sup>

South Africa's foreign policy has transformed drastically since its democratisation. The country has gone from being a pariah state to one which has become heavily involved in international politics.

South Africa's foreign policy goal since the end of apartheid has been a combination of the belief in maintaining and promoting human rights and democracy and solidarity politics as well as fostering the country's developmental needs.<sup>19</sup> The new democratic government has attempted to transform a country that was exclusive during apartheid to one that was more inclusive.

South Africa has embarked on numerous strategies to pursue its goals outside its own territorial borders. South Africa's own interests are at the centre of its foreign policy initiative.<sup>20</sup> In order to pursue this initiative, the country therefore became involved in numerous international organisations and partnerships that would be beneficial to it. South Africa attempted to use its position in numerous international organisations in order to promote and bring attention to the new democratic country.

South Africa served two terms as a non-permanent member on the Security Council. The first term was from 2007 to 2008, and the second from 2011 to 2012.<sup>21</sup> The South African government has made attempts to become more involved in the UN.

South Africa's economic relations with other countries in the world constitute another cornerstone of its foreign policy initiative. It prioritised its trade and economic policy by entering into trade agreements outside its own borders with different countries around the

---

<sup>18</sup> Constitution of the Republic of South Africa of 1996, Section 7

<sup>19</sup> Garth L. le Pere 'Critical Themes in South Africa's Foreign Policy: An Overview (2014) 36(2) *Strategic Review for Southern Africa* 31-56 at 33.

<sup>20</sup> Chris Landsberg 'The Concentric Circles of South Africa's Foreign Policy Under Jacob Zuma' (2014) 70(2) *Indian Quarterly* 153-172 at 155.

<sup>21</sup> International Relations Cooperation (2018) *South Africa- a non-permanent member of the United Nations Security Council 2019-2020* 30 available at <http://www.dirco.gov.za/departement/unsc/index.html> [accessed 10 September 2018.]

world. In 1999 trade was R27 billion, and in 2003 it had increased to R47 billion.<sup>22</sup> South Africa was focused on economic growth and ways to increase it. One of these trade agreements which the government embarked on was with countries which included Brazil, Russia, India and China (BRICS). This will be discussed in detail in chapter four. South Africa since 1994 has seen the benefits of economic diplomacy and has prioritised economic trade relations.

In conclusion, South Africa's foreign policy has evolved since apartheid. The government's foreign policy was limited. However, since 1994, South Africa has expanded its foreign policy initiatives, while being a participating UN member state and promoting and maintaining human rights principles in all of its work. In doing so, the country has furthermore promoted peace and security domestically and internationally as well as engaging in trade agreements to stimulate its own economic growth.

**1.3** The research study therefore presents the following research question:

1. In what way is South Africa's foreign policy informed by its international human rights and constitutional obligations?

The purpose of this research study is to explore in what way South Africa's foreign policy is informed by its international and constitutional human rights obligations. The study will therefore be exploratory.

#### **1.4 Problem Statement**

South Africa has since the end of apartheid and the beginning of its democracy become a country that continues to evolve politically. The end of apartheid saw the country become politically stable in terms of enforcing democracy. The characteristics of South Africa's democracy include a multiparty system, elections that are consistent and independent statutory bodies.<sup>23</sup> Furthermore, South Africa has transformed not only politically but also economically. The South African government has attempted to enrich the country by establishing economic partnerships at an international level with other states in order to achieve this.

---

<sup>22</sup> James Barber 'The New South Africa's foreign policy principles and practice' (2005) 81 *International Affairs* 1079-1096 at 1083.

<sup>23</sup> Nicola De Jager *Southern African Politics: An Introduction* (2015) 1-357 at 250.

South Africa has continued to expand its international trading initiatives with other countries. One of the trade relations the country entered into and continues to advance is with China. South Africa has played, and will continue to play, a major role on the economic front towards symmetry in Africa-China relations.<sup>24</sup> The South African-Chinese economic partnership is one that is important to the South African government because of the trade benefits.

However, South Africa has continued to engage in economic relations with China regardless of the authoritarian system and the numerous violations that the government has failed to address. Powerful repressive and censorship apparatuses mean authoritarian regimes like the Chinese Communist Party can exert strong control over this information.<sup>25</sup> The governmental system under the Communist Party is therefore undemocratic and more of an authoritarian type of governance.

China is not only the case that has been reported to have violations in human rights. Zimbabwe under the governance of former Prime Minister Robert Mugabe for more than two decades has also been plagued by human rights violations. Human rights abuses range from mass rapes to individuals being illegally removed from their homes.<sup>26</sup> This country like China does not practise a democracy in which human rights are protected.

Moreover, South Africa has not had in its foreign policy a diplomatic relationship with Zimbabwe like it has in a trading relationship like China. The government has made it one of its foreign policy goals to attempt to aid Zimbabwe in remedying its humanitarian crisis and establishing a democratic system in the country. However, it is South Africa's approach that has been questioned as the government has refused to adopt an aggressive approach such as implementing sanctions on the country. The government has instead taken a 'softer' diplomatic approach to addressing the issue. Like his predecessor, former President Zuma also attempted

---

<sup>24</sup> Adams Bodomo 'Africa-China Relations: Symmetry, Soft Power and South Africa' (2009) 9 *Chinese Review* 169-178 at 176.

<sup>25</sup> Jamie J Gruffyold-Jores 'Citizens and Condemnations Strategic Uses of International Human Rights Pressure in Authoritarian States' (2008) 1 *Comparative Political Studies* 579-612 at 583.

<sup>26</sup> Rhonda E Howard-Hassmann 'Mugabe's Zimbabwe, 2000-2009 Massive Human Rights Violations and Failure to Protect' (2010) 32 *Human Rights Quarterly* 898-920 at 898.

to use negotiations and diplomacy to address the issues that Zimbabwe was facing.<sup>27</sup> As a result of this the situation has not improved.

The issue of South Africa's foreign policy with China and Zimbabwe mostly lies with South Africa's attempt to promote its own interests and China's economic position in the world. Compared to all of the countries on the African continent, China has the highest gross domestic product of any of them.<sup>28</sup>

As a developing nation, partnering with China with its booming economy would assist the government in achieving economic growth. South African businesses over the years have been able to infiltrate the Chinese market successfully.<sup>29</sup> It is therefore South Africa's own interests that have created the problem of the government overlooking some of the countries with human rights violations.

Despite the human rights violations that have been reported in these two countries, and South Africa's constitutional and international obligation to promote and protect human rights, South Africa continues to operate in a manner that will advance its own national interests.

There are therefore consequences to South Africa not taking a firmer stance on China and Zimbabwe's human rights violations in order to advance its own national interests. South Africa is not only going against its own constitutional values on which its democracy was built but internationally, it is also going against its obligations to the UN. Countries which have ratified the UN Charter must satisfy the principles contained in the document.<sup>30</sup>

## 1.5 Rationale of Study

South Africa remains a country that has made it its objective to achieve economic prosperity, maintain peace and security and to promote and protect human rights. The government has

---

<sup>27</sup> Chris Landsberg 'African Solutions for African Problems: Quiet Diplomacy and South Africa's Diplomatic Strategy Towards Zimbabwe' (2016) 41 *Journal for Contemporary History* 126-148 at 142.

<sup>28</sup> Oyejide Titiloye Ademola, Abiodun S. Bankole and Adeolu O. Adewuyi 'China-Trade Relations: Insights from AERC Scoping Studies' (2009) 21 *European Journal of Development Research* 485-505 at 487.

<sup>29</sup> Adams Bodomo 'Africa-China Relations: Symmetry, Soft Power and South Africa' (2009) 9 *China Review* 169-178 at 174.

<sup>30</sup> Charter of the United Nations of 1945.

therefore continued to be among many governments that assist in humanitarian crises that occur on the African continent. The objective is to restore peace and order and to offer governments advice and assistance concerning their political system.<sup>31</sup>

South Africa at the same time has not effectively addressed the human rights abuses that are occurring in those said countries. The government has made that decision so not to hamper the economic prosperities and political relations they could yield.

Furthermore, one can describe South Africa's foreign policy as a trade-off. The government can either have lucrative economic opportunities with other countries or promote human rights, peace and democracy.

South Africa's foreign policy for the past ten years under the administration of Jacob Zuma has been based on self-interest. Furthermore, in congruence with this, South Africa since achieving democracy has been perceived as a hegemonic state in Africa. South Africa has been distinguished as the African continent's natural leader in managing conflicts as well as its economic and security development.<sup>32</sup> However, this has created a conflicting situation where the country's human rights obligations have often come in direct conflict with its foreign policy objectives.

Some of these examples have included South Africa's trade relations with the China. South Africa entered into an economic partnership with China despite its reported human rights violations. The Chinese government has prosecuted activists who are supporters of a democratic system.<sup>33</sup> Furthermore, the government has been unable to impose sanctions against Zimbabwe, despite the years of human rights abuses recorded in the country under the former Zimbabwean Prime Minister, Robert Mugabe. The Zimbabwean government has been known to quash peaceful protests concerning human rights.<sup>34</sup>

---

<sup>31</sup> South African government *International Relation* available at <https://www.gov.za/about-sa/international-relations> [accessed 28 September 2018.]

<sup>32</sup> James Hamill 'South Africa as a hegemonic power' (2016) 56(463) *Adelphi Series* 9-16 at 9.

<sup>33</sup> Amnesty International *China* at para. 1 available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/china/> [accessed 28 September 2018.]

<sup>34</sup> Human Rights Watch *Zimbabwe* at para 1 available at <https://www.hrw.org/africa/zimbabwe> [accessed 30 September 2018.]

The research is therefore not only important in highlighting some of the humanitarian crises that have occurred in these two countries but, most importantly, the research paper attempts to highlight the fact that although South Africa has upheld the Constitution's human rights policy domestically, the country has gone against the Constitution and the values of the UN on its human rights stance internationally regarding other countries.

## 1.6 Literature Review

There are existing scholarly articles and literature that have been written on South Africa's foreign policy. Scholarly articles on South Africa's foreign policy aimed at the country's interests will be explored. Also, a counter-argument will be presented, arguing that South Africa's foreign policy is not only based on national interest but is more liberal and is about enforcing and upholding good global human rights practices.

### 1.6.1 Foreign Policy Based on National Interests

The South African government's foreign policy initiatives are based to the country's needs.<sup>35</sup> South Africa is interested in the development of all countries, and the government works to mobilise other states to assist them in initiating reforms. The government is prepared to work with authoritarian governments that have influence in the world.<sup>36</sup>

South Africa's foreign policy has also been controversial when it comes to the government's human rights voting record at the UN. In 2015, South Africa voted yes to the resolution of denying the authority to punish countries or individuals that have violated human rights.<sup>37</sup> Earlier in the year, South Africa also abstained from voting for the condemnation of human rights violations in Syria. Also, in 2015, the South African government failed to arrest former Sudanese President and human rights violator Omar al-Bashir, while he was attending a summit of the African Union in South Africa.<sup>38</sup>

---

<sup>35</sup> Ibid. at 377

<sup>36</sup> Oliver Serrao and Paul-Henri Bischoff 'Foreign Policy Ambiguity on the Part of an Emergent Middle Power: South African Foreign Policy through other Lenses' (2009) 36(3) *Politikon* 363-380 at 367.

<sup>37</sup> UN Watch *UN Voting Record of South Africa 2015-2018* available at <https://unwatch.org/u-n-voting-record-south-africa-2015-2018/> [accessed 31 July 2019].

<sup>38</sup> Institute for Security Studies (2017) *Clutching at straws: SA's reasons for not arresting al-Bashir* available at <https://issafrica.org/iss-today/clutching-at-straws-sas-reasons-for-not-arresting-al-bashir> [accessed 31 July 2019].

China and South Africa's partnership has continued to improve ever since the two countries formally embarked on diplomatic ties in 1998.<sup>39</sup> China ranked at number one in trade with the South African government under the Zuma administration.<sup>40</sup>

With diplomatic trade relations with China, the South African government has been able to improve development in the country.<sup>41</sup> For South Africa, prioritising its own interests has become a key focus with regards to its foreign policy.<sup>42</sup> South Africa being a middle power, the government is expected to advance the country when it comes to diplomacy and participate in agreements with other countries which will be beneficial to the country.<sup>43</sup> As a member of the partnership BRICS, South Africa views itself in a leadership position on the African continent with the ability to promote Africa.<sup>44</sup> The government therefore seeks approval of states such as China with the objective of becoming its ally and enhancing diplomatic relations.<sup>45</sup>

The dire humanitarian crisis that was unfolding in the Zimbabwe required a drastic approach to combat it.<sup>46</sup> However, the South African government adhered to the same foreign policy approach as that of President Mbeki. Negotiations and diplomacy were used as its main tool to address the Zimbabwean crisis.<sup>47</sup> South Africa's modest approach towards the Zimbabwean

---

<sup>39</sup> Chris Alden and Yu-Shan Wu *South Africa and China: The Making of a Partnership* (2014), available at <https://www.africaportal.org/publications/south-africa-and-china-the-making-of-a-partnership/>, [accessed 30 September 2018].

<sup>40</sup> The South African Institute of International Affairs *South Africa's foreign policy under Zuma: towards greater strategic partnerships* available at [www.saiia.org.za/research/south-africa-s-foreign-policy-under-zuma-towards-greater-strategic-partnerships/](http://www.saiia.org.za/research/south-africa-s-foreign-policy-under-zuma-towards-greater-strategic-partnerships/) [accessed 30 September 2018].

<sup>41</sup> Herman Wasserman 'China in South Africa: media responses to a developing relationship' (2012) 5 *Chinese Journal of Communication* 336-354 at 336.

<sup>42</sup> Chris Landsberg 'The Concentric Circles of South Africa's Foreign Policy under Jacob Zuma' (2014) 70(2) *Indian Quarterly* 153-172 at 153.

<sup>43</sup> David R Black and David Hornsby (2017) *South African Foreign Policy* 1-137 at 42.

<sup>44</sup> Human Science Research Council *Foreign policy: Advancing South Africa's national interest with BRICS* (2014) available at <http://www.hsrc.ac.za/en/review/hsrc-review-may-2014/foreign-policy> [accessed 18 June 2019].

<sup>45</sup> Jo-Ansie van Wyk and Suzette van der Westhuizen 'Denying the Dalai Lama: South Africa's visa diplomacy, human rights and the media' (2016) 2 *African East-Asian Affairs* 6-48 at 28.

<sup>46</sup> Chris Landsberg 'Continuity and Change in the Foreign Politics of the Mbeki and Zuma Governments' (2014) 41 *Africa Insight* 1-9 at 7.

<sup>47</sup> Ibid.

crisis was seen as a tool for the country to utilise its hegemonic influence in Africa and therefore take on a leadership role with its northern neighbour in crisis.<sup>48</sup>

The South African government also wanted to help Zimbabwe resolve its humanitarian crisis but at the same time ensure that the crisis did not penetrate other countries in Africa.<sup>49</sup> Economic concerns are at the forefront of the South African government's policy reservations when it comes to addressing the Zimbabwean crisis.<sup>50</sup> The South African economy is one the most developed of the SADC countries and the collapse of the Zimbabwe, which has also been a contributing member of the SADC, could economically and politically destabilise the Southern African region.<sup>51</sup>

### 1.6.2 Liberal Foreign Policy Approach Based on Human Rights

South Africa's foreign policy has also been progressive and democracy-centred, especially when dealing with conflicts in countries such as the Democratic Republic of the Congo, Angola and Mozambique.<sup>52</sup> The South African government's global human rights campaign stance, its decision-making process and interaction with other countries, can be characterised as the country's atonement for the its past human rights abuses.<sup>53</sup>

South Africa's objective, when the government sits on the United Nations Security Council, is to represent the African region. The government also aspires to make its position on the United Nations Security Council permanent.<sup>54</sup> The government attempts to pursue the country's domestic interests but at the same time acknowledging other countries' needs.<sup>55</sup>

---

<sup>48</sup> Merle Lipton 'Understanding South Africa's foreign policy: the perplexing case of Zimbabwe' (2009) 16 *South African Journal of International Affairs* 331-346 at 334.

<sup>49</sup> Dale T McKinley 'South African Foreign Policy Towards Zimbabwe Under Mbeki' (2004) 31(100) *Review of African Political Economy* 357-364 at 359.

<sup>50</sup> South African Institute of International Affairs (2003) *South Africa's Foreign Policy Towards Swaziland and Zimbabwe* at 145 available at <https://www.saiia.org.za/wp-content/uploads/2008/05/3-Ngubentombi.pdf> [accessed 30 July 2019].

<sup>51</sup> *Ibid.* at 146.

<sup>52</sup> Paul-Henri Bischoff 'External and domestic sources of foreign policy ambiguity: South African foreign policy and the projection of pluralist middle power' (2003) 30(2) *Politikon* 183-201 at 184.

<sup>53</sup> Jack Spence 'The debate over South Africa's foreign policy' (1996) 4(1) *South African Journal of International Affairs* 118-125 at Abstract.

<sup>54</sup> White Paper on South Africa's Foreign Policy *Building a Better World: The Diplomacy of Ubuntu* (13 May 2011) 1-36 1 at 25.

<sup>55</sup> South African Government *International Relations* available at <https://www.gov.za/about-sa/international-relations#Foreign%20policy> [accessed 31 July 2019].

The South African government embarked on various policies in order to ensure international peace and security. South Africa is a signatory to the Non-Proliferation Treaty. This treaty is anchored in the belief that if countries eradicated their nuclear weapons this would prevent mutually assured destruction.<sup>56</sup> South Africa before the 1994 elections decommissioned its weapons. By the beginning of 1991, the South African government had announced that the country's nuclear weapons would be destroyed and disassembled.<sup>57</sup> South Africa remains a nuclear weapon-free country.

## **1.7 Theoretical Framework**

This section outlines the theoretical framework used to explain and guide the research study.

The theoretical framework that will underpin this research will be offensive realism. However, in order for the reader to gain an understanding of this theory, the origins of the theory of realism must first be explained.

### **1.7.1 Realist Theory**

Offensive realism originates from the realist theory of Niccolò Machiavelli. The theory is also known as realism. This international politics theory is one of the mainstream perspectives in global politics. The central idea of the realist theory focuses on the balance between co-operation and conflict in state relations.

The theory explains that human beings are individuals, and are by nature intrinsically selfish and greedy and will therefore practise self-preservation. This can also be applied to states that are unitary actors on the international stage. States operate in an anarchical environment and therefore practise self-interest in order to survive in the political climate. Countries are at the forefront when it comes foreign policy and will put their countries' needs first.<sup>58</sup> Governments of countries have to think of and provide for their own citizens first before extending altruism elsewhere.

---

<sup>56</sup> Treaty on the Non-proliferation of Nuclear Weapons International Atomic Energy Agency Resolution INFCIRC/140 of 1970, 1.

<sup>57</sup> J. W De Villiers, Roger Jardine & Mitchell Reiss 'Why South Africa Gave Up the Bomb' (1993) 27 *Foreign Affairs* 98-109 at 98.

<sup>58</sup> Duncan Bell, 'Political realism and international relations' (2017) 12 *Philosophy Compass* 1-2 at 2.

One of the ways in which states ensure their survival in the global community which is a main realist characteristic, is by maximising their security. The realist theory is therefore focused on the military strength of countries and views this attribute especially as referring to foreign policy as being of paramount importance. A country's decision-making process is directly linked to its own national interests which therefore influences its conduct.

