



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Critical analysis of South Africa's Human Rights diplomacy in the United Nations Security Council, 2007-2008.

By

Koketso Makgarietja Patience Manku

A mini-Submitted in partial fulfilment of the requirements for the degree

Masters of Arts (Diplomatic studies)

In the Department of Political Sciences at the

**UNIVERSITY OF PRETORIA
FACULTY OF HUMANITIES**

SUPERVISOR: Ms S. Mbetse

October 2017

Acknowledgements

I would like to thank friends and family for supporting me throughout this journey, especially those who believed in my aspirations when no one did.

Special thanks to my dedicated, patient supervisor Ms S Mbete for her constructive inputs that contributed to the completion of this study.

Declaration

I declare that *South Africa's human rights diplomacy, 2007-2008* is my work, that it has not been submitted before for any degree or examination in any other university, and that all the sources that I have used and quoted have been indicated and acknowledged.

Signature:

Date:

Abstract

At the dawn of democracy, South Africa emerged as a human rights champion across the globe. The Nelson Mandela presidency is often referred to as a human rights crusade era. South Africa signing and ratifying international human rights instruments. Even during this human rights crusade era, South Africa experienced hiccups in terms of its human rights position. However, criticism reached a peak during South Africa's first term of 2007-2008 in the United Nations Security Council (UNSC) under Mbeki presidency. The country's decisions to block adoption of two draft Resolutions to sanction Zimbabwe and Myanmar became central cases used to question the country's commitment to human rights initially articulated by Nelson Mandela. It is argued that South Africa failed to uphold its constitutional principles and the obligation to protect human rights globally. This study seeks to engage the literature critically to argue that South Africa's human rights status cannot be sufficiently measured through the conduct of the country in the UNSC, an organ characterised by misuse of the human rights concept and abuse of power by three permanent members including United State, United Kingdom and France. The study defends an argument that South Africa has not neglected human rights, However, was a victim of the institutional imbalance of the UNSC, which created the incentive for South Africa to pursue conditional cooperation. Although Article 62 of the UN Charter explicitly allocates competency in human rights questions to United Nations Human Rights Council (UNHRC). This study is built on a conceptual framework and uses UNSC as the unit of analysis because the organ shares an implicit responsibility for the protection of human rights as human rights issues related to international peace and security.

Key words: Foreign policy, diplomacy, human rights, resolution, national interests, peace, security, sanctions, rights, democracy.

Table of Contents

Chapter 1: Introduction of the study

1.1. Identification of the research theme.....	1
1.1.1. The institutional framework of the United Nations Security Council	4
1.1.2. The mandate of the UNSC	5
1.2. The international human rights instruments	6
1.3. Foreign policy and human rights	7
1.4. Methodology.....	9
1.5. Limitations of the study	10
1.6. The structure of the research.....	10

Chapter 2: South Africa's foreign policy background

2.1. Introduction.....	12
2.2. South Africa's diplomatic approach from 1994 – 2008.....	14
2.2.1. Mandela administration, 1994 – 1998.....	14
2.2.2. The initial establishment of South Africa's foreign policy	16
2.3. Mbeki administration, 1999 – 2008	18
2.4. Categorisation of South Africa's foreign policy: The breakdown of Foreign policy pillars	19
2.4.1. Core values and interests.....	19
2.4.2. Universal long-range objectives.....	21
2.5. Conclusion	22

Chapter 3: South Africa in the United Nations Security Council 2007-2008

3.1. Introduction.....	25
3.2. South Africa's human rights diplomacy in the UNSC.....	26
3.2.1. Interpretation of South Africa's human rights diplomacy in the UNSC.....	29
3.3. Conclusion	32