One can conclude that when it comes to a state enacting its foreign policy, ethical considerations are secondary. The core of relationships between countries is a fixed conflicting relationship in which each country continuously attempts to suppress other states so as to be in first place with better security and more autonomy than the rest.<sup>59</sup> It is about being more powerful than the rest.

### **1.7.2 Offensive Realism Theory**

Offensive realism is developed from the realist theory school of thought. One of the central ideas that the offensive realism theory proposes is that countries will never be satisfied with what they have. Offensive realism is viewed as a result of human nature. The theory can be used to explain many phenomena of human conflict. Such phenomena include civil and ethnic conflicts, domestic politics, international relations and commercial competition between countries.<sup>60</sup>

All states try to maximise the power they have within their own region. One of the primary goal that states have is that they wish to become a hegemonic state within their own region. Offensive realism states that countries are inclined towards conflict and competition owing to them being self-interested, focused on increasing their power and being fearful of other states. This behaviour is necessary in order for states to survive in this anarchic international system.<sup>61</sup>

Like the realist theory, the offensive realism theory also theorises that states also prioritise the protection of their territory and will do anything to prevent their security being breached.

---

<sup>59</sup> Niccolò Machiavelli *The Prince* 2<sup>nd</sup> (ed). (1523) 1-93 at 11.

<sup>60</sup> Domonic D.P Johnson & Bradley A Thayer 'The evolution of offensive realism: Survival under anarchy from Pleistocene to the present' (2016) 35 *Politics and Life Sciences* 1-26 at 2.

<sup>61</sup> Ibid.

Governments seek power in order to ensure their country's security.<sup>62</sup> Moreover, the main focus of governments in world politics is to survive.<sup>63</sup> Therefore, one can conclude that the offensive realism theory explores the nature of states' behaviour and manner in which they respond and adapt to the anarchic system so to survive and thrive.

### 1.7.3 Origins of the Theory

The theory of offensive realism was first proposed by political scientist John Mearsheimer. The theory was developed and explored in his 2001 book, *The Tragedy of Great Power Politics*. In this book, Mearsheimer explores countries' behaviour and proceeds to provide reasons why states pursue power, attempt to become a hegemonic state and act in an offensive manner towards one another.

Mearsheimer provides five assumptions for states' behaviour. The first assumption he provides is that the international system is characterised by anarchy. The second assumption is that all countries have military strength which can be threatening. Powerful states intrinsically have military capabilities and therefore the ability to use these capabilities against another state, making them dangerous, owing to the possibility that they could attack.<sup>64</sup>

Mearsheimer gives the third assumption which relates to a state's military capabilities. This is the apprehension states face not knowing the true intentions of other countries. There is uncertainty between militarily capable states as to whether one will use its military force to launch an attack on another country.<sup>65</sup> Additionally, a state's intentions are not fixed and can change from being friendly to hostile at any moment.<sup>66</sup> It is the fear of the unknown.

The fourth assumption of Mearsheimer's offensive realism theory is the same as the realist theory: the imperativeness of a state's security. Survival in the international system is the central objective of great powers as they attempt to maintain sovereignty.<sup>67</sup> Governments will attempt to protect their country and their people.

---

<sup>62</sup> Ibid. at 3.

<sup>63</sup> David A. Reilly 'Offensive realism in theory and practice' (2003) 34 *Simulation & Gaming* 298-305 at 298.

<sup>64</sup> John J. Mearsheimer *The Tragedy of Great Power Politics* updated edition (2003) 1-576 at 22

<sup>65</sup> Ibid. at 30

<sup>66</sup> Ibid. at 30

<sup>67</sup> Ibid. at 32

The fifth and last assumption that Mearsheimer proposed for state's behaviour is rationality. The assumption is that all states are rational and therefore will be rational in their decision-making processes. Governments are always vigilant regarding their behaviour and the possible consequences of such behaviour.<sup>68</sup> A state will pursue all options that will guarantee that it is self-serving. Countries will always have the hope of, and therefore pursue, becoming a hegemonic state in their own region.<sup>69</sup>

Having therefore explored the theory of offensive realism the rest of the chapters of this study will attempt to explore South Africa's foreign policy with Zimbabwe and China based on the offensive realism theory. Chapter four will explore the theory's principles being incorporated into South Africa's foreign policy. The final chapter will be the conclusion.

## **1.8 Methodology**

This section will detail the methodology used for this research study.

### **1.8.1 Research Approach**

The research approach that will be used for this study will be a qualitative research approach. Qualitative research is often used when the researcher wishes to understand, explore or describes themes and attitudes people experience daily in society. Furthermore, qualitative research provides an in-depth explanation and understanding of a phenomenon or topic in society.

The qualitative research approach is different from the quantitative research approach as the latter utilises numerals and figures to guide the research study. Quantitative research is centred around numerals and data,<sup>70</sup> whereas qualitative research is subjective and about experiences in society. Qualitative researchers interact very closely with research participants.<sup>71</sup>

---

<sup>68</sup> Ibid. at 33

<sup>69</sup> Ibid. at 40

<sup>70</sup> Ellen Boeren 'The Methodological Underdog: A Review of Quantitative Research in the Key Adult Education Journals' (2018) 68 *Adult Education Quarterly* 63-79 at 67.

<sup>71</sup> Katja Mruck & Franz Breuer 'Subjectivity and Reflexivity in Qualitative Research- A New FQS Issue' (2003) 28 *Historical Social Research* 189-212 at 189.

This research approach provides the reader with an in-depth understanding of social and human issues in society. The research approach will better facilitate the study by providing an in-depth understanding of South Africa's foreign policy and human rights objectives.

### **1.8.2 Research Paradigm**

The research paradigm that will be employed in this research study will be the qualitative research paradigm called the interpretivist paradigm. The interpretivist paradigm will be used to make an observation of the subjective experiences of the study. The interpretivist paradigm is used to describe a phenomenon in a detailed manner.<sup>72</sup> The interpretivist paradigm is one of the paradigms that usually accompanies qualitative research.

The interpretivist paradigm in this study will therefore not be used to predict the outcome of South Africa's foreign policy choices with countries which are committing human rights abuses. The paradigm will instead be used to understand and explore the reasons for such foreign policy relations internationally and domestically. The interpretivist paradigm is about understanding the why of a situation, not just establishing the what. The interpretivist paradigm is used in research to gain a more informed understanding of a subject matter.<sup>73</sup>

## **1.9 Research Strategy**

### **1.9.1 Case Study**

The case study method will be the research strategy of this study. The use of a case study helps to expand one's knowledge of people, organisations or events occurring in society.<sup>74</sup> In addition, using a case study focuses one's research, therefore providing an in-depth look into the subject matter that the researcher is exploring.

---

<sup>72</sup> Franzel du Plooy-Cilliers, Corne Davis & Rose-Marie Bezuidenhout *Research Matters* (2014) 1-329 at 52.

<sup>73</sup> Shona R. Poneis 'Using interpretive Qualitative Case Studies for Exploratory Research in Doctoral Studies: A Case of Information Systems Research in Small and Medium Enterprises (2015) 10 *International Journal of Doctoral Studies* 535-550 at 538.

<sup>74</sup> Robert K. Yin *Case Study Research: Designs and Methods* (2009) 1-214 1 at 4.

This research will use two case studies. The case studies will be of the countries of China and Zimbabwe.

### **1.9.2 Case Study Selection Method**

The case study selection refers to the reason a particular case was chosen to be researched and analysed by the researcher.<sup>75</sup> The criteria for the case study selection for this research study were two-fold. The country had to have diplomatic relations with South Africa that were in the interest of and benefited the latter. Secondly, the country had to have been characterised by a history of continuous human rights violations. A multi-case study was chosen and the countries of research as both Zimbabwe and China fit the criteria.

#### **Selection of China as a Case Study**

China was one of the countries selected for study in this research study because of the country being involved in one of South Africa's foreign policy initiatives through the two countries' trade relations. China has an economic relationship with South Africa and the governments' investment into and trade with South Africa has proven to be beneficial for South African industries. 50% of the Chinese government's foreign direct investment is directed towards South Africa's mining industry.<sup>76</sup> Furthermore, China has been South Africa's most influential trading partner. In 2009, trade between South Africa and China was at R119.5 billion. This has resulted in China being South Africa's leading trade partner.

China, in addition to having an imperative economic influence in South Africa, was also selected as a case study owing to its human right violations. Despite the country being a leading economic powerhouse among several countries, the country has been plagued by gross abuses of its citizens' human rights. In relation to human rights, the Chinese government takes a

---

<sup>75</sup> Jason Seawright and John Gering 'Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options' (2008) 61 *Political Research Quarterly* 294-308 at 294.

<sup>76</sup> Musibau Adetunji Babatunde 'Sino-Africa Investment Relations: The Good, The Bad and The Ugly' (2013) 3(1) *Asia Pacific and Globalization Review* 1-23 at 1.

utilitarian approach and believes that the rights and interest of the many take precedence over the civil and political rights of each individual person in China.<sup>77</sup>

Selecting China as a case study is useful in attempting to determine whether China's human rights violations are a factor in the South African government's economic partnership with it, as South Africa benefits greatly from this partnership and requires China's foreign investment to increase the country's economic growth.

### **Selection of Zimbabwe as a Case Study**

Zimbabwe was chosen as a case study to be analysed in-depth in this research study with regards to South Africa's foreign policy for a number of reasons, one of which is Zimbabwe's relevance to South Africa. Zimbabwe and South Africa are not only two countries in Africa, but they are also neighbouring countries.

Events in one country can have an effect on the other. In relation to the humanitarian crisis in Zimbabwe, events in the country have had an effect on immigration in South Africa. Many Zimbabweans have left their homes, moving south to settle in South Africa in order to find better economic opportunities than they had in Zimbabwe.<sup>78</sup>

The second reason Zimbabwe was chosen for this study is because of the country's shared history with South Africa. Zimbabwe and South Africa are countries in close proximity. Also, they have a shared history with oppressive governments that racially exploited and segregated the population. Additionally, both Zimbabwe and South Africa, like most African countries, are victims of colonialism under British rule. Lastly, both countries became members of the AU and the SADC.

The final reason a Zimbabwean case study was selected is because, like China, Zimbabwe has been accused of numerous human rights violations. However, South Africa has economic interests in Zimbabwe that are beneficial to the South African economy and has Zimbabwe's

---

<sup>77</sup> Kay Schaffer and Sidonie Smith *Human Rights and Narrated Lives: The Ethics of Recognition* (2004) 1-281 at 199.

<sup>78</sup> Erhabor Sunday Indemudia, John K. Williams and Gaul E. Wyatt 'Migration challenges among Zimbabwean refugees before, during and past arrival in South Africa' (2013) 5 *Journal of Injury and Violence* 17-27 at 17.

diplomatic ties with the country; the combination of human rights abuses and a foreign policy initiative of South Africa is the reason the case was selected.

Furthermore, Zimbabwe was chosen because of its interesting relationship with South Africa. The South African government's own self-interest and the idea of uniting and strengthening Africa is one of the reasons South Africa has been reluctant to take a more aggressive approach with Zimbabwe regarding the human rights abuses.

### **1.10 Data Collection**

South Africa's foreign policy and human rights policy is codified in many documents and can also be located on numerous international organisation websites such as Amnesty International and Human Rights Watch, as well as on United Nations websites. Nationally, the government's human rights and foreign policy body is the Department of International Relations and Cooperation. This government department oversees the country's missions and programmes that are related to international relations or foreign policy.<sup>79</sup>

The most important and prominent document where South Africa's foreign policy and human rights are codified is the country's 1996 Constitution. South Africa's human rights are enshrined in Chapter Two of the Constitution, the Bill of Rights. The country's foreign policy is mentioned in Chapter Fourteen which discusses International Law and Agreements. Section 231 (4) states that all international agreements that the South African government agrees on become law in the country through legislation.<sup>80</sup>

The data for this research study will therefore be collected by examining sources of historical records that pertain to South Africa's foreign policy. These secondary sources will include journal articles, books, websites, legal documents and desktop research.

---

<sup>79</sup> International Relations and Cooperation *About the Department* available at [www.dicpro.gov.za/department/index.html](http://www.dicpro.gov.za/department/index.html) [accessed 30 June 2019].

<sup>80</sup> The Constitution of the South Africa of 1996, Section 231.

### **1.11 Ethical Consideration**

The research study will not have any ethical risks as a population will not be studied. Instead, secondary sources such as journal articles and books will act as the data that is collected and analysed.

### **1.12 Limitation of Study**

South Africa's foreign policy will be explored during the former president Jacob Zuma's administration (2008-2017). Another limitation of the study is that Zimbabwe's human rights violations will also be studied within a time frame. Zimbabwe's human rights violations will be explored during the former President Robert Mugabe's administration (1980-2017). As this will therefore have to coincide with the Zuma administration.

Therefore, the time frame for this research study will be from 2008 to 2017.

### 1.13 CHAPTER SYNOPSIS

Chapter one outlines the research question, literature review, methodology, theoretical foundation and case study selection method

Chapter two uses the theoretical foundation, offensive realism, to inform an analysis of South Africa's foreign policy. This chapter will explain why the South African government chose to adopt an offensive realism approach to its foreign policy initiatives. South Africa displays the principles of offensive realism, self-interest and preservation, owing to the domestic conditions in the country.

The poor socio-economic conditions in the country constitute the main factor informing South Africa's offensive realism approach in foreign policy because the government requires capital and investments from other countries. The government also has to attempt to achieve this economic goal in an international system that is anarchic and globalised. These two concepts will also be explored.

Chapter three focuses on South Africa's constitutional obligations relating to its foreign policy goals. This chapter will explore various Constitutional and international bodies that the government has committed to, all of which are concerned with the promotion and protection of human rights.

Chapter four will examine the implementation of South Africa's foreign policy with China and Zimbabwe. Zimbabwe and China's human rights violations will also be illustrated. The chapter will also focus on South Africa's economic and political reasons, despite the government being aware of the human rights violations in these two respective countries, for its foreign policy practices with China and Zimbabwe. The focus will also be on criticism South Africa has received for forgoing its human rights stance and engaging diplomatically with China and Zimbabwe.

Chapter Five will be the conclusion.

## **CHAPTER TWO**

### **THEORETICAL FOUNDATION INFORMING ANALYSIS OF SOUTH AFRICA'S FOREIGN POLICY**

#### **2.1 Introduction**

In chapter one the theory of offensive realism was explained. Governments that use an offensive realism approach in their interaction with other countries will display behaviour and make decisions, as per the characteristics of offensive realism, that will be beneficial to them, that maximise the power of their country and will put them ahead of other countries. This chapter will explore what informs South Africa's offensive realism approach when it comes to its foreign policy.

The socio-economic conditions in the country are what South Africa's foreign policy is based on. It is the poverty in the country and the consequences of such poverty that is the reason the government has to use the framework of offensive realism in its foreign policy. The unemployment rate, the poor standard of living, healthcare and public educational system are the reasons why South Africa has diplomatic relations with countries. These diplomatic relations will be economically or political beneficial to them and maximise the country's power and position in the world. South Africa's foreign policy is about addressing and improving these conditions in the country.

First the state of anarchic and globalised international system that countries have to adapt to and conduct their foreign policy initiatives in will be explained. Lastly, South Africa's socio-economic conditions issues such as poverty, the standard of living, the educational system, unemployment, healthcare as well as the government's aim to meet the Millennium Development Goals will be explored.

#### **2.2 An Anarchic International System**

States can execute their foreign policy goals because the international system is in a state of anarchy. International politics is anarchic, as there is no government that presides over the

world.<sup>81</sup> Therefore, this state of anarchy gives countries more freedom to pursue their own interests, be they economic, political or social.

The word anarchy is usually characterised as a society that is in disarray, followed by incidences of unruliness and eventually violence. However, this definition is on the basis of perception. The Oxford English Dictionary defines anarchy as a country in chaos owing to the absence of government authority.<sup>82</sup> This Oxford Dictionary definition therefore defines anarchy in relation to different countries and how they co-exist in the international system.

The term anarchy, when used to explain an international system in politics, is an international system. In a system of anarchy, there exists no form of accountability for governments.<sup>83</sup> Philosopher Kenneth Waltz better developed the term anarchy to describe the international system. Waltz explained that military power is one of the most important attributes a country should possess in an anarchical international system. All countries should be ready to use their military, and if they do not they will have to co-exist in an international system where their neighbouring countries are not afraid to deploy their military.<sup>84</sup> In an anarchic society, all states attempt to practise self-preservation.

### **2.2.1 Anarchy and Foreign Policy**

In an international system where there is an absence of an authority that can effectively hold states accountable and promote transparency among governments, countries have developed mechanisms in order to pursue their foreign policy initiatives.

Governments have attempted to adapt their foreign policy goals to this anarchical system. States pursue their foreign policy initiatives based on the reality of the international system. As

---

<sup>81</sup> Seifudein Adem 'Between Anarchy and Cooperation: A Win-Win Perspective' (2002) 5 *International Journal Organization Theory and Behavior* 39-69 at 39.

<sup>82</sup> Catherine, Soanes, Sara, Hawker and Julia Elliot, *Oxford English Dictionary* 10<sup>th</sup> (2005) 1-1081 at 28.

<sup>83</sup> Brian C. Schmidt 'Political Discourse of Anarchy, A Disciplinary History of International Relations (1997) *Sunny Press* 1-309 at 235.

<sup>84</sup> Kenneth Waltz, *Theory of International Politics* (1979) 1-241.

there is no accountability factor, all states attempt to pursue and push for their own agendas that will be beneficial to them.<sup>85</sup> This is referred to as Realpolitik.

One of the methods states make use of is the introduction of policies that serve their own interest. The characteristic of Realpolitik is that governments are constantly in a state of competition with each other. This results in them establishing policies with the intent that those policies will benefit their country in some manner. Governments will attempt to ensure that their policies are better than the next state.<sup>86</sup> Governments strive to be the best in all aspects of social, economic and political life.

Governments not only have national interests that they will attempt to fulfil within their respective countries, but they also have international interests. This is known as foreign policy. Countries have goals they wish to pursue outside their respective countries, and it involves the means they employ in order to achieve these goals.<sup>87</sup> Governments will therefore introduce policies that will help them in achieving their goals. Not only are states pressured to develop their foreign policy and have good relations with other states because of this anarchical society but, there is also the issue of globalisation.

The international system being anarchical is also characterised by the inevitable system of globalisation which intensifies the pressure of governments to succeed in their foreign policy initiatives, one of which is in the economic sector. Globalisation allows governments to increase their position through investments and exporting products,<sup>88</sup> therefore resulting in feeling threatened, not only on an economic level but also on a security level.

The phenomenon of globalisation has threatened the conservative conception of a nation-state through the inception of international organisations and subnational movements.<sup>89</sup> Governments have had to adapt to living in a globalised world.

---

<sup>85</sup> John Brew *Realpolitik* (2016) 1-377 at 6-8.

<sup>86</sup> *Ibid.* at 117.

<sup>87</sup> C. W Kegley and E.R Witkopf, *American Foreign Policy* 5<sup>th</sup> edn. (1995) 1-686 at 7.

<sup>88</sup> Shamail Guttal 'Globalisation' (2007) 17 *Development in Practice* 523-531 at 523.

<sup>89</sup> J Fredrichs 'The meaning of new medievalism' (2001) 7 *European Journal of International Relations* 475-501 at 480.

### 2.3 Economic Globalisation and Foreign Policy

States' foreign policy will usually include an agenda in economic growth. Developing and developed countries benefit from economic globalisation. Economic globalisation as defined by the International Monetary Fund is the movement and integration of capital, trade and investments between countries.<sup>90</sup>

Foreign policy has been facilitated by economic globalisation as countries take part in trade negotiations with other countries in order to strengthen their economy to better the living standards in their respective countries. Developing countries because of globalisation have a more integral position in the global economy, as they have become exporters of services and products they have manufactured.<sup>91</sup> Globalisation has resulted in the world being more integrated.

States have embraced economic globalisation because in doing so they have been able to receive capital to use in their country. Participating in economic globalisation has also given states a position on the international stage among other trading countries, therefore, igniting economic competition between governments. Trade has transformed the competition in the market between countries.<sup>92</sup>

Improving the economy of one's country is an imperative initiative to include in one's foreign policy. Economic stability ensures that governments can improve conditions in their respective countries.<sup>93</sup> It maximises their power and it provides them with a competitive edge within the international community.

### 2.4. South Africa's Economic Need for Investments

Like many other countries, South Africa has also invested in its foreign policy initiatives, especially in economic growth as it too wishes to maintain border security, better the living

---

<sup>90</sup> International Monetary Fund (2002) Globalisation: Threat or Opportunity? at para. 6 available at [accessed 1 December 2018.]

<sup>91</sup> Sang-Hyup Shin 'A Study on the Economic Benefits of Globalisation: Focusing on the Poverty and Inequality between the Rich and the Poor' (2009) 12 *International Area Review* 191-214 at 193.

<sup>92</sup> *Ibid.* at 194.

<sup>93</sup> *Ibid.* at 191.

conditions for its citizens and maximise its power within the African region. However, economic growth in the country's foreign policy initiative has been more with a view to combating the living conditions in the country than anything else. Thus, the government has to act in a self-interested manner.

Although South Africa does generate economic growth, it has not been enough. This has resulted in the government depending on procuring economic investments internationally. Economic globalisation in South Africa has mostly been initiated by the government as well as international corporations.<sup>94</sup> South Africa is a developing capitalist country. Within a capitalist system there exists in the country an inequality that separates the rich from the poor. The capitalists are the owners and the proletariats are the ones that produce the work.<sup>95</sup> South Africa therefore requires investments to minimise the inequality gap.

As a result of this system, South Africa has struggled with this disparity of wealth in the country. The wealthy have continued to attain more wealth and poverty has become the number one concern in the country. The majority of the country's population in 2015 were living in poverty. The statistics increased from 53.2 percent in 2011 to 55.5 percent by 2015.<sup>96</sup> South Africa's socio-economic conditions are a national issue.

The country's inequality is also a concern on an international level in relation to other countries. South Africa's inequality has worsened, and the country's inequality gap remains the highest among countries in the world.<sup>97</sup> Therefore, this can influence the country's position in the world in relation to other countries.

The country's socio-economic conditions have also impacted the public sectors. The government has had problems with its allocation of the national budget into areas such as the public healthcare system, which much of the population who live in poverty rely on. Not enough money is being allocated to public hospitals as the budget spent by the government on

---

<sup>94</sup> Padraig Carmody 'Between Globalisation and (Post) Apartheid: The Political Economy of Reconstructing in South Africa' (2002) 28(2) *Journal of Southern Studies* 255-275 at 255.

<sup>95</sup> Gerald A. Cohen 'Bourgeois And Proletarians' (1968) 2 *Journal of the History of Ideas* 211-230 at 211.

<sup>96</sup> Statistics South Africa (2017) *Poverty on the rise in South Africa* available from <http://www.statsaa.gov/?p=10334> [accessed 1 December 2018]

<sup>97</sup> The World Bank *Overview* available from <http://www.worldbank.org/en/country/southafrica/overview> [accessed 5 December 2018.]

private hospitals is between 55 percent and 60 percent. This only benefits the rich people in the country who are less than 15 percent of South Africa's entire population.<sup>98</sup> Furthermore, South African rural communities account for only 31 percent of the country's nurses and doctors who have to treat 43.6 percent of the population.<sup>99</sup> This sector, underfunded by the government, only worsens poverty in the country.

#### **2.4.1 The Poor Standard of Living**

Poverty is a condition that has become endemic to South Africa. As mentioned before, much of the population live in poor conditions. These areas of poverty where the standard of living is low are mostly centred on the outskirts of the country, the rural areas.<sup>100</sup>

However, since the country achieved democracy, the standard of living for South Africans has improved compared to pre-democracy years, as opportunities increase for the once marginalised population. Despite this transformation, inequality and poverty are still prevalent in the country.

Many South Africans are not able to have their basic needs met. This results in people being frustrated with the government for not providing basic services. Residents are continuously flooding the streets all over the country in protest at the lack of service delivery. Such services include water and sanitation, housing, social security and the supply of electricity to homes.<sup>101</sup> Service delivery remains one of the core issues the government has been faced with.

---

<sup>98</sup> Mickey Chopra et. al 'Achieving the health Millennium Development Goals for South Africa: challenges and priorities' (2009) 3474 *The Lancet* 1023-1031 at 1029.

<sup>99</sup> Alan Whiteside 'South Africa's Key Health Challenges' (2014) 652 *Strengthening Governance in South Africa: Building on Mandela's Legacy* 166-185 at 180.

<sup>100</sup> Statistics South Africa *Poverty on the rise in South Africa* available at <https://www.statssa.gov.za/?p=10334> [accessed 2 July 2019].

<sup>101</sup> Statistics South Africa (2018) *The latest household statistics and more* at para. 1 available from [www.statsa.gov.za/?p=11241](http://www.statsa.gov.za/?p=11241) [accessed 27 December 2018.]

### 2.4.2 The Challenges of the Public Education System

A good education provides a person with the necessary skills to be employed in the future. Education has the potential to help individuals escape a life of poverty.<sup>102</sup> Therefore, education is another service that the government has the responsibility to provide to the public.

The right to education in South Africa is one of the many human rights that is protected in the Constitution. Chapter 2 of the Bill of Rights of the South Constitution, Section 29 (1)(a)(b) proclaims that every single human being has the right to primary education, which is the responsibility of the government to make available and accessible to all.<sup>103</sup>

In addition to the Constitution promoting and protecting people's right to primary education, there also exists domestic frameworks that protect educational rights, one of which is the South African Schools Act. Section 5(1) of the Act states that it is the responsibility of public schools in the country to accept all pupils without discriminating against them in any way.<sup>104</sup>

In addition to the Schools Act, the importance of the right to education is further expressed in the National Educational Policy Act. Section 4(b) concludes that the purpose of the South African educational system is to aid in the social, cultural, economic, political and moral development of pupils.<sup>105</sup> Therefore, South Africa's various domestic educational policies guarantee that every person receives and is able to access a basic level of education. The policies also recognise the importance of primary education for student's future.

Although educational rights are cemented in South African law, implementing this right has been a challenge in the country. Many individuals do not have the opportunity to get an education because of their economic difficulties or because of the educational system in public schools being of low standard.<sup>106</sup> Although segregation among the population has ended, it still

---

<sup>102</sup> United Nations Sustainable Development Goals *Millions could escape poverty by finishing secondary education, says UN cultural agency* available at <https://www.un.org/sustainabledevelopment/blog/2017/06/millions-could-escape-poverty-by-finishing-secondary-education-says-un-cultural-agency/> [accessed 2 July 2019]

<sup>103</sup> Constitution of South Africa of 1996, Section 29.

<sup>104</sup> The South African Schools Act No 84 of 1996, Section 5.

<sup>105</sup> The National Educational Policy Act 27 of 1996, Section 4.

<sup>106</sup> I Van Aardt 'A Review of youth unemployment in South Africa, 2004 to 2011 (2012) 36 *South African Journal of Labour Relations* 54-68 at 54.

exists in the country's educational system. When it comes to wealth, those who are wealthy have the option of private education and those individuals who have little or no money have to go the public education route.<sup>107</sup> These are two of the main challenges the government has encountered.

Owing to the prevalence of poverty in the country, many South Africans who are disadvantaged are unable to afford private education. They therefore have to enrol in the public educational system. The public system, however, unlike private education, encounters many more challenges. Although the number of pupils enrolling in public schools has increased, there remains a high dropout rate and an increased number of students who are repeating grades. The quality of education in public schools remains a challenge.<sup>108</sup>

Furthermore, not everyone has the opportunity to access education at the same level. Although the intention is for everyone to have the right to access education in South Africa, this is not feasible owing to the country's poor socio-economic conditions.<sup>109</sup>

For those pupils who are able to gain access to education, the difficulties do not end at gaining access as the quality of public education also remains a problem. The South African public educational system has issues of management as well as schools being poorly equipped.<sup>110</sup>

In addition to the quality of education or lack thereof, the schools are also in poor condition as they lack basic facilities. The public education sector has been poorly managed by the government as there have been shortages of resources within the sector. Approximately 27% of the public schools in South Africa are without running water.<sup>111</sup>

---

<sup>107</sup> Nicholas Spaull 'Poverty & privilege: Primary school's inequality in South Africa' (2013) 33(5) *International Journal of Educational Development* 436-447 at 436.

<sup>108</sup> Monde Makiwane and Stella Kwizera 'Youth and Well-Being: A South African Case Study' (2009) 91 *Social Indicators Research* 223-242 at 227.

<sup>109</sup> K.C Moloi, S.J Gravett and N.F Petersen 'Globalization and its impact on Education with Specific Reference to Education in South Africa' (2009) 37 *Educational Management Administration & Leadership* 278-283 at 283.

<sup>110</sup> World Policy (2014) *Infographic: South Africa's Educational Problem* at para. 1 available from <https://worldpolicy.org/2014/05/09/infographic-south-africas-education-problem> [accessed 2 January 2019]

<sup>111</sup> United Nations Children's Fund *South Africa Overview: Education and adolescent development* at para. 4 available from <https://www.unicef.org/southafrica/education.html> [accessed 2 January 2019]

The Department of Education has also had problems with providing the necessary resources required for students to learn. Some government schools have had problems with the absence of educational materials for pupils such as books. This was the case in 2012 when the Department of Education failed to provide many government schools in the province of Limpopo with textbooks.<sup>112</sup> This result therefore negatively impacts students' educational journey.

In addition to the finite resources available in government schools, there also exists the problem of teachers in public schools. One of the concerns regarding teachers in government schools in the country is their level of qualification. Some schools in the poorer provinces of the country have hired teachers without the adequate qualifications required for the occupation.<sup>113</sup> The quality of teaching in a school is imperative as it can either have a positive or negative effect on a student's learning experience and outcome.

The budget allocated by the government for schools is also of concern as it remains low. According to the United Nations Children's Fund, in 2017 and 2018 the budget the government allocated for public schools was only 17 percent.<sup>114</sup> Not enough money being allocated to educational system contributes to the poor socio-economic conditions in the country. A lack of capital means that it is more difficult for government schools to improve.

Another reason South Africa's economic partnerships are important to the government as a foreign policy initiative is that they help the growth of the country's economy. This economic growth helps the government tackle the socio-economic challenges that consume the country.

South Africa's socio-economic challenges are not only a concern domestically but, in relation to the rest of the world, poverty, inequality, unemployment, healthcare and educational quality are also a concern. South Africa remains one of the states among other countries around the

---

<sup>112</sup> Linda Chisholm 'The textbook saga and corruption in education' (2013) 19 *Southern African Review of Education with Education Production* 7-12 at 7.

<sup>113</sup> John Daniel, Roger Southall and Jessica Lutchman (ed) *State of the Nation 2004-2005* (2005) 1-648 at 212.

<sup>114</sup> United Nations Children's Fund South Africa (2017) *Education Budget South Africa 2017/2018* at 2. available from [https://www.unicef.org/esaro/UNICEF\\_South\\_Africa\\_--2017\\_--Education\\_Budget\\_Brief.pdf](https://www.unicef.org/esaro/UNICEF_South_Africa_--2017_--Education_Budget_Brief.pdf) [accessed 30 December 2018.]

world that is unequal.<sup>115</sup> Therefore, South Africa recognises its level of poverty and like many other countries attempts to reduce it.

### 2.4.3 The Issue of Unemployment

The right to employment like the right to education is one of the socio-economic rights that is provided for in the South African Constitution under Section 27. Section 27 provides that each and every South African should be given the right to select their occupation of choice.<sup>116</sup> However, much like the right to education, not many people are able to secure employment.

The issue of unemployment in South Africa does have a further link to the education in the country. Many young people in the country who are unemployed have not had the opportunity of receiving formal education. The youth in South Africa are unable to secure jobs owing to their not having the necessary educational skills and experience required to fully perform certain jobs.<sup>117</sup> This therefore makes it more difficult for the youth to find employment because of their background.

The unemployment rate in the country has continued to increase over the years. More than two thirds of young people in the country ranging from the ages of 18 to 36 are not employed. The population groups that unemployment affects the most are black people, young people who reside in rural areas, women and those who have a minimal education.<sup>118</sup> Not only does the unemployment rate in South Africa limit economic growth and eventually cause harm to the economy but it perpetuates the cycle of poverty. Those individuals who continue to be unemployed will continue to be unable to better their living conditions.

---

<sup>115</sup>The World Bank (2018) *Overcoming Poverty and Inequality in South Africa: An Assessment of Drivers, Constraints and Opportunities* available at <http://documents.worldbank.org/curated/en/530481521735906534/Overcoming-Poverty-and-Inequality-in-South-Africa-An-Assessment-of-Drivers-Constraints-and-Opportunities> [accessed 5 March 2019.]

<sup>116</sup> The Constitution of South Africa of 1996, Section 27

<sup>117</sup> I. Van Aardt 'A review of youth unemployment in South Africa, 2004 to 2011' (2012) 36 *South African Journal of Labour Relations* 54-68 at 54.

<sup>118</sup> Monde Makiwane and Stella Kwizera 'Youth and Well-Being: A South African Case Study' (2009) 91 *Social Indicators Research* 223-230 at 230.

#### 2.4.4 South Africa and the Millennium Development Goals

The Millennium Development Goals are goals that were developed by the United Nations. In 2000, various states signed the Millennium Declaration and in doing so governments developed a model of different goals to be met that would ultimately improve the poverty rates of countries.<sup>119</sup>

Various countries participated in signing the declaration. Section 1(5) of the Millennium Declaration states that governments recognise the positive impact globalisation has had on countries. Governments also recognise that for some underdeveloped and developing nations globalisation has failed to be inclusive and policies must be implemented to assist these countries' economies.<sup>120</sup> The Millennium Declaration is a commitment of the international community to improving the conditions in the world.

Improving the socio-economic conditions in South Africa has proven to be constitutionally an important initiative to the government. Therefore, South Africa has been committed to achieving the Millennium Development Goals. The Millennium Development Goals are comprised of goals that include healthcare, gender equality, reduction of poverty, improving education, increase in the economy and many more target goals to be met in order to reduce poverty in the world.<sup>121</sup>

#### 2.4.5 The Challenges in Healthcare

In addition to the socio-economic challenges of the public educational system, the poor living conditions and the rise in unemployment in South Africa, the government also faces challenges in the healthcare service. The right to healthcare is protected under Section 27 of the Constitution, which provides every person with the right to receive services to maintain good health that include water, food and reproductive care.<sup>122</sup> Having good health is important in sustaining a good life.

---

<sup>119</sup> United Nations *News on Millennium Development Goals* available from [www.un.org/millenniumgoals/](http://www.un.org/millenniumgoals/) [accessed 10 March 2019.]

<sup>120</sup> United Nations Millennium Declaration Resolution 55/2, 2000.

<sup>121</sup> United Nations Millennium Declaration Resolution 55/2 of 2000

<sup>122</sup> The Constitution of South Africa of 1996, Section 27.

However, the government has encountered challenges in the healthcare service that have hindered the accessibility of this right. Such obstacles have included the conditions of public hospitals. There is a limit to the staff at government hospitals. Approximately 30% of doctors' work in public hospitals and have to attend to the over 40 million of the population who do not have medical insurance.<sup>123</sup> The same applies to the ratio of nurses to patients in government hospitals. There is not enough nursing staff to care for the increasing number of patients in hospitals.<sup>124</sup>

Furthermore, the quality of treatment of people in public hospitals has also been a problem. People have reported that they wait an extended period of time to be seen by the doctor and the care they received is not effective.<sup>125</sup> There exist numerous barriers to accessing healthcare in South Africa.

South Africa has attempted each year to meet the Millennium Development Goals by implementing policies in the country that can help meet these target goals so to improve the socio-economic conditions. The government has done so by tackling various socio-economic problems.

In the healthcare sector, the government has implemented policies aimed at lowering the child mortality rate in the country. South Africa in 2009 became one of the first African states to develop two new vaccines in its immunisation programme. These two vaccines were the rotavirus vaccine and the pneumococcal conjugate vaccine.<sup>126</sup>

South Africa's compliance with the Millennium Declaration is monitored by the reports the government presents on the country's progress in achieving the goals. The government submitted reports in 2005, 2010 and 2013.<sup>127</sup> These reports act as a measure of accountability for the government.

---

<sup>123</sup> Bongani M. Mayosi and Solomom R Benatar 'Health and Health Care in South Africa- 20 Years after Mandela' (2014) 371 *The New England Journal of Medicine* 1344-1353 at 1351.

<sup>124</sup> Aljazeera (2009) *S Africa's healthcare challenges* available from <https://www.aljazeera.com/focus/2009/09/2009912111125918812.html> [accessed 10 March 2019.]

<sup>125</sup> Bronwyn Harris et. al 'Inequalities in access to health care in South Africa' (2011) 32 *Journal of Public Health Policy* 102-123 at 116.

<sup>126</sup> Yogan Pillay and Peter Barron 'Progress towards the Millennium Development Goals in SA' (2014) 104 *South African Medical Journal* 223 at 223.

<sup>127</sup> South African Government (2015) *Statistics South Africa on Millennium Development Goals country report* available from <https://www.gov.za/south-africa-prepares-close-mgds> [accessed 1 April 2019]

### 2.4.6 The Challenges of Reducing Poverty

The numerous reports that South Africa has submitted have included the government's progress in reducing poverty. In the 2013 Millennium Development report submitted, one of the poverty target goals relating to South Africans who live on less than \$1 a day was expected to be a goal that the government could meet. The expected percentage that the government estimated by 2015 was 5.7 percent.<sup>128</sup> Over the years this percentage has decreased. The 2015 report stated that the poverty reduction goal of South Africans living below the breadline of \$1 in 2000 was at 11.3 percent which had lowered by 2006, being at 5 percent and at 4 percent in 2011.<sup>129</sup>

The reduction in poverty has been as a result of the government developing various programmes to combat the issue. One of the prominent programmes that has been developed is the Reconstruction and Development Programme that originated after 1994. The Reconstruction Programme is a socio-economic programme in which the government had the objective of creating jobs, building homes and providing resources for South Africans.<sup>130</sup> The government attempted to fulfil the disadvantaged population's basic needs so that they could better their living conditions.