Chapter 4: Analysis

4.1. Introduction.....	34
4.2. Findings (Hypothesis).....	34

Chapter5: Conclusion.....	43
----------------------------------	-----------

6. Bibliography	48
------------------------------	-----------

Chapter 1: Introduction of the study

1.1. Identification of the research theme

At the dawn of democracy, former President Nelson Mandela affirmed South Africa's commitment to human rights promotion (Mandela 1993:87). South Africa signed, and ratified international human rights instruments obligating the country to implement, promote and protect human rights across the globe (Titus 2009:9). This aspiration to date extends through the nation's initiatives and participation in flexible and informal patterns of cooperation outside international organisations. South Africa's remarkable transition to democracy and its strong advocacy of human rights globally earned the country the responsibility to reinforce human rights across the globe. However, South Africa's commitment to human rights started being questioned when Mandela chose relations with China over Taiwan, support for sanctions against Nigeria in 1993, alleged arms sales to Zimbabwe, Syria, and the deportation of Zimbabweans. Criticism reached a peak in 2007 after South Africa assumed a temporary seat to serve in the United Nations Security Council (UNSC), an organ charged with the responsibility for maintaining international peace and security. This saw the country serving the first term of 2007-2008 in the UNSC, later the second term of 2011-2012.

The first term of 2007-2008 is historically significant because it was the first time since apartheid South Africa became part of an international decision-making body. The appointment presented the country with an opportunity to enforce human rights by supporting all human rights resolutions in the UNSC (Bogert 2008). After promising to be a good international citizen, voting with countries that were labelled 'rogue states' in the UNSC during this term came as a shock to Western liberal powers and generated public pillory about South Africa's human rights diplomacy internationally. Even though South Africa voted in favour of 120 out of 121 resolutions with one abstention, the country received criticism for voting against the adoption of UN draft resolutions to sanction Myanmar in 2007, Zimbabwe in 2008, Sudan in 2007, and North Korea as well as blocking draft resolution condemning states that use rape as a weapon of war amongst others. Nevertheless, the failure to support adoption of resolutions on Zimbabwe and Myanmar created heated public debates that gave critics ammunition to draw conclusions from these two cases that South Africa has neglected human rights. Prior to UNSC sitting on the Zimbabwe humanitarian and political crisis, South African Ambassador

Dumisani Khumalo released an official statement emphasising that South Africa could not undermine regional intervention efforts taking place through Southern African Development Community (SADC) and the African Union (AU) by supporting the draft resolution to sanction Zimbabwe. While on the Myanmar vote, South Africa voted in solidarity with the Association of Southeast Asian Nations (ASEAN) region after establishing their authority granted by chapter VIII of the UN Charter that regional organisations have the responsibility to oversee peace and security within their region and report to the UNSC (Mbeki 2016). Above all, it is widely argued that the political misuse of the human rights concept and abuse of power by veto powers made South Africa conduct itself as an enemy of human rights. Due to the unpredictable nature of the international system, interaction with other states in the UNSC created incentives for South Africa to make decisions in view of its broader long-term national interests.

In the twenty first-century, the promotion of human rights is a priority in global politics and many states are pressured to incorporate human rights in their foreign policy. This situation has emerged from the growing importance of internationally agreed norms and rules generated and implemented through the United Nations (UN). According to Rittberger and Zangl (2006:23), international organisations can influence national interests and identities as well as shape the actions of the state. This point reinforces an idea that states adopt national policies based on set international norms which then establish national identity. However, national interests transpire from national socio-economic status as well.

It is important to note that the human rights narrative is not limited to civil political rights but also includes economic, social, gender, cultural, environmental and religious rights (Pahad 2010:48). The adoption of the two UNSC human rights conventions was not deliberate but incidental because of the different positions held by the socialist bloc and liberal bloc about human rights that needed protection. This implies that human rights conventions are contradictory. Practically, the UNSC become observant of human rights violations that occur within the existing structure that does not grant political rights such as regular elections, freedom of expression, freedom of association to mention a few. Violations political human rights are critical that the UNSC act urgently. However, when violations similar or fewer violations, for instance, frequent police brutality and mass killings, freedom of expression, lack of service delivery (health, education,) occur in a democratic country they hardly become central to the agenda of the Security Council. This affirms the notion that the UNSC was framed as an instrument to reinforce regime change through the enforcement of civil political

rights nothing else. Arguably, the UNSC goes beyond the primary role of promoting and protecting human rights by interfering with local government system. The nature of intervention measures attests to this idea because there is no way a deployment of North Atlantic Treaty Organisation (NATO) and sanctions correspond to be measures that can equally remedy the violation of socio-economic rights. The emphasis the UNSC put on civil political rights has made the public to only associate human rights with civil political rights (IGD 2014:11).