Another initiative established by the government to alleviate poverty was the Expanded Public Works Programme, which addressed unemployment in the country. The objective of the programme was that it offered temporary employment to people who did not have an occupation.<sup>131</sup> Furthermore, like the Reconstruction and Development Programme, the government targeted those who were disadvantaged. The programme was directed at people who resided in the rural areas and found themselves without an occupation.<sup>132</sup>

---

<sup>128</sup> United Nations Development Programme *Millennium Development Goals Country Report 2013* (2013) available at [www.za.undp.org/content/dam/south\\_africa/docs/Reports/The\\_Reports/MDG\\_October-2013.pdf](http://www.za.undp.org/content/dam/south_africa/docs/Reports/The_Reports/MDG_October-2013.pdf) [accessed 1 April 2019.]

<sup>129</sup> Ibid.

<sup>130</sup> Zanele E. Mfusi & Krishna K. Govender 'Alleviating Poverty in South Africa- A Theoretical Overview of the Expanded Public Work Program' (2015) 6 *Journal of Economics* 118-127 at 119.

<sup>131</sup> South African Government *Expand Public Works Programme* available at <https://www.gov.za/about-government/government-programmes/expanded-public-works-programme> [accessed 1 April 2019.]

<sup>132</sup> Zanele E. Mfusi & Krishna K. Govender 'Alleviating Poverty in South Africa- A Theoretical Overview of the Expanded Public Work Program' (2015) 6 *Journal of Economics* 118-127 1t 119.

In conclusion, this chapter addressed how the theory of offensive realism has informed South Africa's foreign policy analysis. Illustrated in the chapter were the relevance and importance of globalisation and its benefits to the development of countries, especially economic globalisation.

In addition, what was also mentioned was that South Africa has embraced globalisation because the country requires investments in order to eradicate socio-economic challenges. Furthermore, South Africa's various socio-economic challenges and methods the government has implemented to attempt to combat these challenges were also addressed.

The theory of offensive realism has therefore informed South Africa's foreign policy because, owing to the poverty and inequality in the country, the government has had no other choice but to pursue an economic foreign policy that is in its own interest and to the country's benefit so as to address these challenges.

## **2.5 Conclusion**

This chapter first explained the international system that allows countries to conduct their foreign policy initiatives. Governments can interact with other countries because of the world being anarchic and globalised. Governments can therefore, with the emergence of trade and an absence of governmental accountability, conduct their foreign policy initiatives without constraint. The emergence of economic globalisation has allowed countries in need of capital such as South Africa to do so.

South Africa's socio-economic conditions were also discussed. Also explored were the issues of unemployment, poverty, education and healthcare that the country experiences and the cause of these issues being the lack of capital in these sectors and mismanagement. South Africa's commitment to remedying its socio-economic conditions by achieving the Millennium Development Goals was also illustrated.

Therefore, in order for South Africa to combat these socio-economic issues the government needs to allocate more resources to these sectors. These resources require the country to have a thriving economy, and one way in which the government can increase the economy is through trade with other countries.

## **CHAPTER THREE**

### **SOUTH AFRICA'S CONSTITUTIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

#### **3.1 Introduction**

The previous chapter looked at the theoretical foundation that informs the analysis of South Africa's foreign policy: how offensive realism has shaped the country's foreign policy. This chapter will detail South Africa's Constitutional and international obligations relating to its foreign policy.

The South African government has committed itself to the promotion of human rights, and the government has cemented this commitment domestically, making its position on human rights legal, by including human rights provisions in the country's Constitution. The government has also reaffirmed the country's commitment by involving South Africa in international human rights bodies.

The role of human rights in the Constitution and the responsibility that the South African government has to promote and protect human rights will be discussed. Measures to protect South African human rights that are provisions in the Constitution, such as the South African Human Rights Commission and the South African National Defence Force, will be explored.

Secondly, South Africa's international human rights obligations as a member of the United Nations will be explored. These human rights treaties include the Covenant on Economic, Social and Cultural Rights; the Convention on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment. The South African government's peacekeeping missions under the United Nations as well as the government's commitment to the Rome Statute will also be explored.

Thirdly, South Africa's regional human rights responsibilities including the government's commitment to the African Union and the Southern African Development Community will be examined.

### 3.2 South Africa's Constitutional Obligations

The Constitution of South Africa was developed in 1996. The Constitution today is the cornerstone of the country's democratic system. The Constitution in a democratic state is the highest law.<sup>133</sup> South Africa is a constitutional democracy in which the Constitution provides all South Africans with equal social, economic and political rights.

The South African government has to uphold the provisions in the Constitution and it is the government's responsibility to ensure that every single person is able to access their social, economic and political rights. The President of South Africa is obliged to uphold and respect the Constitution of the country.<sup>134</sup> The South African government is therefore legally bound by the Constitution.

However, there have been cases where South Africa's foreign policy initiatives have not aligned with the provisions in the Constitution. An example of such a case is concerned with the former Sudanese president, Omar al-Bashir. President al-Bashir had been known for violating human rights within his country. The International Criminal Court issued a warrant for the Sudanese President's arrest in 2009 and again the following year on account of genocide and crimes against humanity that had been recurring in Darfur since 2005.<sup>135</sup>

In 2015, President al-Bashir arrived in South Africa. President Bashir was in South Africa for the African Union Summit which took place from 13 to 15 June.<sup>136</sup> During al-Bashir's time in South Africa, the South African government did not arrest him.

Therefore, in the government failing to arrest the Sudanese President, South Africa did not follow its Constitutional obligations with regards to promoting good human rights values. The South African courts reached the conclusion that by not arresting al-Bashir, the government

---

<sup>133</sup> Nicola De Jager *South African Politics: An Introduction* (2015) 1-357 at 3.

<sup>134</sup> Constitution of the Republic of South Africa of 1996, Section 83.

<sup>135</sup> Human Rights Watch (2015) *Civil Society Declaration on Sudanese President Omar al-Bashir Visit to South Africa without Arrest* at para. 2 available at <https://www.hrw.org/news/2015/07/01/civil-society-declaration-sudanese-president-omar-al-bashirs-visit-south-africa> [accessed 2 October 2019].

<sup>136</sup> *Ibid.*

had indeed obstructed justice.<sup>137</sup> Furthermore, by the government not arresting President al-Bashir, South Africa did not abide by its obligation to the Rome Statute. The South African government became a signatory member of the Rome Statute in 1998 and ratified the statute in 2000.<sup>138</sup>

Countries are expected to domesticate international law to which they are party and the Rome Statute is an example of one of the international laws South Africa is expected to adopt in its domestic laws. In accordance with the Constitution, the South African government is obliged to adhere to international agreements it has entered into.<sup>139</sup> The Rome Statute and the International Criminal Court will be discussed further in this chapter.

### 3.2.1 South Africa's Armed Forces

The military force of South Africa, also referred to as the South African National Defence Force (SANDF), is a military service like any other country's military force. The SANDF is tasked with defending and protecting South Africa's borders as well as the country's inhabitants. As stated in Section 200(2) of the Constitution, the mandate of the South African military is to protect South Africa and its citizens while conforming with the Constitution.<sup>140</sup>

Such threats or acts of aggression as would require the military's intervention may originate externally, for example, from a foreign country declaring war on South Africa, or the threat or act of aggression may be internal such as a civil war. Section 200(2) of the Constitution mentions that the deployment of the military service is only permitted in accordance with the country's Constitution.<sup>141</sup> Moreover, the SANDF is under the control of the Minister of Defence and ultimately under the control of the President of the country.<sup>142</sup> The President therefore makes the decision whether the military should or should not be deployed.

---

<sup>137</sup> Institute for Security Studies (2017) *The real problem behind South Africa's refusal to arrest al-Bashir* at para. 2 available at <https://issafrica.org/iss-today/the-real-problem-behind-south-africas-refusal-to-arrest-al-bashir> [accessed 5 October 2019].

<sup>138</sup> International Criminal Court *South Africa* (2003) at para 1 available at [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/african%20states/Pages/south%20africa.aspx](https://asp.icc-cpi.int/en_menus/asp/states%20parties/african%20states/Pages/south%20africa.aspx) [accessed 10 October 2019].

<sup>139</sup> The Republic of South Africa Constitution, 1996 Section 231 (5).

<sup>140</sup> Constitution of the Republic of South Africa of 1996, Section 200.

<sup>141</sup> The Constitution of South Africa, 1996, Section 200.

<sup>142</sup> *Ibid.*, Section 201(2)

### 3.3 South Africa's International Obligations

As mentioned above, South Africa became a member of the United Nations in 1945, and became a permanent member of the General Assembly in 1994. South Africa was one of the fifty founding states that first signed the United Nations Charter on 26 June 1945. The Charter was ratified in November of that same year.<sup>143</sup> This meant that South Africa agreed to uphold and promote the values of the UN. One of the many values the UN identified with was the promotion and protection of people's human rights across the globe.

The human rights values of the UN are contained, as mentioned before, in the UDHR. In addition to the UN's mission to protect and promote people's human rights, another imperative value of the UN is that of international security. Article 1 (1) of the UN Charter mentions that one of the reasons that the UN was formed was to prolong peace and security among all countries across the globe, as well as safeguarding the international community against any threats or aggressive acts that might hinder such attempts to achieve a peaceful and safe world.<sup>144</sup> The UN therefore made it a goal to prevent human suffering.

### 3.4 International Human Rights Treaties

South Africa has signed and ratified a number of international human right treaties. The government therefore has the responsibility to promote and protect human rights. The government has not only shown its commitment to these treaties by signing them but it has also incorporated these human rights provisions into its domestic law. The Bill of Rights incorporates a variety of political, social and educational rights that international human rights treaties also incorporate.<sup>145</sup>

---

<sup>143</sup> The United Nations 'Founding Member States' available at [www.un.org/depts/dh/unms/founders.shtml](http://www.un.org/depts/dh/unms/founders.shtml) [accessed 8 January 2019].

<sup>144</sup> Charter of the United Nations of 1945, Article 1

<sup>145</sup> The Constitution of South Africa of 1996

### 3.4.1 The International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a 1996 human rights treaty under the UN.

This treaty specifies that all member countries have the responsibility to promote and ensure that no violations occur of people's economic, social and cultural rights. Article 3 of the Covenant states that both men and women must be given the equal right to have access to and fully enjoy all economic, social and cultural rights.<sup>146</sup> Additionally, some of these rights include the right to education, the right to employment and the right for people to practise and enjoy their own culture without discrimination.<sup>147</sup>

South Africa is one of the member states of the ICESCR. The South African government signed the Covenant in 1994 and only ratified it 11 years later in 2015.<sup>148</sup> South Africa upheld its obligation to the ICESCR by incorporating the socio-economic and cultural rights of the treaty into its Constitution. Sections 25 to 29 of the Constitution include social rights such as people's rights to shelter, food and the right to be able to equally have adequate access to the country's educational system and healthcare services. Cultural rights are included in Section 31.<sup>149</sup> South Africans are therefore provided with these socio-economic rights.

### 3.4.2 The International Convention on Civil and Political Rights

The International Convention on Civil and Political Rights (ICCPR), like the ICESCR, is an international human rights treaty that was adopted in 1966 by the UN.

However, this treaty is focused on ensuring that every human being has access to civil and political rights. Such rights include, but are not limited to, liberty (Article 9)<sup>150</sup>, the right for all human beings to be treated equally before the law (Article 14)<sup>151</sup> and the right to speak freely

---

<sup>146</sup> International Covenant on Economic Social and Cultural Rights of 1996, Article 3.

<sup>147</sup><sup>147</sup> Ibid.

<sup>148</sup> United Nations Treaty Collection *International Covenant on Economic, Social and Cultural Right* available at [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-3&chapter](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter) [accessed 26 December 2018]

<sup>149</sup> The Constitution of South Africa of 1996, Sections 25-29.

<sup>150</sup> International Covenant on Civil and Political Rights of 1966, Article 9.

<sup>151</sup> Ibid. at Article 14.

(Article 2).<sup>152</sup> Countries that are party to this convention therefore have the responsibility to ensure that everyone's civil and political rights are respected and are not violated in any way. South Africa signed the ICCPR in 1994 and the government ratified the treaty in 1998.<sup>153</sup> The government therefore committed to the promotion and protection of civil and political rights.

South Africa incorporated the ICCPR into its domestic law. The government recognised the importance of the international civil and political rights, owing to the country's history of civil and political rights being denied to the majority the population. The Constitution of South Africa as a result incorporates the provisions of the ICCPR.

The Constitution provides for civil and political rights. Examples of these rights include the right of every single person to be treated equally without discrimination of any kind (Section 9)<sup>154</sup>; the right to freedom (Section 12)<sup>155</sup>; freedom of speech and the right for anyone to practise any religion (Section 15)<sup>156</sup>; and political rights (Section 19).<sup>157</sup> The right to be protected from forced labour (Section 13)<sup>158</sup> is also included. These are just a few of the many civil and political rights that are provided for in the Constitution.

### **3.4.3 The Convention on the Elimination of All Forms of Discrimination Against Women**

The Convention on the Elimination of All Forms of Discrimination Against Women, also referred to as CEDAW, is a human rights convention that promotes human rights for women all over the world. CEDAW was adopted by the UN in 1979. The treaty recognises that women all over the world are discriminated against in many forms and in different spheres of life simply because they are women.<sup>159</sup> Article 1 ensures that all women are equal to men in all aspects of life, economically, socially, culturally and politically.<sup>160</sup> The Convention adopts measures to rectify the discrimination that women encounter.

---

<sup>152</sup> Ibid. at Article 2.

<sup>153</sup> United Nations Treaty Collection *International Covenant on Civil and Political Rights* available at [https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg\\_no=](https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=) [accessed 27 December 2018]

<sup>154</sup> Constitution of South Africa of 1996, Section 9.

<sup>155</sup> Ibid. at Section 12.

<sup>156</sup> Ibid. at Section 15.

<sup>157</sup> Ibid. at Section 19

<sup>158</sup> Ibid. at Section 13.

<sup>159</sup> Convention on the Elimination of All Forms of Discrimination Against Women, 1979.

<sup>160</sup> Ibid. at Article 1

The Convention provides for standard socio-economic rights such as the right to employment (Article 11)<sup>161</sup>; the right to education (Article 10);<sup>162</sup> political rights (Article 7)<sup>163</sup> and the right to healthcare (Article 12).<sup>164</sup> These socio-economic rights can be found in most human rights treaties including the UDHR, the ICCPR and the ICESCR.

However, CEDAW differs from other human right treaties because it promotes and protects rights that are unique to women, allowing women to freely attain these rights. Such rights unique to women that CEDAW incorporates include marriage protection rights in Article 16<sup>165</sup> and reproductive rights that give women autonomy over their bodies in Article 13.<sup>166</sup>

South Africa's compliance with CEDW began in 1995 when the government ratified the Convention and introduced some of its provisions into the Constitution a year later. Section 9 of the Constitution provides that no one should be discriminated against on any basis, which includes sex.<sup>167</sup> This anti-discrimination right prohibits discrimination against women. Section 12 (1)(c) of the South African Constitution further states that people should not endure violence publicly or privately.<sup>168</sup> This right can be said to be directed towards women and the prohibition of domestic violence. In addition, Section 12 (2)(a) provides for the right of bodily integrity and reproduction.<sup>169</sup> This is another human right that is directed towards women.

#### **3.4.4 The Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment**

The Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT), also known as the Torture Convention, is another international human rights treaty that was created in 1984. This treaty relates to the physical protection of people.

---

<sup>161</sup> Ibid. at Article 11

<sup>162</sup> Ibid. at Article 10.

<sup>163</sup> Ibid. at Article 7.

<sup>164</sup> Ibid. at Article 12.

<sup>165</sup> Ibid. at Article 16.

<sup>166</sup> Ibid. at Article 13.

<sup>167</sup> Constitution of South Africa of 1996, Section 9.

<sup>168</sup> Ibid. at Section 12.

<sup>169</sup> Ibid.

CAT protects every human being from enduring bodily harm through torture. Article 1 defines torture to include any physical or mental harm caused by someone on another person, with the objective being to extract information from them or to punish them.<sup>170</sup>

Article 4 states that governments that have signed and ratified the treaty have the responsibility to ensure that any form of torture is illegal.<sup>171</sup> Therefore, signatories to CAT are obliged to abide by these provisions.

The South African government is one of these countries that has institutionalised CAT, therefore making any form of torture inflicted on a person illegal in South Africa. South Africa signed the Torture Convention in 1993 and it was officially ratified in 1998.<sup>172</sup> The principle of prohibiting torture is therefore present in the country's Constitution. Section 12(1)(d) of the Constitution protects people's right not to be tortured.<sup>173</sup> Furthermore, Section 12(1) also includes any forms of torture that could be considered inhumane or cruel punishment to a person.<sup>174</sup>

These human rights instruments act as a guide to countries on how to further promote and protect human rights. These treaties have specifically been important to South Africa. All four of these human right treaties came into force before South Africa achieved democracy in 1994 and began practising good human rights principles, therefore allowing the government to use these human rights instruments as an inspiration and to incorporate some of the provisions of the treaties in its 1996 Constitution as the country's human rights standard.

### **3.5 International Obligations Relating to Foreign Policy**

In response to the numerous internal conflicts that had been occurring in many countries across the world and in order to protect the lives of innocent civilians, the UN established an international peacekeeping force.

---

<sup>170</sup> Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment of 1984, Article 1.

<sup>171</sup> Ibid. at Article 4.

<sup>172</sup> United Nations Treaty Collection *Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment* available at [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-9&chapter4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter4&clang=en) [accessed 30 December 2018].

<sup>173</sup> The Constitution of South Africa of 1996, Section 12.

<sup>174</sup> Ibid.

The peacekeeping force is an organ of the UN. Member states' military services collaborate in an attempt to defuse or prevent any further acts of aggression and violence. Peacekeeping soldiers attempt to restore peace in times of civil unrest in a country. Article 42 of the UN Charter states that the Security Council has the right to deploy the peacekeeping force which can take actions to restore peace and security by means which may include forces operating on the ground, in the air or in the sea.<sup>175</sup>

As a member of the UN, South Africa's international obligation, which the country has included in its foreign policy initiatives, includes the South African military. The SANDF has been involved in UN peacekeeping missions.

### **3.5.1 South Africa's UN Peacekeeping Missions**

South Africa has a duty to the UN to maintain peace and security in the world as well as to aid in the protection of any human being whose human rights are being threatened. As a result of this, South Africa is among many UN countries whose governments have devoted their time and resources to the UN peacekeeping missions. In 1999 the South African military conducted a UN peacekeeping mission in the Democratic Republic of the Congo (DRC) and a year later they were deployed to Eritrea and Ethiopia.<sup>176</sup> South Africa has on many occasions deployed its military service to war-torn countries under the mandate of the UN.

### **3.5.2 South African Military in the Democratic Republic of the Congo**

The UN peacekeeping forces have been stationed in the DRC since 1999. These peacekeeping forces were previously named the United Nations Organisation Mission in the Democratic Republic of the Congo. The responsibility of the United Nations Organisation Mission in the Democratic Republic of the Congo was to ensure that an agreed-upon ceasefire between belligerent parties that attempted to officially end the Second Congolese Civil War was upheld. This ceasefire stipulated that all foreign entities would remove their military personnel from the country.<sup>177</sup>

---

<sup>175</sup> Charter of the United Nations of 1945, Article 42.

<sup>176</sup> David Riley-Harris 'South African Peacekeeping, 1994-2012' (2013) 16 *Military History Journal* 1 at 1.

<sup>177</sup>The United Nations Security Council Resolution 1279, 1999.

However, the Lusaka Ceasefire Agreement did not yield any long-lasting success. In 2006 political instability and violence re-ignited in the eastern DRC. The conflict in the Congo is concentrated around the country's minerals. It is because of these minerals that numerous rebel forces and the DRC's neighbouring countries continue to attempt to acquire this wealth in minerals for their own personal benefit.<sup>178</sup> The conflict is, therefore, in some part, motivated by greed.

The UN peacekeeping forces, now referred to as the United Nations Organisational Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO), have been stationed in the eastern part of the DRC since 2010.<sup>179</sup> MONUSCO's mandate is to protect the Congolese civilians from the violent attacks orchestrated by rebel forces and foreign military personnel as well as to attempt to aid in restoring political control of the country.<sup>180</sup> MONUSCO's mandate has for the most part been humanitarian as soldiers are protecting civilians' human rights from being violated.

### **3.5.3 South Africa's Involvement**

The South African military has also become involved in attempting to control and finally bring the conflict in the Congo to an end. SADC is one of the top ten military personnel deployed to the DRC with MONUSCO. As of November 2018, South Africa ranks at number six in the number of troops the country contributes. The country has 1 165 troops stationed in the DRC.<sup>181</sup>

The South Africa's presence in the DRC is not only with the UN. The SANDF has independently been in the Congo since 1997 when the first Congolese War began. South Africa was among many African countries that aided in the overthrow of the then dictatorial president

---

<sup>178</sup> Abiodun Alao *National Resources and Conflict in Africa: The Tragedy of Endowment* (2007) 1-1337 at 131.

<sup>179</sup> The United Nations Security Council Resolution 1925 of 2010, Section 1.

<sup>180</sup> Ibid. at Section 5.

<sup>181</sup> United Nations *Peacekeeping Protecting civilians and consolidating peace in the Democratic Republic of the Congo* available at <https://peacekeeping.un.org/en/mission/monusco> [accessed 10 January 2019.]

of the DRC, Mobutu Sese Seko.<sup>182</sup> South Africa has always attempted to assist the DRC in establishing a legitimate, democratic and functioning government.

### 3.5.4 The Rome Statute

The South African government has both as its foreign policy and its constitutional and international obligation to protect its citizens' human rights. Another one of the country's international obligations relating to its foreign policy is the Rome Statute, a treaty that creates the legal framework for international crimes against humanity.

The Rome Statute is a treaty that the International Criminal Court (ICC) originated. This is an international court of law that punishes those who have engaged in extreme violations of human rights. Article 1 of the Rome Statute states that the ICC acts as a standing international court that has the legal authority to convict people for crimes against humanity.<sup>183</sup> Example of such crimes are ones that cause physical harm to a person, such as genocide and torture. South Africa is one of many countries that are party to the Statute.

The Rome Statute was accepted by the South African in 2000 and became domestic law two years later.<sup>184</sup> Additionally, the South African government was involved in the ICC being established.<sup>185</sup> South Africa has an international duty to report such crimes against humanity to the ICC. Article 3 of the Act states that governments are obliged to offer their full co-operation with any investigations into alleged crimes against humanity.<sup>186</sup>

In the case of South Africa, the ICC Act enables the prosecution of anyone who has committed crimes against humanity. Such crimes could have been committed within South Africa or outside the country.<sup>187</sup> However, because the ICC is an international criminal court, it is a last

---

<sup>182</sup> Hussein Solomon 'South Africa in Africa: a case of high expectations for peace' (2010) 17 *Southern Journal of International Affairs* 131-147 at 135.

<sup>183</sup> Rome Statute of the International Criminal Court, 1998, Article 1.

<sup>184</sup> Lilian Chenwi and Franziska Sucker (2015) 7 *Constitutional Court Review* 199-245 at 207.

<sup>185</sup> Lee Stone 'A Sign of the Times: South Africa's Politico-legal Retrogression as illustrated through the Intention to withdraw from the Rome Statute' (2018) 33 *Southern African Public Law* 1-32 at 1.

<sup>186</sup> Republic of South Africa Implementation of the Rome Statute of The International Criminal Court Act 27 of 2002, Article 3.

<sup>187</sup> *Ibid.*

resort solution to punishing the perpetrators of humanitarian crimes, if the legal system within the respective countries is unable to prosecute them domestically.

Therefore, because South Africa is party to instruments of humanitarian law such as the Rome Statute and the ICC, the government has an obligation to ensure that its interactions with other countries through any of its foreign policy initiatives are in accordance with the Rome Statute the government signed. The government should also report to the ICC any crimes against humanity it is aware of being committed.

Therefore, the South African government should not conduct any foreign policy initiatives that may be viewed as a violation of its commitment to having a zero-tolerance policy towards human rights abuses and crimes against humanity. Instead the government should assist in the investigation of those who have committed such atrocities.

### **3.6 South African Foreign Policy Within the African Region**

South Africa's peacekeeping obligations are not only linked to the country's international responsibilities as a UN member but its peacekeeping missions in Africa are also linked to its responsibilities, as an African country, to its African neighbours. This includes South Africa's membership of the AU and SADC.

As a member of the AU since 1994, South Africa is also obliged to protect and uphold human rights in accordance with the values of the AU. Article 3 of the AU states, 'The African Union was established to promote and safeguard African peoples' human rights.'<sup>188</sup>

In addition, South Africa is also party to the regional human rights system of the AU, the African Charter on Human and Peoples' Rights (ACHPR). They must also comply with the human rights values set forth in this Charter. Article 2 of the Charter states that every single person is inalienably enriched with all the freedoms and rights in the ACHPR regardless of what their race, ethnicity, religion, political affiliations, country of origin or status in society might be.<sup>189</sup>

---

<sup>188</sup> Constitutive Act of the African Union of 2000, Article 3.

<sup>189</sup> African Charter on Human and People's Rights of 1981, Article 2.

Moreover, the South African government has also taken it upon itself to assume the responsibility of securing human security among its fellow African neighbours. This would also include safeguarding their human rights and offering states support should they require it.

### **3.6.1 The Southern African Development Community**

The SADC is an African treaty as well as a declaration that was signed by the various countries' governments within Southern Africa. The purpose of the treaty or declaration is that these Southern African countries work together to improve the African continent. It is about these countries coming together for a common purpose that affects all of them. Article 5 (1) of the treaty outlines some of the objectives of the SADC.

Some of the objectives include achieving development and economic growth, alleviating poverty, enhancing the standard and quality of life of people of Southern African countries as well as offering support to the socially disadvantaged through regional integration.<sup>190</sup> Furthermore, regional security is one of the ways in which some of these objectives can be met.

Therefore, South Africa is one of the countries that have attempted to provide and assist in security and maintaining and promoting peace throughout the region. The South African government, specifically the SANDF, must remain an integral asset in attempting to prevent conflict and the military must instead introduce or restore peace and post-conflict resolutions in countries in the Southern region that may be experiencing civil unrest.<sup>191</sup>

In addition, South Africa recognises the importance of promoting good socio-economic conditions around Africa. Security is important in Africa and therefore the SANDF should prioritise regional issues of Northern and Southern countries, which would include promoting development, tackling poverty, and the strengthening of African countries so as to establish a better African continent in which all countries are at peace and share equally in the

---

<sup>190</sup> Declaration and Treaty of the Southern African Development Community of 1992, Article 5.

<sup>191</sup> Theo Neethling 'Considering on Defence Thinking in Post-1994 South Africa with Special Reference to Post-Conflict Reconstruction and Development' (2012) 40 *Science Militaria* 427-500 at 474.

responsibility of maintaining the peace.<sup>192</sup> Therefore, it is important that African countries unite for a common purpose.

Furthermore, achieving and maintaining stability in Africa is important to prevent a massive refugee crisis that would result if a country were experiencing civil disorder. When there is civil unrest in one country it often results in refugees fleeing to neighbouring countries.<sup>193</sup> Therefore, South Africa's role in the SADC, together with protecting people's human rights, is to prevent the mass displacement of people, which in actual fact restricts some of their human rights.

In conclusion, Chapter three looked at South Africa's constitutional obligations relating to human rights, Chapter 2 of the Constitution, the Bill of Rights, being the foundation of human rights from which the government draws its human rights obligations.

The deployment of the South African military to countries requiring humanitarian assistance further emphasises the government's commitment to human rights. In addition to the country's domestic obligations, South Africa's regional and international obligations to human rights were also explored. The government's commitment to the AU and the SADC was explored. Furthermore, the country's international human rights obligation through its membership of the UN and UN peacekeeping missions was analysed.

### **3.7 Conclusion**

This chapter focused on South Africa's Constitutional and international human rights obligations. South Africa has made a commitment to upholding human rights in the country by including them in the Constitution. Furthermore, the government has also taken on the responsibility of protecting human rights within Africa by becoming a member of the AU and the SADC, which are organisations that encourage the development, upliftment and promotion of human rights in Africa.

---

<sup>192</sup> The South African Government (2012) *Consultative draft of the South African Defence Review* available at <https://www.gov.za/consultative-draft-south-african-defence-review-2012> [accessed 3 January 2019]

<sup>193</sup> Hussein Solomon 'South Africa in Africa: a case of high expectations for peace' (2010) 17 *South African Journal of International Affairs* 131-147 at 144.

The South African government has not only committed the country to practising good human rights within South Africa but it has also made it a priority to follow the human rights mandate of the United Nations by becoming signatories to various United Nations human rights treaties and members of United Nations peacekeeping missions. These actions therefore demonstrate that South African government has made it an obligation not only to protect and promote the human rights of individuals in South Africa but also to protect and condemn any human rights violations across the world.

## **CHAPTER FOUR**

### **SOUTH AFRICA'S FOREIGN POLICY IN PRACTICE**

#### **4.1 Introduction**

Chapter three dealt with South Africa's Constitutional and international obligations relating to human rights. This chapter will outline South Africa's foreign policy in practice. In addition, South Africa's foreign policy with China and Zimbabwe will be critiqued.

China has become a country that has expanded its economy, which is the reason South Africa embarked on a trade partnership with it. China's booming economy will be discussed first. Secondly, South Africa's foreign policy with China through its various trade partnerships will be explored. Thirdly, the fact that China is a country where human rights violations have been reported, will be discussed. Fourthly, criticism of South Africa's foreign policy with a country that has had human rights violations such as China will be explained.

Zimbabwe is another country that South Africa has included in its foreign policy initiative. Zimbabwe like China has experienced human rights violations at the hand of the government. This will be discussed. South Africa's foreign policy with Zimbabwe is not one that is solely based on trade and improving South Africa's economy. Instead is mostly based on politics. South Africa's use of quiet diplomacy to try and resolve the humanitarian crisis in Zimbabwe will be illustrated.

Next the international community's approach to combating the crisis in Zimbabwe, which is a more aggressive approach than South Africa has employed, will be mentioned. Lastly, South Africa's motivation for not using a more aggressive approach, like imposing sanctions, when attempting to alleviate the humanitarian crisis and human rights abuses in Zimbabwe, will be explored. South Africa's decisions and actions with Zimbabwe as with China are based on the best interest of South Africa domestically and for its position in Africa.

## 4.2 China's Economy

China is a country that has become a driver of economic change. China is considered a country of economic growth and success. As a result, the country has become and continues to be an influential state in the international system.

The country has become one of the powerhouse states in Asia because of its economic success. This has resulted in the Chinese being able to challenge the status quo that exists in the international system.<sup>194</sup> China continues to be a rising economic superpower. This can be perceived as threatening to members of the international community, as the country attempts to transform the global political economy to align with its interests.<sup>195</sup> One way in which China has attempted to achieve this success is through its trade deals. By 2013, China was fourth in the world among the biggest trading countries.<sup>196</sup> The government has numerous trade partnerships around the world.

China's economic growth has not only elevated its international standing among other countries but its economic success over the past decades has also improved the living conditions of the Chinese. China's economic growth and wealth have reduced the inequality in the country as there are fewer people living in poor conditions.

The country's transformation has also been able to attract capital from many countries. China's cheap labour has brought in a great deal of money from different countries.<sup>197</sup> China has become a leading country in manufacturing goods and services as well as an exporting country of those goods and services. China has increased its trade partnerships with other countries, which has resulted in it attracting investments by other countries.<sup>198</sup> Those countries that wish to improve their own economic status are attracted to the idea of establishing diplomatic relations with China.

---

<sup>194</sup> Shaun Breslin *China and the Global Political Economy* (2009) 1-246 at 3.

<sup>194</sup> Ibid.

<sup>195</sup> Ibid.

<sup>196</sup> Ibid.

<sup>197</sup> Minqi Li *The Rise of China and the Demise of the Capitalist World-Economy* (2008) 1-208 at 16.

<sup>198</sup> Justin Yifu Lin *Demystifying the Chinese Economy 1952-2012* (2012) 1-311 at 5.

China's economic success has afforded countries such as South Africa the opportunity to begin diplomatic relations with it, such as a trade partnership. China and South Africa's diplomatic relations originated in 1998 with former President Nelson Mandela. 2018 marked 20 years that South Africa and China have been in a trade partnership and the two countries have successfully achieved economic, trade and investment agreements.<sup>199</sup> The partnership with China was the government's fresh foreign policy start after apartheid.

It is China's increased economic success, position and influence in the international community that prompted South Africa to prolong their partnership. In 2000 the Pretoria Declaration was signed between the two countries, in which both countries agreed to co-operate with each other during this partnership.<sup>200</sup>

### **4.3 China and South Africa's Foreign Policy**

China and South Africa have continued to engage in diplomatic relations and China remains economically invested in South Africa. For more than a decade, these two countries have been involved in each other's foreign policy initiatives.

South Africa became an official member of BRICS in 2010. BRICS is an intergovernmental alliance that originated owing to developing states wanting to be in a partnership with the goal of being able to challenge the existing oppression and underdevelopment in their countries.<sup>201</sup> These four countries therefore engage in economic trade and investments as well as aiding each other to develop and improve the conditions in their respective countries.

They seek to transform the international system to focus more on the issues and needs of developing states. The objective of BRICS has been to promote sustainable development. BRICS does this by introducing regional and continental infrastructure programmes that could

---

<sup>199</sup> The Department of International Relations And Cooperation (2018) *South Africa and China celebrate 20 years of diplomatic relations* available at [www.dicpro.gov.za/docs/2018/media0108.htm](http://www.dicpro.gov.za/docs/2018/media0108.htm) [accessed 31 July 2018]

<sup>200</sup> Embassy of the People's Republic of China (2000) *Pretoria Declaration on the Partnership between the People's Republic of China and the Republic of South Africa* available at <http://za.china-embassy.org/eng/zt/tenthanniversary/t388680.htm> [accessed 20 March 2018]

<sup>201</sup> Tukumbi Lumumba-Kasongo 'Brazil, Russia, India and South Africa: New Projected Developmental Paradigms' (2015) 3(3) *African Development* 77-95 at 83.

aid in development through economic and political ties.<sup>202</sup> BRICS countries therefore rely on each other rather than on Western countries for their development.

China is not only involved in Africa through the partnership of BRICS but the country also has a direct involvement and partnership with South Africa through trade. 60% of the manufactured imports that come from China are directed towards being of benefit to African countries, one of which is South Africa.<sup>203</sup>

China has become one of the important partnerships of the South African government. The United States of America and countries of the European Union are the first and second trading partners with African countries and China is South Africa's third largest trade partner.<sup>204</sup> The Chinese government has stated that its trade relations with numerous African countries is, unlike the West, not about the exploitation of these countries but instead about being of mutual benefit to both China and these countries. The Chinese do not interfere in governmental systems of countries.<sup>205</sup> Therefore the Chinese are not interested in violating South Africa's sovereignty by becoming involved in its domestic affairs.

South Africa views its partnership with China as being beneficial to the South African government. South Africa considers China's investment as a positive aspect that aids the country's development. The government views the partnership as a success rather than viewing the trade relation as threatening to its interests.<sup>206</sup> China attempts to aid South Africa through its energy and natural resource investments in order to develop and increase the infrastructure within the country and increase economic development.<sup>207</sup>

During the administration of former president, Jacob Zuma, he maintained contact with the Chinese government and renewed the partnership in 2010. In 2010, the Beijing Declaration on

---

<sup>202</sup> Jacob Zuma 'South Africa in the BRICS: Evolving International Engagement and Development' (2013) 35 *Harvard International Review* 17-21 at 17-18.

<sup>203</sup> Musibau Adetunji Babatunde 'Sino-African Investment Relations: The Good, The Bad and The Ugly' (2013) 3 *Asia Pacific and Globalization Review* 1-23 at 1-2.

<sup>204</sup> Ivar Kolstad and Arne Wiig 'Better the Devil You Know? Chinese Foreign Direct Investment in Africa' (2011) 12 *Journal of African Business* 31-50 at 31.

<sup>205</sup> Ibid.

<sup>206</sup> Mark Beeson, Mills Soko and Wang Yong *The new resource politics: can Australia and South Africa accommodate China?* (2011) 87 *Oxford University Press* 1365-1384 at 1377.

<sup>207</sup> Ibid.

the establishment of a comprehensive strategic partnership was signed between him and the then president of China.<sup>208</sup> In 2009 trade between South Africa and China reached close to \$16.3 billion.<sup>209</sup> This trade has been in many different areas in South Africa. The South African sectors that the Chinese government has investment in include agriculture, mining, technology and communications as well as in some banks.<sup>210</sup>

#### **4.4 A Critique of South Africa's Foreign Policy with China**

South Africa has a beneficial and successful economic trade relationship with China. This is demonstrated by China's numerous investments in the country and the trade deals they have secured with the government. However, there is some criticism over South Africa's diplomatic relations with China. The government's diplomatic ties with China go directly against South Africa's Constitutional as well as its international human rights responsibilities.

As previously mentioned, South Africa is bound internationally to practise and uphold human rights by virtue of its membership of the UN, as well as its other obligations to inter-governmental organisations such as the AU and the SADC.

As a country of previous human rights abuses and now a country that holds the promotion of human rights to the highest of standards, the government has advocated for good human rights practices.<sup>211</sup> However, it has failed to live up to this reputation when it comes to its foreign policy agendas with the Chinese government.

South Africa's foreign policy with China can be viewed as contentious, with the 2009 incident involving the Spiritual Leader of Tibet, the Dalai Lama. In 2009, the Dalai Lama was scheduled to visit South Africa but was refused entry into the country. This refusal of entry is said to have happened as a result of China's instructions. The Dalai Lama was denied a visa by the South

---

<sup>208</sup> Muslim Ullah Khan *China-Africa Economic Relations* (2015) 2-215 at 90.

<sup>209</sup> Chris Alden 'South Africa and China: forging Africa's strategic partnership' *China Brief* (2008) 1 at 1

<sup>210</sup> Mark Beeson, Mills Soko and Wang Yong *The new resource politics: can Australia and South Africa accommodate China?* (2011) 87 Oxford University Press 1365-1384 at 1377

<sup>211</sup> South African Constitution of 1996, Section 8.

African government and the action was said to be the result of coercion on the part of the Chinese government.<sup>212</sup>

This action can be viewed as China intervening in South Africa's domestic affairs. South Africa can be criticised for acceding to China's request because the government did not want to jeopardise its economic partnership with China, by having it appear that they were taking Tibet's side in the Tibetan crisis. This will be further analysed in the study.