Rittberger and Zangl (2006:46) hold that a mere codification of human rights was not going to translate to implementation. A perspective supported by Merke and Pauselli (2013:138), who equally highlight that signing and ratifying treaties does not translate into compliance, undemocratic states have a positive posture when it comes to signing and ratifying international treaties. International treaties appear to be guidelines than legally binding instruments because they establish conditional expectations not attached to institutional penalties. Lack of these institutional penalties allows states to support human rights resolutions in the UNSC conditionally. This triggers the assumption that if there was a strict penalty, states were going to honour their pledge of sustaining human rights by supporting all the UNSC resolutions brought forward. However, within the context of sovereignty discussion, it becomes a question of who was going to punish who and how as all states are equal, a view that to some extent discredit the idea of forcing states to support all the Resolutions in fear of punishment

The above discussion highlights the notion that states defend different groups of rights (Merke and Pauselli 2013:137). Other states defend and promote human rights within the parameter of the International Covenant on Civil and Political Rights that includes respect for life, civil and political liberties such as freedom of thought, expression, and political association. On the other hand, other states defend and promote human rights highlighted under the International Covenant on Economic, Social and Cultural Rights (ESC), as well as collective rights. This categorisation implies that there are countries advocating mainly for civil and political rights while other countries advocate for ESC and solidarity rights, with other countries balancing both. There has always been a division in the UN after the World War II (WWII) between Western states who sought to restrict human rights to civil political rights and the socialist countries who advocated for economic, social and cultural rights (Lawrence 2012:24). Almost all states accept the economic, social and cultural rights but the US never officially accepted economic, social and cultural rights as real rights (Forsythe 2000:11). The above discussion

shows that “Long-standing institutions represent frozen configurations of privilege and bias that can continue to shape the future choices of actors (Barnett & Duvall 2005:52).

The aim of this study is to critique the interpretation of South Africa’s human rights diplomacy of 2007-2008 in the UNSC, which produced the narrative that South Africa has neglected its commitment to human rights. This will be done by answering the research question: How did the imbalance of structural power in the UNSC influence South Africa’s voting on human rights issues in the UNSC during the term of 2007-2008. This study has relevance to the field of diplomatic studies because it unpacks the execution of South Africa’s decisions in the UNSC which translate into national diplomatic practise. By conceptualising human rights and foreign policy, this study argues that the imbalance of the structural power in the UNSC constrained the ability of South Africa to peruse a human rights foreign policy.

1.1.1. The institutional framework of the United Nations Security Council

The UNSC like any other institution has a structure and rules meant to create a good working environment and facilitate relations and communication. This structure flows from membership, decision making to execution. Practically, the structural formation affects the participation and outcome of the institution, UNSC in this case. Looking into this will provide an insight into some of the arguments made and build up to a sound hypothesis.

The UNSC consists of five permanent members namely China, Russia, the US, France, and UK, as well as ten non-permanent members who only serve a two-year term. These temporary seats are distributed rotationally based on geographical areas whereby two representatives come from Latin America, two from Asia, three from Africa, two from Western Europe and one from Eastern Europe (UN n.d.). All member states have the right to vote, however the permanent members’ voting power is supreme in that the power of a veto they can block resolutions they do not agree with. Permanent members can abstain from voting, but their abstinence equal a positive vote (Jimenez 2012:18). Members of the UN but not of the Security Council may participate, without a vote, in its discussions when the Council considers that country's interests are affected. The adoption of a draft resolution depends on nine votes in favour of the resolution, all P5 (five permanent members) members and four E10 (ten temporary) members.