#### 4.5 China's Human Rights Violations

China's amended Constitution of 2004 states that the country does indeed respect the concept of human rights. Furthermore, the government will enable good human rights practices and prevent these from being violated in any manner. Article 33 of the 2004 amended Constitution states that the Chinese government follows good human rights practices.<sup>213</sup> However, despite this Article in the Chinese Constitution, the government has not upheld this provision. More than 200 human rights lawyers and activists working in China have been imprisoned on a charge of undermining the authority of the government.<sup>214</sup> Freedom of speech is therefore a human right that the government has suppressed.

China has been able to avoid practising good human rights owing to the country's position in the international community. China is one of the five countries that has a permanent seat on the United Nations Security Council.<sup>215</sup> The Chinese government has therefore been able to use this position of power to manipulate and intervene in investigations of accountability into its human rights violations. China has gone so far as to contact UN staff members who handle human rights compliance and accountability mechanisms and has harassed and intimidated them.<sup>216</sup>

---

<sup>212</sup> Herman Wasserman 'China in South Africa: media responses to a developing relationship' (2012) 5 *Chinese Journal of Communication* 336-354 at 342.

<sup>213</sup> The Constitution of the People's Republic of China of 2004, Article 33.

<sup>214</sup> United Nations Human Rights 'UN Human Chief deeply concerned by China clampdown on lawyers and activists' available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17050>, [accessed 6 August 2019.]

<sup>215</sup> United Nations Security Council *Current Members: Permanent and Non-Permanent Members* available at <https://www.un.org/securitycouncil/content/current-members> [accessed 10 October 2018]

<sup>216</sup> Human Rights Watch (2007) *The Cost of International Advocacy China's Interference in United Nations Human Rights Mechanisms* available at <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights> [accessed 1 October 2018]

The Chinese government has not signed or ratified numerous human rights treaties like the ICCPR. The government signed the ICCPR in 1998.<sup>217</sup> However, no ratification has occurred. Therefore, the government is not obliged to abide by civil and political human rights standards.

#### 4.6 China and the Crisis of Tibet

The Chinese government has not only committed human rights violations within China involving its own citizens but Chinese human rights violations have extended internationally.

China has violated and continues to violate the sovereignty of the country of Tibet. China's forceful occupation of Tibet has resulted in mass human rights violations involving the Tibetan people. After China gained independence in 1949, the military invaded Tibet. Tibet was a stable country before the invasion. Before the Chinese invasion of 1950, the Tibetan people resided in peace and contentment and their basic needs were met by the Tibetan government.

<sup>218</sup> The Chinese invasion therefore disrupted this peaceful existence.

The Chinese proceeded with the invasion and Tibet was unable to stop them. The Tibetan military was defeated within a two-week period by the Chinese army.<sup>219</sup> The Chinese government did not retreat until they had taken control over Tibet. The goal of the then Chinese President was to get the then Dalai Lama of Tibet to agree to China's proposal of having absolute power over Tibet.<sup>220</sup>

Tibetans have been denied basic human rights ever since the Chinese government occupied their country over sixty years ago. Many Tibetans have attempted to raise awareness and highlight the human rights violations. An example of such protests included Tibetan citizens gathering in the streets and publicly committing suicide.<sup>221</sup> The protestors did this in order to highlight the basic freedoms that they were being denied by the Chinese.

---

<sup>217</sup> United Nations Treaty Collection *International Covenant on Civil and Political Rights* available at [https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg\\_no=IV-4&src=IND](https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=IV-4&src=IND) [accessed 10 October 2018]

<sup>218</sup> A Tom Grunfeld *The Making of Modern Tibet* (1996) 3-339 at 4.

<sup>219</sup> Melvyn C. Goldstein *The Snow Lion and the Dragon: China, Tibet and the Dalai Lama* (1997) 1-190 at 45.

<sup>220</sup> *Ibid.*, at 45.

<sup>221</sup> Human Rights Watch (2018) *China: Allows UN Rights Experts into Tibet* available at <https://www.hrw.org/news/2018/03/08/china-allow-un-rights-experts-tibet> [accessed 3 June 2019]

#### 4.7 History of Zimbabwe under Robert Mugabe

Zimbabwe gained independence in 1980 with former president Robert Mugabe being elected and approved as the country's first Prime Minister under democracy. For a few years after the country's independence, Zimbabwe was considered a country of prosperity with a stable economy and the possibility of further economic growth in the future. After independence, Zimbabwe was fourth among states in Sub-Saharan Africa that were industrialised, and the country's economy was more promising than other states in Africa.<sup>222</sup> Zimbabwe lost this potential to become a hegemonic country in Africa.

Like South Africa, and many other African countries, Zimbabwe received independence after decades of authoritarian rule. This new era offered hope to Zimbabweans that the country could become a better place where they could live a decent life with good opportunities. The promise of this good life was supported by the reform of the political system, a transformation of the education system in the country as well as military integration.<sup>223</sup> Many Zimbabweans were hopeful.

However, not long into Robert Mugabe's presidency, Zimbabwe began to demonstrate signs of rapid decline. The human rights violations and corruption in government escalated as Mugabe exceeded his term as President. Robert Mugabe's government continued to be characterised by increasing corruption and his leadership became known as dictatorial.<sup>224</sup> The country began to revert to authoritarian, oppressive government.

#### 4.8 Land Redistribution Crisis

In Zimbabwe, as in South Africa, land of the black majority had been taken by the government and given to the white minority. After independence, the government returned the land that had

---

<sup>222</sup> Lloyd M. Sachkonye 'Whither Zimbabwe? Crisis & Democratisation' (2002) 91 *Review of African Economy* 13-20 at 13.

<sup>223</sup> Brian Raftopoulos & Tyrone Savage (eds). *Zimbabwe Injustice and Political Reconciliation* (2004) 1-320 at 5.

<sup>224</sup> Sandra J. Maclean 'Mugabe at war: The political economy of conflict in Zimbabwe' (2002) 23 *Third World Quarterly* 513-528 at 514.

been forcefully taken by the previous government to its rightful owners.<sup>225</sup> A strategy of land redistribution began.

However, the initial idea of land redistribution did not go as planned as many previous land owners did not receive their land back. Peasant farmers to whom the land was supposed to be redistributed did not receive their promised land. Instead, Mugabe took control of the land and its use. Large farms were distributed among the Prime Minister's family and his wife, as well as government officials such as the Minister of Home Affairs.<sup>226</sup> The Zimbabwean government was practising corruption.

As a result of such corruption, Zimbabwe began to experience a shortage of food supply as the agriculture sector began to decline because Mugabe was using food supply as a political tool for his own interests. Mugabe was denying the distribution of food to people he thought did not support his party but instead supported the opposition party.<sup>227</sup>

Fertile land was also given to the elites in the country, which resulted in tension increasing among citizens. The land invasions were accompanied by violence towards landowners and people began to threaten them. The Zimbabwean police were instructed to burn a thousand homes near the city of Masvingo so that the land that belonged to the peasants could be given to Mugabe's friends in government.<sup>228</sup> The government continued to fuel the violence through corrupt invasions throughout the country.

These events culminated in the instability in the country. A humanitarian crisis had emerged in Zimbabwe as there was a decline in farming. This was as a result of the land invasions and wrongful distributions of the land, which resulted in food aid being required to sustain the people.<sup>229</sup> The country therefore had to receive help in order to sustain the Zimbabwean population. One of the countries Zimbabwe has received assistance from in providing food for

---

<sup>225</sup> Human Rights Watch *Land Reform in Twenty Years After Independence* available at <https://www.hrw.org/reports/2002/zimbabwe/ZimLand0302-02.htm> [accessed 1 August 2019].

<sup>226</sup> *Ibid.*, 338.

<sup>227</sup> Rhoda E. Howard-Hassmann *Mugabe's Zimbabwe, 2000-2009: Massive Human Rights Violations and Failure to Protect* (2010) 32 *Human Rights Quarterly* 898-920 at 902.

<sup>228</sup> Alan J. Kuperman *Constructions and Conflict Management in Africa* (2015) 1-293 at 173.

<sup>229</sup> *Ibid.*, 174.

the country has been Zambia.<sup>230</sup> Zimbabwe had begun to show signs of a humanitarian crisis requiring outside intervention.

#### **4.9 Zimbabwe's Constitution and Human Rights**

The latest 2013 Constitution of Zimbabwe does indeed contain human rights principles. Part 2 of the Constitution details various socio-economic and political rights. Some of these human rights include the first human right listed in Section 48, the right to life; the right to equality and the right not to be discriminated against in Section 56; and the right to be free from any form of torture in Section 53. Section 67 contains political rights.<sup>231</sup> It is stated in the Constitution that these rights are afforded to every single person without distinction.

However, the Zimbabwean government under the leadership of Robert Mugabe failed to respect and promote these various rights as he did not feel legally obliged to abide by the Constitution. No laws have been established so that human rights are congruent with the Zimbabwean Constitution.<sup>232</sup> The Constitution and human rights have been ignored.

#### **4.10 Violence and Oppression in the Country**

Violence became the norm in the country, which further intensified the humanitarian crisis. Zimbabwe had been in a political crisis for decades, which resulted in people's human rights being violated. The government would unlawfully detain its citizens and torture and kidnap them.<sup>233</sup> Additionally, communities such as the LGBT community have been oppressed as homosexuality is prohibited in Zimbabwe and is a criminal offence for which the government has jailed people.<sup>234</sup> The freedom of equality is a human right that has been violated in Zimbabwe.

---

<sup>230</sup> Graham Boynton 'Mugabe's last throw of the dice' (2012) 68(3) *The World Today* 1-2 at 1.

<sup>231</sup> Zimbabwe's Constitution, 2013, Section 48; 53; 56; 67

<sup>232</sup> Human Rights Watch (2015) *World Report 2015: Zimbabwe Events of 2014* at para. 1 available at <https://www.hrw.org/world-report/2015/country-chapters/zimbabwe> [accessed 6 August 2019].

<sup>233</sup> Munyaradzi Muchach Politically Motivated Violence (PMV) in Zimbabwe and the Role of Social Work (2016) 1 *Journal of Human Rights and Social Work* 156-164 at 156.

<sup>234</sup> Tabona Shoko 'Worse than dogs and pigs? Attitudes Towards Homosexual Practices in Zimbabwe' (2010) 57 *Journal of Homosexuality* 634-649 at 639.

Violence in the country has also occurred during elections. Mugabe would attempt to secure his presidency by illegally intimidating the opposition in order to win the election. The then leader of the opposition party, the Movement for Democratic Change, Morgan Tsvangarai, and other members of the party were harassed by the government during elections, and Mugabe went as far as to falsely charge Tsvangarai with treason.<sup>235</sup> Mugabe was willing to use any methods to remain in power.

#### **4.11 South Africa's Foreign Policy with Zimbabwe**

South Africa and Zimbabwe always had diplomatic ties through trade before both countries reached independence. A trade agreement was signed by both the governments of South Africa and Zimbabwe in 1965 regarding the goods that would be traded.<sup>236</sup> In the 1990s after the independence of both countries, trading increased and South Africa became more involved in the country's market. However, most of South Africa's interaction with Zimbabwe has not been economic but instead has been attempting to assist the government in remedying the crisis in the country.

##### **4.11.1 The Use of Quiet Diplomacy**

Mbeki attempted to deal with the Zimbabwean crisis by using a softer approach. Refusing to follow the West in implementing sanctions, Mbeki relied on initiating dialogue between South Africa and Zimbabwe. He used the approach of quiet diplomacy.

This form of diplomacy, unlike the harder approach of sanctions, is a more communicative approach to resolving a crisis. Quiet diplomacy is a way of diplomatic engagement with another country. This type of diplomacy does not employ sanctions or use any means of force such as military intervention.<sup>237</sup> However, Mbeki's approach with Mugabe was criticised by the international community and failed to end the violence, human rights abuses and political instability in the country.

---

<sup>235</sup> Brian Raftopoulos and Ian Phimister *Zimbabwe Now the Political Economy of Crisis and Coercion* (2004) 12 *Historical Materialism* 335-382 at 367.

<sup>236</sup> Mills Soko and Neil Balchin *South Africa's policy towards Zimbabwe: a nexus between foreign policy and commercial interests?* (2009) 16 *South African Journal of International Affairs* 33-38 at 35.

<sup>237</sup> Martin Adelman *Quiet Diplomacy: The Reasons behind Mbeki's Zimbabwe Policy* (2004) 39 *Africa Spectrum* 249-276 at 254.

#### 4.11.2 Quiet Diplomacy Under Jacob Zuma Administration

South Africa's foreign policy of quiet diplomacy with Zimbabwe continued during the presidency of Zuma. South Africa promotes the use of diplomacy in a time of crisis within or among countries. The government does not encourage the use of sanctions or any kind of force. South Africa views its successful negotiation and communication skills during the transition to democracy as proof that the same can be done for Zimbabwe.<sup>238</sup> Therefore, even though the method of quiet diplomacy had failed during Mbeki's presidency, Zuma did not give up on this approach, as imposing sanctions was still not an option.

#### 4.11.3 The Southern African Development Protocol

The South African government's position on Zimbabwe's human rights crisis was made clearer in 2014. Former President Zuma signed the SADC Protocol that would render the tribunal under the SADC ineffective.

The SADC Tribunal officially came into effect in 2005 but was signed by various countries in 2000. The SADC Tribunal is a legal court that acts as a monitoring mechanism that ensures that all SADC countries comply with the provisions of the SADC Treaty. The Tribunal also reviews and investigates countries' disputes presented to them.<sup>239</sup>

Article 14 of the 2000 SADC Tribunal Protocol states that the Tribunal will maintain jurisdiction over every dispute that SADC member countries bring forth, as well as any applications.<sup>240</sup> The Tribunal was the last legal resort for hearing violations of human rights that had failed to be investigated domestically.<sup>241</sup>

Owing to Zimbabwe's various abuses of human rights, the SADC Tribunal has investigated the government. Some of these investigations have been about Zimbabwe's expropriation of land. The SADC Tribunal investigated cases in Zimbabwe in which the government seized

---

<sup>238</sup> Merle Lipton 'Understanding South Africa's foreign policy: the perplexing case of Zimbabwe' (2009) 16 *Southern African Journal of International Affairs* 331-346 at 336.

<sup>239</sup> Southern African Development Community (2012) *SADCAT* available at <https://www.sadc.int/about-sadc/sadc-institutions/tribun/> [accessed 3 January 2019].

<sup>240</sup> Protocol on Tribunal in the Southern African Development Community of 2000, Article 4.

<sup>241</sup> *Ibid.*

land from people but did not compensate them. This decision by the Zimbabwean government contravenes the principles of the SADC treaty.<sup>242</sup> However, the Zimbabwean government did not comply with the investigations by the SADC. In an SADC meeting in 2010, former Prime Minister Mugabe threatened to halt any discussions about his country's human rights history.<sup>243</sup>

The SADC Tribunal nearly a decade later became ineffective. In 2014, the Tribunal's mandate, in which individuals as well as organisations from SADC countries could present complaints of human rights abuses, was terminated by leaders of the SADC.<sup>244</sup>

The South African government under Zuma was one of the leader countries that signed the SADC Protocol that ended the Tribunal. In signing the protocol, Zuma made sure that SADC member states as well as individuals did not have access to the Tribunal and could not receive assistance from them.<sup>245</sup> Therefore, because of Zuma's decision to sign the Protocol, there exists no mechanism to hold the Zimbabwean government responsible for its human rights violations.

#### **4.12 The International Community's Response to the Crisis in Zimbabwe**

The humanitarian and political crisis in Zimbabwe by the twenty-first century had worsened and the crisis had ignited the concern of the international community. Not only was the regime of Mugabe authoritarian but the country had continued to be plagued by human rights abuses.

In order for the governments of a variety of countries, mostly democratic Western countries, to force compliance on Mugabe to adhere to good human rights practices and end his tyranny, the international community opted for an aggressive approach of imposing sanctions on the country. Western states reached a consensus that imposing sanctions on Zimbabwe would yield

---

<sup>242</sup> Frederick Cowell 'The Death of the Southern Development Tribunal's Human Rights Jurisdiction' (2013) 13 *Human Rights Law Review* 153-165 at 153.

<sup>243</sup> *Ibid.*, 61

<sup>244</sup> Human Rights Watch (2017) *SADC Recommit to Human Rights Protection* available at <https://www.hrw.org/news/2017/08/07/sadc-recommit-human-rights-protection> [accessed 3 January 2019]

<sup>245</sup> Polity (2018) *Zuma's decision on SADC Tribunal unconstitutional unlawful and irrational- Concourt* available at <http://www.polity.org.za/article/zumas-decision-on-sadc-tribunal-unconstitutional-unlawful-and-irrational-concourt-2018-12-13> [accessed 3 January 2019].

a positive outcome of restoring the country to democracy and stability.<sup>246</sup> This was done in the hope that it would bring the crisis to an end.

Instead of using force, states chose sanctions. States that have imposed economic sanctions on the Zimbabwean government have had these sanctions in place for approximately a decade. These countries include the United Kingdom, New Zealand, Canada, Australia and the United States of America.<sup>247</sup> The principle of sovereignty inhibits intervention and the use of force.

These Western countries decided on the approach of imposing economic sanctions as a strategy. If a regime does not have access to the country's resources or capital, this should result in the oppressive power weakening.<sup>248</sup> However, there was a chance that the imposition of sanctions on Zimbabwe could fail and worsen the crisis in the country. If sanctions are not successful in removing elites from power, they can instead further weaken the economy and destabilise the political system which will likely result in an increase in repression.<sup>249</sup>

This was the case with the sanctions of the Western countries. The sanctions placed on the Zimbabwean government in order to bring about a political transformation in the country were a failure.<sup>250</sup> Mugabe continued to remain in power and the human rights violations continued to occur. Various Western countries also turned to South Africa for help in executing sanctions against Zimbabwe.

This decision was made not only because South Africa and Zimbabwe had a history and were neighbours, but also because of South Africa's hegemonic status and strong influence on the African continent. The West attempted to reach out to South Africa as it is in close proximity to Zimbabwe. Because of South Africa sharing a border with the country, the two countries' diplomatic trade partnership and together with South Africa's hegemonic status, it could apply

---

<sup>246</sup> Heather Chingono 'Zimbabwe sanctions: An analysis of the "Lingo" guiding the perceptions of the sanctioners and the sanctionees' (2010) 4(2) *African Journal of Political Science and International Relations* 66-74 at 66.

<sup>247</sup> Heather Chingono 'Economic Sanctions: A Panacea to Democracy and Good Governance in Zimbabwe?' (2010) 9 *Alternatives Turkish Journal of International Relations* 192-216 at 192.

<sup>248</sup> Dursen Peksen 'Better or Woes? The Effect of Economic Sanctions on Human Rights' (2009) 46(1) *Journal of Peace Research* 59-77 at 67.

<sup>249</sup> Ibid.

<sup>250</sup> Jan Grebe 'And They Are Still Targeting: Assessing the Effectiveness of Targeted Sanctions against Zimbabwe' (2010) 45(1) *African Spectrum* 3-29 at 3.

more pressure on Mugabe to end the crisis.<sup>251</sup> The West attempted to draw on South Africa's relationship with Zimbabwe to get the government to also impose sanctions on Zimbabwe.