Every Member State is legally obligated to pay their respective share towards peacekeeping. This is in accordance with the provisions of UN. The General Assembly apportions peacekeeping expenses based on a special scale of assessments under a complex formula that the member states themselves have established. This formula considers, among other things, the relative economic wealth of Member States, with the five permanent members of the Security Council required to pay a larger share because of their special responsibility for the maintenance of international peace and security (UN Peacekeeping, n.d.). According to a UN report (2017), top ten contributors are roughly ranked as follows: The United States (28.47%), China (10.25%), Japan (9.68%), Germany (6.39%), France (6.28%), United Kingdom of British (5.77%), Russian Federation (3.99%), Italy (3.75%), Canada (2.92%), and Spain (2.44%).

The US has always been the top contributor given its financial capacity and the fact that it initiated and championed the idea of an international organisation to oversee peace and security across the globe. Pahad (2010:49) quotes Kissinger who emphasises that human rights have always been used as the foreign policy tool by the US to influence the treatment of Jewish citizens and later it became used to undermine the Soviet system. Arguably, the financial capacity of the US influences UNSC activities and agenda. However, there are established rules and procedures that define the UNSC which guide and constraints the actions of the member states. To such an extent, the US does not have direct power over other member states regardless of it being the top contributor.

1.1.2. The mandate of the UNSC

The UNSC executes the objectives set out by the United Nations alongside with other specialised organs with the primary responsibility of maintaining international peace and security across the globe. The UN emphasises sovereign equality of all its members, however, tension emerges between the obligation of UN member states to take collective measures, including the use of force, to defend international peace and security, and the sovereign rights of state actors on the other (UN Women 2014: 17). Unlike other UN organs that make recommendations, the UNSC has the authority to make decisions that are binding to concerned states. “It investigates any dispute or situation that may cause international tension or conflict, Recommends methods or conditions for settlement of disputes, Formulates plans for the establishment of a system to regulate armaments; determines whether there is a threat to the

peace or an act of aggression and recommends which measures should be taken; encourages members to apply economic sanctions and other measures that do not involve the use of force in order to prevent or stop aggression, employs military action against aggressors, recommends the incorporation of new members' exercises UN trusteeship functions in 'strategic zones', and recommends to the General Assembly the appointment of the Secretary-General and, in conjunction with the Assembly, appoints the magistrates of the International Court of Justice In response to the threatening situation presented in the UNSC, firstly the council encourage a move towards conflict settlement through Regional intervention under Chapter V. However, as the conflict become intense the UNSC is at liberty to issue ceasefire directives, deploy military observers or peace-making force and at when all the peaceful measures are exhausted enforce economic sanctions, arms embargo and travel bans, termination of diplomatic ties as well as collective military deployment under Chapter VII of the UN Charter" (UN Women 2014:17).

1.2.The international human rights instruments

The international human rights instruments are guided by the international bill of rights which outlines primary instruments of human rights broken down into focused instruments, which enforce the original human rights objectives. When South Africa engages at international forums on human rights it gives effect to its international obligations under the different international instruments South Africa is signatory to (Titus 2009: 9). The international instruments that outline the norms and standards for international conduct (diplomacy) includes the Universal Declaration on Human Rights of 1948, the International Covenant on Civil Political Rights of 1966, the International Covenant on Economic, Social and Cultural Rights of 1966, the Optional Protocol to The International Covenant on Civil and Political Rights of 1976

Although human rights promotion was emphasised as central to South Africa's foreign policy by former president Nelson Mandela, there are other objectives identified simultaneously with human rights promotion. Apart from championing the human rights course, Mandela ensured that South Africa committed to the promotion of democracy, pledged to adhere to the international law, resort to peaceful measures to resolve conflicts, seek to promote African agenda, strengthen the South-South and the North-South relations (Mandela 1993:87). Khumalo (2010:41) postulates that the combination of these objectives forms part of the

country's economic development and security concerns. Pragmatically, no country has a foreign policy that focuses solely on the promotion of human rights (Pahad 2010:48).

1.3.Foreign policy and human rights

Even though the recognition of human rights dates to ancient Greece (Lawrence 2012:12), during this era until the rise of the West in the late 20th century, human rights were not a central component of foreign policy. Foreign policy was driven by economic prosperity and security. Apart from this perspective, the ideational battle between influential powers during the 20th century created tensions in terms of defining universal norms because every side sought to influence the international system through their ideological standing, politically and economically. As much as human suffering was acknowledged, every side had their own approach that sought to address such. The end of the Cold War established a new political dilemma under a single superior power, the liberal US started to structure the global system on liberal terms. The universalism of liberal principles such as democracy and human rights set the global political and economic agenda.

The above elaboration emphasises the notion that liberal US influenced the incorporation of human rights in foreign policy practice. It is debatable if this was done in a good faith of saving the world or to advance national interests of not only upholding the relevance of liberalism in a lifetime but material interests as well. According to Forsythe (2000:5), today every sovereign state is pressured to include human rights in their foreign policy agendas. In this logic, apart from advancing economic and security issues through foreign policy, every state is required to support and promote human rights beyond their borders (Merke and Pauselli 2013:132).

Even though states have shown interests in promoting human rights, Merke and Pauselli (2013:133) acknowledge the conflict between prioritisation of international Western norms and national interests. While a state seeks to fulfil economic and social freedom of its citizens through foreign policy it equally has to fulfil the obligation of ensuring that citizens living in other states are being protected as per international law (Lawrence 2012:15). This normally occurs under the circumstance wherein a state is not operating under the liberal democratic rule, this being the case government institutions are not used for the interest of the people rather protect the interest of an undemocratic government or ruling elite (Lawrence 2012:15).

However, the expectations set by the liberal principles do not imply that every state will abide, especially because of the continued influence of other ideological perspective contesting the liberal agenda. Other countries, especially developing ones continue to rebel against the enforcement of liberal principles such as democracy and human rights. This rebellion perpetuates resistance conflict in many regions with aggression infused by the application of measures intending to safeguard human rights. The growing commitment to liberal principles puts states under financial pressure and human capital to support human rights discourse. Due to international, regional and national objectives, states must create a balance between liberal norms with their material interests, political alliances, and policy preferences. Merke and Pauselli (2013:133) argue that even if a state pledged to safeguard international norms through national diplomacy, it is not viable to use human rights as the only component to guide national diplomacy.

Considering that national foreign policy is executed based on other interests such as economic and security other than the liberal concepts of human rights, a state is more likely to choose its largest trading partner regardless of complaints by international human rights bodies. The scenario portrays the conflicting dilemma that comes with the promotion of human rights through diplomacy. According to Merke and Pauselli (2013:133), consolidating human rights into foreign policy establishes the interplay of competing values, trade-offs and consistency problems explaining the reason for states on the international stage to compromise human rights for economic opportunities or protection of allies at the international stage. Therefore, trade interests, historic ties, geopolitical location, or convergent ideology can all trump human rights principles. According to Zondi (2010:6), this occurs because interests define the survival of a state (Realist perspective). Ngwenya (2010:30) acknowledges this to be realistic by emphasising that it is justifiable to keep relations with like-minded states and those who are divergent to universal accepted democratic rule for economic interests.

The promotion of human rights caught between history and the present signifies that the practice of foreign policy is influenced by a number of factors, looking upon the evolution of political dynamics of the 20th century to date, norms have not only evolved but they have been made universal in which globalisation has over time made states that have been recipient of dominant norms to be conscious of their traditional norms and thus different communities shift back to their own moral judgments. Juxtaposing this claim with the one made earlier that other

aspects of interstate relations occur to be important compared to human rights, It is crucial to note that states will only promote human rights when national interests are not compromised.