#### **4.13 Motivation for South Africa's Foreign Policy Position with Zimbabwe**

South Africa over the years has refused to implement sanctions on Zimbabwe despite the urgent humanitarian crisis that existed. The South African government's own domestic and regional interests are a driving factor in its not wanting to take a more aggressive approach with the country. The government has stated in the past that South Africa's foreign policy would be aimed at achieving South Africa's own interests.<sup>252</sup>

##### **4.13.1 The Issue of State Sovereignty**

The principle of sovereignty means absolute power. A sovereign country has absolute power over its territory. Therefore, if a country is sovereign, another country cannot interfere in any aspect. The sovereignty of a country is imperative. If countries refrain from intervening in each other's domestic affairs, this results in there being order in the international community and it being sustained.<sup>253</sup>

Therefore, because Zimbabwe is a sovereign country, the South African government will not intervene in its political affairs. South Africa respects a country's sovereignty and will not participate in the overthrowing of any country's government.<sup>254</sup> Although the West has not violated Zimbabwe's sovereignty by directly intervening by force or intervening in its political system, implementing sanctions on Zimbabwe is the West's solution to punishing the government for abusing its population's human rights.

The goal of the West was for law and order to be restored in Zimbabwe but this would require the ousting of Mugabe. Therefore, following the definition of sovereignty, the West is

---

<sup>251</sup> Martin Adelman 'Quiet Diplomacy: The Reasons behind Mbeki's Zimbabwe Policy' (2004) 39 *Africa Spectrum* 249-276 at 254.

<sup>252</sup> Linda Freeman 'South Africa's Zimbabwe Policy: Unravelling the contradictions' (2005) 23 *Journal of Contemporary African Studies* 147-172 at 149-150.

<sup>253</sup> M. Ayoob 'Humanitarian intervention and State Sovereignty' (2002) 6 *The International Journal of Human Rights* 81-102 at 82.

<sup>254</sup> Merle Lipton 'Understanding South Africa's foreign policy: the perplexing case of Zimbabwe' (2009) 16(3) *South African Journal of International Affairs* 331-346 at 336.

intervening in Zimbabwe's domestic affairs, whereas South Africa attempted to negotiate with Mugabe instead of forcing him to comply.

#### **4.13.2 Protection of South Africa's Interests**

As previously mentioned, South Africa's foreign policy is based on the offensive realism concept in which the country abides by one of its principles of self-interest. Furthermore, South Africa selects its foreign policy initiatives on the basis of how an initiative will be in the country's best interest, avoiding agendas that might weaken it.

The failure of South Africa to apply sanctions to Zimbabwe is owing to this action not being in the government's best interest. Economically, sanctions on Zimbabwe would interfere with Zimbabwe and South Africa's trade partnership. South Africa failed to intervene in Mugabe's dictatorial regime because of the economic leverage the government has.<sup>255</sup>

Moreover, imposing sanctions on Zimbabwe could possibly threaten lucrative business opportunities the government has in the country. South African chains of supermarkets such as Shoprite operate in Zimbabwe and sell South African goods.<sup>256</sup> The government has an interest in economic dominance in Zimbabwe.

#### **4.13.3 South Africa's Interests Within Africa**

The South African government has also been hesitant to adopt an aggressive approach regarding the crisis in Zimbabwe. This is because of its position on the African continent, and doing so could threaten the country's interests.

South Africa over the decades has taken a leadership position in Africa and the government has focused on African unity and developing relationships with other African SADC countries. In 2010, South Africa was the leader of the SADC, which meant that the government had an

---

<sup>255</sup> Chris Alden and Max Schoeman 'South Africa's symbolic hegemony in Africa' (2015) 52 *Macmillan Publishers* 239-254 at 240.

<sup>256</sup> Saurombe Amos 'The Role of South Africa in SADC Regional Integration: The Making or Breaking of the Organization' (2010) 5 *Journal of International Commercial Law and Technology* 124-131 at 127.

imperative and influential role among Southern African countries.<sup>257</sup> Furthermore, in order to unite and strengthen Africa, South Africa has also assisted countries to do so. South Africa has assisted the SADC countries and underdeveloped countries in trade and development.<sup>258</sup> Therefore, the South African government, so not to isolate itself in Africa, has maintained close relationships with its fellow African countries.

#### **4.14 Conclusion**

This chapter addressed South Africa's foreign policy practices with China and Zimbabwe. China is a country that has achieved economic growth and has become an influential country. This was explored, together with South Africa's interest in developing a diplomatic partnership with China being economical in nature. The trade partnership has many economic benefits for South Africa. China and South Africa's foreign policy was discussed together with the criticism of the South African government for its foreign policy with China because of China's human rights abuses.

A brief history of Zimbabwe that can be viewed as the foundation of its human rights abuses was examined. Secondly, Zimbabwe's many human rights abuses under former President Robert Mugabe were listed. There was also a discussion of the fact that South Africa's foreign policy was politically motivated to benefit South Africa, hence the government's foreign policy and continued loyalty to Zimbabwe, despite the country's human rights violations and the South African government being criticised by the international community for not taking a harder stance towards Zimbabwe.

The last chapter will be the conclusion of the research study.

---

<sup>257</sup> Ibid.

<sup>258</sup> Chris Alden and Garth le Pere 'South Africa's Post-Apartheid Foreign Policy: From Reconciliation to Ambiguity?' (2004) 31 *Review of African Political Economy* 283-297 at 292.

## **CHAPTER FIVE**

### **CONCLUSION**

#### **5.1 Introduction**

This research study investigated the ways in which South Africa's foreign policy is informed by its constitutional human rights obligations as well as its international human rights obligations. The investigation of this study relates to South Africa's foreign policy between 2008 and 2017. The research study used the offensive realist theory to explore South Africa's foreign policy with China and Zimbabwe.

The offensive realism theory was employed to expose South Africa's socio-economic conditions and the challenges the country has faced with poverty and inequality. Secondly, the offensive realism theory attributed South Africa's foreign policy to the concerning socio-economic situation in the country.

Thirdly, the theory explained the foundation of the South African government being self-interested in its diplomatic relations with China and Zimbabwe as the government's focus was on enriching the country to improve the socio-economic conditions and the lives of people in South Africa. Lastly, the offensive realism is used to explore South Africa wanting to maximise its power, and the fact that its foreign policy with the Zimbabwean and Chinese government has helped them to attain this goal.

#### **5.2 Main Findings**

The general findings of the research study are that South Africa is a country that takes the issue of human rights seriously, at least domestically. The government has shown the priority it accords to human rights by incorporating the principle into its Constitution, in an effort to ensure that every single person's human rights are protected and those who violate them can be punished.

Furthermore, the South African government has committed itself to implementing and respecting international human rights. To this end, South Africa is involved in various

multilateral organisations that protect human rights. The question arises as to whether these domestic and international human rights commitments inform South Africa's foreign policy,

The research study concluded that because of South Africa's economic challenges, the government is committed to its foreign policy, particularly its foreign policy initiative with China. South Africa has become invested in its trade partnership with the Chinese government. Because of China's economic success and stability, the Chinese have been able to assist South Africa in developing and improving its economy by bringing capital into the country and investing in various industries. This has further improved the development of the country.

Additionally, the research study concluded that South Africa's foreign policy with Zimbabwe has been economic in nature. As with the Chinese partnership, the government may not be a trade partnership in which South Africa is receiving lucrative capital from the country but, the South African government does have investments in Zimbabwe which generate revenue for the country. Furthermore, South Africa's interest in Zimbabwe is not just economic but one of solidarity and loyalty, being neighbours and both being part of African organisations.

The research study further concluded that despite the gross human rights violations that both the Zimbabwean and Chinese government have on their record, the South African government still decided to have diplomatic relations with them.

### **5.3 Conclusion**

It can therefore be concluded that the offensive realism theory is best used to explain South Africa's foreign policy. The principle of self-interest and maximising power in the offensive realism theory can be viewed in South Africa's foreign policy choices. South Africa's economic relation with China is purely for the government's own national interest to better the country.

While the government's relationship with Zimbabwe might not be seen as advancing the economic interests of South Africa, it is informed by the need to maintain or strengthen its position in Africa and to ensure that South Africa is not isolated within the African Union or the Southern African Development Community.

South Africa has maintained a good record of human rights domestically. However, when it comes to its foreign policy, South Africa is not concerned with the obligations it has committed to under various international human rights bodies, as is demonstrated by its relationship with Zimbabwe and China. Furthermore, South Africa has generally failed to act aggressively to promote human rights abroad. It can therefore be stated that South Africa's foreign policy is not informed by its human rights obligations.

## BIBLIOGRAPHY

Aardt, I. Van 'A review of youth unemployment in South Africa, 2004 to 2011' (2012) 36 *South African Journal of Labour Relations* 54-68.

Adelmann, Martin Quiet Diplomacy: The Reasons behind Mbeki's Zimbabwe Policy (2004) 39 *Africa Spectrum* 249-276.

Adem, Seifudein 'Between Anarchy and Cooperation: A Win-Win Perspective' (2002) 5 *International Journal Organization Theory and Behavior* 39-69.

Ademola, Oyejide Titiloye , Bankole, Abiodun S. and Adewuyi, Adeolu O. 'China-Trade Relations: Insights from AERC Scoping Studies' (2009) 21 *European Journal of Development Research* 485-505

Adetunji Babatunde, Musibau 'Sino-African Investment Relations: The Good, The Bad and The Ugly' (2013) 3 *Asia Pacific and Globalization Review* 1-23.

African Charter on Human and People's Rights, adopted 1 June 1981 by Organisation of African Unity and entered into force 21 October 1986.

Alao, Abiodun *National Resources and Conflict in Africa: The Tragedy of Endowment* (2007) 1-1337.

Alden, Chris and le Pere, Garth 'South Africa's Post-Apartheid Foreign Policy: From Reconciliation to Ambiguity?' (2004) 31 *Review of African Political Economy* 283-297.

Alden, Chris and Schoeman, Max 'South Africa's symbolic hegemony in Africa' (2015) 52 *Macmillan Publishers* 239-254.

Alden, Chris and Wu, Yu-Shan *South Africa and China: The Making of a Partnership* (2014) available at <https://www.africaportal.org/publications/south-africa-and-china-the-making-of-a-partnership/> [accessed 30 September 2018].

Alden, Chris 'South Africa and China: forging Africa's strategic partnership' *China Brief* (2008) 1.

Aljazeera (2009) *S Africa's healthcare challenges* available at <https://www.aljazeera.com/focus/2009/09/2009912111125918812.html> [accessed 10 March 2019].

Amnesty International (11 November) *Zimbabwe Human Rights* available at <https://www.amnestyusa.org/countries/zimbabwe/> [accessed on 7 September 2018].

Amnesty International *China* available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/china/> [accessed 28 September 2018].

- Amos, Saurombe 'The Role of South Africa in SADC Regional Integration: The Making or Breaking of the Organization' (2010) 5 *Journal of International Commercial Law and Technology* 124-131.
- Ayoob, M. 'Humanitarian intervention and State Sovereignty' (2002) 6 *The International Journal of Human Rights* 81-102.
- Babatunde, Musibau Adetunji Sino-Africa Investment Relations: The Good, The Bad and The Ugly' (2013) 3(1) *Asia Pacific and Globalization Review* 1-23.
- Barber, James 'The New South Africa's Foreign Policy: Principles and Practice' (2005) 81 *International Affairs* 1079-1096.
- Beeson, Mark, Soko, Mills and Yong, Wang *The new resource politics: can Australia and South Africa accommodate China?* (2011) 87 *Oxford University Press* 1365-1384.
- Bell, Duncan 'Political realism and international relations' (2017) 12 *Philosophy Compass* 1-2.
- Bodomo, Adams 'Africa-China Relations: Symmetry, Soft Power and South Africa' (2009) 9 *China Review* 169-178.
- Boeren, Ellen 'The Methodological Underdog: A Review of Quantitative Research in the Key Adult Education Journals' (2018) 68 *Adult Education Quarterly* 63-79.
- Boynton, Graham 'Mugabe's last throw of the dice' (2012) 68(3) *The World Today* 1-2.
- Breslin, Shaun *China and the Global Political Economy* (2009) Palgrave MacMillan, United Kingdom.
- Soanes, Catherine, Hawker, Sara and Elliot, Julia *Oxford English Dictionary* 10<sup>th</sup> (2005) Oxford University Press, Oxford.
- Carmody, Pdraig 'Between Globalisation and (Post) Apartheid: The Political Economy of Reconstructing in South Africa' (2002) 28(2) *Journal of Southern Studies* 255-275.
- The Charter of the United Nations, adopted by the General Assembly on 26 June 1945 and entered into force on 24 October 1945.
- Chenwi, Lilian and Sucker, Franziska (2015) 7 *Constitutional Court Review* 199-245.
- Chingono, Heather 'Economic Sanctions: A Panacea to Democracy and Good Governance in Zimbabwe?' (2010) 9 *Alternatives Turkish Journal of International Relations* 192-216.
- Chingono, Heather 'Zimbabwe sanctions: An analysis of the "Lingo" guiding the preceptions of the sanctioners and the sanctionees' (2010) 4(2) *African Journal of Political Science and International Relations* 66-74.
- Chisholm, Linda 'The textbook saga and corruption in education' (2013) 19 *Southern African Review of Education with Education Production* 7-12.

Christopher, AJ *Urban Segregation in Post-apartheid South Africa* (2001) 38(3) *Urban Studies* 449-466.

Cohen, Gerald A. 'Bourgeois and Proletarians' (1968) 2 *Journal of the History of Ideas* 211-230.

The Constitution of the People's Republic of China, 2004.

Constitution of The Republic of South Africa, 1996.

Constitutive Act of the African Union, adopted by the Organisation of African Unity on 7 November 2000 and entered into force 26 May 2001.

Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment Resolution 39/46, adopted on 10 December 1984 and entered into force 26 June 1987.

Convention on the Elimination of All Forms of Discrimination Against Women Resolution 34/180, adopted on 18 December 1979 and entered into force 3 September 1981.

Cowell, Frederick 'The Death of the Southern Development Tribunal's Human Rights Jurisdiction' (2013) 13 *Human Rights Law Review* 153-165.

Daniel, John, Southall, Roger and Lutchman, Jessica (eds.) *State of the Nation 2004-2005* (2005) Human Science Research Council Press, Cape Town.

Declaration and Treaty of the Southern African Development Community, 17 August 1992

De Jager, Nicola *Southern African Politics: An Introduction* (2015) Oxford University Press, Southern Africa.

The Department of International Relations and Cooperation (2018) *South Africa and China celebrate 20 years of diplomatic relations* available at [www.dic.gov.za/docs/2018/media0108.htm](http://www.dic.gov.za/docs/2018/media0108.htm) [accessed 31 July 2018].

De Villiers, J.W, Jardine, Roger & Reiss, Mitchell 'Why South Africa Gave Up the Bomb' (1993) 27 *Foreign Affairs* 98-109.

du Plooy-Cilliers, Franzel, Davis, Corne & Bezuidenhout, Rose-Marie *Research Matters* (2014) Juta and Company Ltd, Claremont.

Embassy of the People's Republic of China (2000) *Pretoria Declaration on the Partnership between the People's Republic of China and the Republic of South Africa* available at <http://za.china-embassy.org/eng/zt/tenthanniversary/t388680.htm> [accessed 20 March 2018].

Fredrichs, J 'The meaning of new medievalism' (2001) 7 *European Journal of International Relations* 475-501.

Freeman, Linda 'South Africa's Zimbabwe Policy: Unravelling the contradictions' (2005) 23 *Journal of Contemporary African Studies* 147-172.

Grebe, Jan 'And They Are Still Targeting: Assessing the Effectiveness of Targeted Sanctions against Zimbabwe' (2010) 45(1) *African Spectrum* 3-29.

Gruffyold-Jores, Jamie J 'Citizens and Condemnations Strategic Uses of International Human Rights Pressure in Authoritarian States' (2008) 1 *Comparative Political Studies* 579-612.

Grunfeld, Tom A. *The Making of Modern Tibet* (1996) 3-339 M.E Sharpe, Inc, New York.

Guttal, Shamail 'Globalisation' (2007) 17 *Development in Practice* 523-531.

Hamill, James 'South Africa as a hegemonic power' (2016) 56(463) *Adelphi Series* 9-16.

Harris, Bronwyn, Goudge, J, Ataguba, JE, McIntyre, D, Nxumalo, N, Jikwana, S and Cherisich et. al 'Inequalities in access to health care in South Africa' (2011) 32 *Journal of Public Health Policy* 102-123.

Hinds, Lennox S. 'Apartheid in South Africa and the Universal Declaration of Human Rights' (1985) 24 *State Terrorism in South Africa* 5-43.

Howard-Hassmann, Rhoda E. 'Mugabe's Zimbabwe, 2000-2009: Massive Human Rights Violations and Failure to Protect' (2010) 32 *Human Rights Quarterly* 898-920.

Human Rights in China (2001) *UN Commission on Human Rights ignores China's human rights violations* available at <https://www.hrichina.org/en/content/2539> [accessed on 7 September 2018].

Human Rights Watch (2007) *The Cost of International Advocacy China's Interference in United Nations Human Rights Mechanisms* available at <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights> [accessed 1 October 2018].

Human Rights Watch (2015) *Civil Society Declaration on Sudanese President Omar al-Bashir Visit to South Africa without Arrest* at para. 2 available at <https://www.hrw.org/news/2015/07/01/civil-society-declaration-sudanese-president-omar-al-bashirs-visit-south-africa> [accessed 2 October 2019].

Human Rights Watch (2015) *World Report 2015: Zimbabwe Events of 2014* available at <https://www.hrw.org/world-report/2015/country-chapters/zimbabwe> [accessed 6 August 2019].

Human Rights Watch (2017) *SADC Recommit to Human Rights Protection* available at <https://www.hrw.org/news/2017/08/07/sadc-recommit-human-rights-protection> [accessed 3 January 2019].

Human Rights Watch (2018) *China: Allows UN Rights Experts into Tibet* available at <https://www.hrw.org/news/2018/03/08/china-allow-un-rights-experts-tibet> [accessed 3 June 2019].

Human Rights Watch *Land Reform in Twenty Years After Independence* available at <https://www.hrw.org/reports/2002/zimbabwe/ZimLand0302-02.htm> [accessed 1 August 2019].

Human Science Research Council *Foreign policy: Advancing South Africa's national interest with BRICS* (2014) available at <http://www.hsrc.ac.za/en/review/hsrc-review-may-2014/foreign-policy> [accessed 18 June 2019].

Indemudia, Erhabor Sunday, Williams, John K. and Wyatt, Gaul E. 'Migration challenges among Zimbabwean refugees before, during and past arrival in South Africa' (2013) 5 *Journal of Injury and Violence* 17-27.

Institute for Security Studies (2017) *Clutching at straws: SA's reasons for not arresting al-Bashir* available at <https://issafrica.org/iss-today/clutching-at-straws-sas-reasons-for-not-arresting-al-bashir> [accessed 31 July 2019].

Institute for Security Studies (2017) *The real problem behind South Africa's refusal to arrest al-Bashir* at para. 2 available at <https://issafrica.org/iss-today/the-real-problem-behind-south-africas-refusal-to-arrest-al-bashir> [accessed 5 October 2019].

International Covenant on Civil and Political Rights Resolution 2200A, adopted on 16 December 1966 and entered into force 23 March 1976.

International Covenant on Economic Social and Cultural Rights Resolution 2200A, adopted on 16 December 1966 and entered into force 3 January 1976.