1.4. Methodology

Methodology refers to approaches, methods, techniques used by the researcher to achieve the research objectives. The concept of human rights is contested, and diplomatic practice is diverse, this study adopts a qualitative approach. A qualitative approach focuses on data which cannot be adequately expressed numerically and focuses on description and interpretation that might lead to development of new concepts or theory, or to an evaluation of an organisational process (Hancock et al. 2009:6).

A desktop study was undertaken using both primary and secondary sources available in the public domain. The primary source includes official reports, policy documents, and official statements on human rights. Secondary sources that will supplement the primary sources relate to the literature on human rights, foreign policy and diplomacy. These sources include books, online articles from *Ebscohost Website* and *google scholar*, articles from South African foreign policy Review books, presentations from DIRCO conferences, IGD reports and official South African government reports by the Department of International Relations and Cooperation (DIRCO).

The analysis of qualitative research involves uncovering and understanding of the big picture by using data to explain a phenomenon or situation and contextualise what it means (Hsieh and Shannon, 2005:1278). This study uses content analysis method to produce a report that accounts for all arguments made around the discussion of South Africa's human rights diplomacy. According to (Libweb n.d.), content analysis can be used when qualitative data has been collected through, interviews focus groups, observation, and documentary analysis. Furthermore, content analysis provides a descriptive account of the data collected and a more interpretive analysis that is concerned with what may have been implied. This analysis method fits well with the desktop research undertaken because it assists the researcher to make reliable conclusions after describing and interpreting arguments around South Africa's human rights diplomacy.

Qualitative research is subjective practice; therefore, validity of this study was measured by analysing the content that make sense and can be trusted. This research relied on information

from reputable sources including South Africa's foreign policy specialists, government advisers and practitioners and official reports.

1.5. Limitations of the study

Due to limited space of time allocated to finish the study and financial constraints to travel, this study did not conduct any interviews to get further clarity on some text on the existing body of literature, thereby some argument may have been misinterpreted by the researcher. South Africa served two terms in the UNSC, however, the focal point of this study is the first term of 2007- 2008 wherein only the case of Zimbabwe and Myanmar are discussed in detail.

1.6. The structure of the research

Chapter 1: Introduction of the study

As an introduction, this chapter provides the rationale for the study, the conceptual framework around which the argument is built. It also indicates the research methodology to be used and outline the structure of the research.

Chapter 2: South Africa's foreign policy background

This chapter discusses South Africa's foreign policy with reference to the document produced by the *Department of foreign affairs* in 1993 outlining South Africa's foreign policy guidelines authored. Categorising such foreign policy principles, this theme discusses South Africa's core national interests, medium range objectives and long-range objectives. Furthermore, this chapter identifies the central aspects of national foreign policy under the Mandela, Mbeki and President Zuma administrations.

Chapter 3: South Africa in the UNSC

This chapter discusses the interpretation of South Africa's decision to vote with reactionary powers to block the adoption of two UNSC resolutions intended to stop the assumed human rights violations in Zimbabwe and Myanmar. The discussion reflects the description of key concepts, foreign policy, diplomacy and human rights.

Chapter 4: Analysis

This chapter present the analysis of vital arguments raised throughout the discussion and provide the final hypothesis on South Africa's human rights diplomacy in the UNSC during the first term of 2007-2008.

Chapter 5: Conclusion

This Chapter is the main division of a discourse, containing a summary of the points and a statement of opinion or decisions reached.

Chapter 2: South Africa's foreign policy background

2.1. Introduction

Under apartheid rule, South Africa pursued an isolationist foreign policy which was meant to protect South Africa from the pitfall of international interest (Muller 1998:182). Muller goes further to point out that 'South Africa during apartheid was philosophically right-wing oriented, uncompromisingly pro-western, hostile to third world issues and sceptical about universal liberal ideas of human rights'. This saw South Africa not only being hostile to its Southern neighbours but politically uncooperative with the continent at large. The apartheid government practiced bilateral diplomacy. According to Muller (1998:180), the focus on bilateral diplomacy by the apartheid regime positioned the country on an isolationist foreign policy to maintain self-governance without interference and national security.