International Criminal Court *South Africa* (2003) at para 1 available at [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/african%20states/Pages/south%20africa.aspx](https://asp.icc-cpi.int/en_menus/asp/states%20parties/african%20states/Pages/south%20africa.aspx) [accessed 10 October 2019].

International Monetary Fund (2002) *Globalisation: Threat or Opportunity?* available at <https://www.imf.org/external/np/exr/ib/2000/041200to.htm> [accessed 1 December 2018.]

International Relations and Cooperation *About the Department* available at [www.dirco.gov.za/departments/index.html](http://www.dirco.gov.za/departments/index.html) [accessed 30 June 2019].

International Relations Cooperation (2018) *South Africa- a non-permanent member of the United Nations Security Council 2019-2020* 30 available at <http://www.dirco.gov.za/departments/unsc/index.html> [accessed 10 September 2018].

John Brew *Realpolitik: A History* (2016) Oxford University Press, USA.

Johnson, Domonic D.P & Thayer, Bradley A. 'The evolution of offensive realism: Survival under anarchy from Pleistocene to the present' (2016) 35 *Politics and Life Sciences* 1-26.

Jordaan, Eduard 'South Africa, Multilateralism and the Global Politics of Development' (2012) 24(2) *European Journal of Development Research* 283-299.

Kegley, C. W and Witkopf, E.R *American Foreign Policy* 5<sup>th</sup> edn. (1995) Bedford/St Martins, New York.

Khan, Muslim Ullah *China-Africa Economic Relations* (2015) 2-215.

Klotz, Audie *Norms in International Relations: The Struggles against apartheid* (1995) 1-183.

Kolstad, Ivar and Wiig, Arne 'Better the Devil You Know? Chinese Foreign Direct Investment in Africa' (2011) 12 *Journal of African Business* 31-50.

Kuperman, Alan J. *Constructions and Conflict Management in Africa* (2015) University of Pennsylvania Press, Philadelphia.

Landsberg, Chris 'The Concentric Circles of South Africa's Foreign Policy under Jacob Zuma' (2014) 70(2) *Indian Quarterly* 153-172.

Landsberg, Chris 'Continuity and Change in the Foreign Politics of the Mbeki and Zuma Governments' (2014) 41 *Africa Insight* 1-9.

le Pere, Garth L. 'Critical Themes in South Africa's Foreign Policy: An Overview (2014) 36(2) *Strategic Review for Southern Africa* 31-56.

Li, Minqi *The Rise of China and the Demise of the Capitalist World-Economy* (2008) Pluto Press, London.

Lipton, Merle 'Understanding South Africa's foreign policy: the perplexing case of Zimbabwe' (2009) 16 *Southern African Journal of International Affairs* 331-346.

Lumumba-Kasongo, Tukumbi 'Brazil, Russia, India and South Africa: New Projected Developmental Paradigms' (2015) 3(3) *African Development* 77-95.

Machiavelli, Niccolò *The Prince* 2<sup>nd</sup> (1523) Cambridge University Press, Cambridge.

Maclean, Sandra J. 'Mugabe at war: The political economy of conflict in Zimbabwe' (2002) 23 *Third World Quarterly* 513-528.

Makiwane, Monde and Kwizera, Stella 'Youth and Well-Being: A South African Case Study' (2009) 91 *Social Indicators Research* 223-242

Mayosi, Bongani M. and Benatar, Solomom R 'Health and Health Care in South Africa- 20 Years after Mandela' (2014) 371 *The New England Journal of Medicine* 1344-1353.

Mearsheimer, John J. *The Tragedy of Great Power Politics* updated edition (2003) W.W Norton & Company, New York.

Melvyn C. Goldstein *The Snow Lion and the Dragon: China, Tibet and the Dalai Lama* (1997) University of California Press, Berkeley.

- Mfusi, Zanele E. & Govender, Krishna K. 'Alleviating Poverty in South Africa- A Theoretical Overview of the Expanded Public Work Program' (2015) 6 *Journal of Economics* 118-127.
- Moloi, K.C, Gravett, S.J and Petersen, N.F 'Globalization and its impact on Education with Specific Reference to Education in South Africa' (2009) 37 *Educational Management Administration & Leadership* 278-283.
- Mruck, Katja & Breuer, Franz 'Subjectivity and Reflexivity in Qualitative Research- A New FQS Issue' (2003) 28 *Historical Social Research* 189-212.
- Muchach, Munyaradzi Politically Motivated Violence (PMV) in Zimbabwe and the Role of Social Work (2016) 1 *Journal of Human Rights and Social Work* 156-164.
- The National Educational Policy Act 27 of 1996.
- Neethling, Theo 'Considering on Defence Thinking in Post-1994 South Africa with Special Reference to Post-Conflict Reconstruction and Development' (2012) 40 *Science Militaria* 427-500.
- Nicola De Jager *South African Politics: An Introduction* (2015) Oxford University Press, Southern Africa.
- Peksen, Dursen 'Better or Woes? The Effect of Economic Sanctions on Human Rights' (2009) 46(1) *Journal of Peace Research* 59-77.
- Pillay, Yogan and Barron, Peter 'Progress towards the Millennium Development Goals in SA' (2014) 104 *South African Medical Journal* 223.
- Polity (2018) *Zuma's decision on SADC Tribunal unconstitutional unlawful and irrational-Concourt* available at <http://www.polity.org.za/article/zumas-decision-on-sadc-tribunal-unconstitutional-unlawful-and-irrational-concourt-2018-12-13> [accessed 3 January 2019].
- Ponelis, Shona R. 'Using interpretive Qualitative Case Studies for Exploratory Research in Doctoral Studies: A Case of Information Systems Research in Small and Medium Enterprises (2015) 10 *International Journal of Doctoral Studies* 535-550.
- Protocol on Tribunal in the Southern African Development Community, adopted 7 August 2000 and entered into force 14 August 2011.
- Raftopoulos, Brian and Phimister, Ian Zimbabwe Now The Political Economy of Crisis and Coercion (2004) 12 *Historical Materialism* 335-382.
- Raftopoulos, Brian & Savage, Tyrone (eds). *Zimbabwe Injustice and Political Reconciliation* (2004) 1-320.
- Republic of South Africa Implementation of the Rome Statute of The International Criminal Court Act 27, 18 July 2002.

Reilly, David A. 'Offensive realism in theory and practice' (2003) 34 *Simulation & Gaming* 298-305.

Riley-Harris, David 'South African Peacekeeping, 1994-2012' (2013) 16 *Military History Journal* 1.

Rome Statute of the International Criminal Court, 17 July 1998.

Sachkonye, Lloyd M. 'Whither Zimbabwe? Crisis & Democratisation' (2002) 91 *Review of African Economy* 13-20.

Schaffer, Kay and Smith, Sidonie *Human Rights and Narrated Lives: The Ethics of Recognition* (2004) Palgrave Macmillan, United States of America.

Schmidt, Brian C. 'Political Discourse of Anarchy, A Disciplinary History of International Relations' (1997) *Sunny Press* 1-309.

Seawright, Jason and Gering, John 'Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options' (2008) 61 *Political Research Quarterly* 294-308.

Serrao, Oliver and Bischoff, Paul-Henri 'Foreign Policy Ambiguity on the Part of an Emergent Middle Power: South African Foreign Policy through other Lenses' (2009) 36(3) *Politikon* 363-380.

Shin, Sang-Hyup 'A Study on the Economic Benefits of Globalisation: Focusing on the Poverty and Inequality between the Rich and the Poor' (2009) 12 *International Area Review* 191-214.

Soko, Mills and Balchin, Neil 'South Africa's policy towards Zimbabwe: a nexus between foreign policy and commercial interests?' (2009) 16 *South African Journal of International Affairs* 33-38.

Shoko, Tabona 'Worse than dogs and pigs? Attitudes Towards Homosexual Practices in Zimbabwe' (2010) 57 *Journal of Homosexuality* 634-649.

Solomon, Hussein 'South Africa in Africa: a case of high expectations for peace' (2010) 17 *South African Journal of International Affairs* 131-147.

Southern African Development Community (2012) *SADCAT* available at <https://www.sadc.int/about-sadc/sadc-institutions/tribun/> [accessed 3 January 2019].

The South African Government (2012) *Consultative draft of the South African Defence Review* available at <https://www.gov.za/consultative-draft-south-african-defence-review-2012> [accessed 3 January 2019].

South African Government (2015) *Statistics South Africa on Millennium Development Goals country report* available at <https://www.gov.za/south-africa-prepares-close-mgds> [accessed 1 April 2019].

South African Government *Expand Public Works Programme* available at <https://www.gov.za/about-government/government-programmes/expanded-public-works-programme> [accessed 1 April 2019].

South African Government *International Relations* available at <https://www.gov.za/about-sa/international-relations#Foreign%20policy> [accessed 31 July 2019].

South African Government *International Relation* available at <https://www.gov.za/about-sa/international-relations> [accessed 28 September 2018].

South African History.org (2011) *South Africa's racial policy and the UN* available at <https://www.sahistory.org.za/article/south-africa-and-united-nations-1946-1990> [accessed 10 September 2018].

South African History.org (2012) *The Union of Soviet Socialist Republics and the Anti-Apartheid Struggle* available at <https://www.sahistory.org.za/topic/union-soviet-socialist-republic-ussr-and-anti-apartheid-struggle> [accessed on 15 September 2018].

South African History.org (2015) *The impact of the collapse of the USSR on South Africa* available at <http://www.sahistory.org.za/article/impact-collapse-ussr-south-africa-grade-12> [accessed 12 September 2018]

*South African Human Rights Commission and others v Minister of Justice and Correctional Services (36314/2013) [2008]*.

South African Institute of International Affairs (2003) *South Africa's Foreign Policy Towards Swaziland and Zimbabwe* at 145 available at <https://www.saiia.org.za/wp-content/uploads/2008/05/3-Ngubentombi.pdf> [accessed 30 July 2019].

The South African Institute of International Affairs *South Africa's foreign policy under Zuma: towards greater strategic partnerships* available at [www.saiia.org.za/research/south-africa-s-foreign-policy-under-zuma-towards-greater-strategic-partnerships/](http://www.saiia.org.za/research/south-africa-s-foreign-policy-under-zuma-towards-greater-strategic-partnerships/) [accessed 30 September 2018].

The South African Schools Act No 84 of 1996.

Spaull, Nicholas 'Poverty & privilege: Primary school's inequality in South Africa' (2013) 33(5) *International Journal of Educational Development* 436-447.

Spence, Jack 'The debate over South Africa's foreign policy' (1996) 4(1) *South African Journal of International Affairs* 118-125.

Statistics South Africa (2017) *Poverty on the rise in South Africa* available at <http://www.statssa.gov.za/?p=10334> [accessed 2 July 2019].

Statistics South Africa (2018) *The latest household statistics and more* available at <http://www.statssa.gov.za/?p=11241> [accessed 27 December 2018].

Stone, Lee 'A Sign of the Times: South Africa's Politico-legal Retrogression as illustrated through the Intention to withdraw from the Rome Statute' (2018) 33 *Southern African Public Law* 1-32.

Treaty on the Non-proliferation of Nuclear Weapons International Atomic Energy Agency Resolution INFCIRC/140, 1970.

United Nations and Regional Human Rights Bodies 'Findings on the Human Rights Situation in Zimbabwe (2000-2005)' 61<sup>st</sup> Session of the Commission on Human Rights 3-105.

United Nations Children's Fund South Africa (2017) *Education Budget South Africa 2017/2018* at 2. available at [https://www.unicef.org/esaro/UNICEF\\_South\\_Africa\\_--2017\\_--Education\\_Budget\\_Brief.pdf](https://www.unicef.org/esaro/UNICEF_South_Africa_--2017_--Education_Budget_Brief.pdf) [accessed 30 December 2018].

United Nations Children's Fund *South Africa Overview: Education and adolescent development* available at <https://www.unicef.org/southafrica/education.html> [accessed 2 January 2019].

United Nations Declaration of Human Rights, adopted by General Assembly Resolution 217 A (3) of 10 December 1948.

United Nations Development Programme *Millennium Development Goals Country Report 2013* (2013) available at [www.za.undp.org/content/dam/south\\_africa/docs/Reports/The\\_Reports/MDG\\_October-2013.pdf](http://www.za.undp.org/content/dam/south_africa/docs/Reports/The_Reports/MDG_October-2013.pdf) [accessed 1 April 2019].

The United Nations *Founding Member States* available at [www.un.org/depts/dh/unms/founders.shtml](http://www.un.org/depts/dh/unms/founders.shtml) [accessed 8 January 2019].

United Nations Human Rights 'UN Human Chief deeply concerned by China clampdown on lawyers and activists' available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17050>, [accessed 6 August 2019].

United Nations Millennium Declaration Resolution 55/2, 2000.

United Nations *News on Millennium Development Goals* available at [www.un.org/millenniumgoals/](http://www.un.org/millenniumgoals/) [accessed 10 March 2019].

United Nations *Peacekeeping Protecting civilians and consolidating peace in the Democratic Republic of the Congo* available at <https://peacekeeping.un.org/en/mission/monusco> [accessed 10 January 2019].

United Nations Resolution 1716, 1962.

United Nations Resolution 3207, 1974.

United Nations Security Council *Current Members: Permanent and Non-Permanent Members* available at <https://www.un.org/securitycouncil/content/current-members> [accessed 10 October 2018].

The United Nations Security Council Resolution 1279, 1999.

The United Nations Security Council Resolution 1925, 2010.

United Nations Sustainable Development Goals *Millions could escape poverty by finishing secondary education, says UN cultural agency* available at <https://www.un.org/sustainabledevelopment/blog/2017/06/millions-could-escape-poverty-by-finishing-secondary-education-says-un-cultural-agency/> [accessed 2 July 2019].

United Nations Treaty Collection *Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment* available at [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-9&chapter4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter4&clang=en) [accessed 30 December 2018].

United Nations Treaty Collection *International Covenant on Civil and Political Rights* available at [https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg\\_no=IV-4&src=IND](https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=IV-4&src=IND) [accessed 10 October 2018].

United Nations Treaty Collection *International Covenant on Economic, Social and Cultural Right* available at [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-3&chapter](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter) [accessed 26 December 2018].

UN Watch *UN Voting Record of South Africa 2015-2018* available at <https://unwatch.org/un-voting-record-south-africa-2015-2018/> [accessed 31 July 2019].

van Wyk, Jo-Ansie and van der Westhuizen, Suzette 'Denying the Dalai Lama: South Africa's visa diplomacy, human rights and the media' (2016) 2 *African East-Asian Affairs* 6-48.

Waltz, Kenneth *Theory of International Politics* (1979) McGraw-Hill, USA.

Wasserman, Herman 'China in South Africa: media responses to a developing relationship' (2012) 5 *Chinese Journal of Communication* 336-354.

White Paper on South Africa's Foreign Policy *Building a Better World: The Diplomacy of Ubuntu* (13 May 2011) 1-36.

Whiteside, Alan 'South Africa's Key Health Challenges' (2014) 652 *Strengthening Governance in South Africa: Building on Mandela's Legacy* 166-185.

The World Bank (2018) *Overcoming Poverty and Inequality in South Africa: An Assessment of Drivers, Constraints and Opportunities* available at <http://documents.worldbank.org/curated/en/530481521735906534/Overcoming-Poverty-and-Inequality-in-South-Africa-An-Assessment-of-Drivers-Constraints-and-Opportunities> [accessed 5 March 2019].

The World Bank *Overview* available at <https://www.worldbank.org/en/country/southafrica/overview> [accessed 5 December 2018].

World Policy (2014) *Infographic: South Africa's Educational Problem* available at <https://worldpolicy.org/2014/05/09/infographic-south-africas-education-problem> [accessed 2 January 2019].

Yifu Lin, Justin *Demystifying the Chinese Economy 1952-2012* (2012) Cambridge University Press, Cambridge.

Yin, Robert K. *Case Study Research: Designs and Methods* (2009) Sage Publications, Inc, California.

Zimbabwe's Constitution, 2013.

Zuma, Jacob 'South Africa in the BRICS: Evolving International Engagement and Development' (2013) 35 *Harvard International Review* 17-21.

<b>UNIVERSITY OF CAPE TOWN</b>			
<b>FACULTY OF LAW</b>			
<b>DECLARATION FORM - MASTERS DEGREE CANDIDATES</b>			
<b>Title:</b>	Miss	<b>Student No:</b>	MDMRES001
<b>Name, Surname:</b>	RESHOKETSWE MADIMA		
<b>Postal address: (to which result can be posted)</b>	PO BOX 94,		
	KYLAMI ESTATE		
	MIDRAND, JHB, 1684		
<b>Telephone No's:</b>	0723846837		
<b>Email address:</b>	shokimadima@gmail.com		
<b>Dissertation Title:</b>	SOUTH AFRICAN FOREIGN POLICY AND HUMAN RIGHTS OBLIGATIONS: A case study of whether South Africa's foreign policy with China and Zimbabwe is informed by its constitutional and international human rights obligations		
<b>Name of Supervisor:</b> PROF. DANWOOD CHIRWA			
	Word count:	24 377	No. of pages
			92

**DECLARATIONS**

1. I am presenting this dissertation in FULL/PARTIAL fulfillment of the requirements for my degree.
2. I know the meaning of plagiarism and declare that all of the work in the dissertation, save for that which is properly acknowledged, is my own.
3. I hereby grant the University of Cape Town free license to reproduce for the purpose of research either the whole or any portion of the contents in any manner whatsoever of the above dissertation.

Signature \_\_\_\_\_

Date: 20/10/2019

**FUNDING AND FEES**

Candidates who submit have a choice in regards for and funding options:

- a.) to submit a fee rebate and discontinue funding through the PCFO (the student remains registered until graduation in the next academic year, see rule 13.2)
- b.) to remain registered and engaged in the department while writing up a paper, with full student rights and full access to facilities, full liability for the fees for the year, and eligibility for continued (academic) funding for that academic year.

Please indicate your preference:

<input type="checkbox"/> To submit a fee rebate and discontinue funding and physical & library access*	<input checked="" type="checkbox"/>
<input type="checkbox"/> To continue the liability, and funding eligibility, and access to all facilities	<input type="checkbox"/>

\*Students asking for a fee rebate acknowledge

- a.) the implications of the fee rebate on their access to facilities and eligibility for funding, and
- b.) that if they were to stay on in the department and receive payment through the payroll, such payment is taxable.

Signature \_\_\_\_\_

Date: 20/10/2019

**FOR COMPLETION BY FACULTY OFFICE**

I acknowledge receipt of three bound copies and an electronic version (Disk) of the dissertation/research paper of the above candidate:

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Dissertation submitted

Yes

No

or Fees, INFO, PCFO, Student Housing



## Digital Receipt

This receipt acknowledges that **Turnitin** received your paper. Below you will find the receipt information regarding your submission.

The first page of your submissions is displayed below.

Submission author: Reshoketswe Madima  
 Assignment title: Check your Assignment for Plagiarism  
 Submission title: mdmres001:Masters\_Dissertation.d...  
 File name: s\_a7a25004-3693-464f-a35d-276ed...  
 File size: 327.28K  
 Page count: 96  
 Word count: 24,143  
 Character count: 139,921  
 Submission date: 21-Oct-2019 01:00PM (UTC+0200)  
 Submission ID: 1197146467