After democratisation, South Africa became part of the global community and grabbed attention on the global stage. South Africa championed multilateral diplomacy, which sought to smoothen the process of integration into the global system for the benefit of the country as well as the desire to contribute to solving global challenges affecting all nations (Muller 1998:180). Even though self-preservation, security and well-being of citizens are the common interests based on which foreign policy is generally formulated. Habib (2010:21) notes that inter-dependence results in cooperation but can cause conflict. Hence, national interests differ and vary according to time and geo-location. Regardless, states modify their behaviour to maintain a well-functioning international system through bargaining.

It is important to bear in mind that national political structure influences the country's approach to international affairs, as it is evident from comparing the diplomatic approach of democratic South Africa and undemocratic South Africa. It is against this background that one can establish that both regimes are different and that signifies the adjustment of national interests and values. At the dawn of democracy, South Africa developed new values in accordance with the expectations that came with embracing the liberal system that requires intense cooperation across political spheres and developed new national interests which took into consideration the apartheid legacies. It is important to acknowledge the dynamics that unfold because of the

democratic rule. Under the democratic government, the approach and focus of South Africa's foreign policy is influenced by the change of leadership as well.

This chapter describes South Africa's foreign policy principles, which were articulated by Mandela in 1993. South Africa's foreign policy principles are discussed to create an overview of what informed South Africa's human rights diplomacy in the UNSC during the first term of 2007 -2008. This will link up to the influence of domestic leadership change on the execution of foreign policy principles. These principles laid out by Mandela continue to be the basis of South Africa's foreign policy to date. However, the alarming factor has been the deterioration of issues Mandela sought to address and the emergence of new dynamics under different domestic administrations.

South Africa's foreign policy principles in this regard are discussed using the three parameters being the national core interests, middle-range objectives and universal long-range objectives. National core interests denote the composition of goals which will benefit South Africa or influence other states while long range and universal range objectives are national aspirations which in most cases seek to extend the courtesy of interdependence and liberal principles. This categorisation is informed by the utterances which have been raised by scholars over the years since 1994 reflecting on South Africa's diplomacy.

National foreign policy agenda is influenced by dynamics within domestic politics, from social, political and economic demands at any given time (Khumalo 2010: 4; Masters 2010:55). According to Williams (2000:76), this imposes constraints on national behaviour in terms of opportunities. South Africa's foreign policy principles provide an image of how the country projects to handle future international affairs and set the basic conditions that will influence the international community by changing or sustaining their behaviour to fulfil national interests. While foreign policy coherence is normally assessed from translation of national principles into interests, Pahad (2010:47) argues that foreign policy is always formulated based on national interests but in practice the policy may drift far off from these goals under the pressure of international environment and power dynamics.

2.2. South Africa's diplomatic approach from 1994 – 2008

South Africa's diplomatic approach is informed by the document authored by Mandela issued 1993. The foreign policy pillars outlined in the document provide the base to assess the alignment of government in the office with such pillars. Between 1994 and 2008, South Africa had two presidents, Mandela and Mbeki. Both their foreign policy initiatives had to be guided by the established national foreign policy pillars. The two South African presidents, Mandela and Mbeki practiced different diplomatic approaches (Masters 2012:21), something influenced by individual background, perceptions and judgements. However, the varying positions were not in any way found to be outside South Africa's established foreign policy. Considering the time frame of this study, Mandela administration and Mbeki administration are of importance. Firstly, Mandela laid the foundation used to reflect on South Africa's foreign policy. His diplomatic approach continues to be the primary tool to judge the performance of his successors. Mbeki is at the core of the discussion because he was in office when South Africa served in the Security Council during the first term, the period that South Africa's human rights foreign policy started to be in turmoil. Basically, this is to compare the approach of these two leaders to see how they went about executing South Africa's foreign policy principles.

2.2.1. Mandela administration, 1994 – 1998

According to Forsythe (2000:6), national self-image is fundamental on the global stage. Often, the national image is aligned to roles that states choose to play on the global stage. South Africa being new on the global stage, Mandela was faced with an obligation to rebuild the national image after it was tarnished by the reputation the apartheid government portrayed on the international stage. In this regard, Mandela had to develop an image that would not only assist South Africa to regain status and influence on the global stage but make it appealing to potential trade partners and investors (Smith 2012: 72). This substantiates the idea that Mandela's presidency sought to establish a new and strengthen old relations as well as re-establishing the role of South Africa as a responsible global citizen (Van Wyk 2012:277).

Almost half of the 20th century has been dedicated to liberation politics in the sense of ending colonial rule (Godsell 2012:7). South Africa was not an exception to this struggle. Such liberation struggle extends the notion that liberalism was a central theme to South Africa's political history dating back to the days of Dr John Philip, the English missionary who advocated for racial equality in the 1920s (Cardo:2012:16). Cardo articulates the effect of

liberalism on such struggle by highlighting that liberalism offered South Africa tools to end apartheid and built the society based on democratic government and respect for the rule of law, a society in which independent institutions protect people's rights and limit political power (Cardo 2012:16). Given South Africa's history of human rights violations under the apartheid government, the nation's identity is traced through formal constitutional provisions and statements and speeches of Mandela. South Africa's official policies, legal and constitutional systems, reveal the elements that constitute the national identity (Black and Wilson 2004:31)

Therefore, aligning South Africa foreign policy with national policies and improving South Africa image on the global stage was intrinsically linked to signing and ratification of international human rights treaties which alone signal an active foreign policy on human rights (Merke and Pauselli, 2013:138). However, Merke and Pauselli (2013:138) stipulate that the signing and ratifying of treaties has less impact on the behaviour of a nation. This is because even countries categorised as repressive adhere to international human rights treaties at least at the same level as democratic states.

A principled commitment to democracy and respect for human rights was the essence if not the totality of President Mandela's foreign policy (Nathan 2005:364; Black and Wilson, 28). Even though it is an established position that Mandela was committed to the promotion of human rights, Masters (2012:21) is of the view that Mandela's foreign policy followed the president's public statements. Mandela (1993:88) emphasised that human rights will guide South Africa's foreign policy and recognised that a government system based on democracy is the only system that can assure protection of human rights. Mandela acknowledged the need to transform the UNSC to allow South Africa to enforce peace and security agenda (Mandela 1993:89). The promise was made that South Africa will actively engage on the debate around the restructuring of the UNSC. Furthermore, Mandela was clear on the importance of uniting Africa, with a focus on the SADC region because without African unity. South Africa could suffer the consequence of unstable Africa. According to Mandela, the primary goal of uniting Africa is economic integration (Mandela 1993:90). This was to be achieved through strengthening African institutions, as well as engaging in mediation and crisis management. Another emphasis was put on the foreign economic policies to address poverty and unemployment experienced by the black majority. Similarly, full integration into the global trading system was vital to address the critical national economic condition.

In a nutshell, Mandela valued human rights, African agenda, South-South cooperation, North-South cooperation and the international rule of law. These concepts today are a brain child of Mandela's original foreign policy objectives which were all defined in detail. Mandela put much emphasis on human rights through his key addresses and official statements. This was the reality considering that the world was interested in the story of South Africa. Arguably, there was no time to discuss plans South Africa had as an African state than human rights. This made Mandela famous for his strong human right position.

Mandela's human rights diplomacy was tested when South Africa was put under pressure to publicly condemn the Nigerian Abacha military government for detaining Abiola who won the election, and to support sanctions against Nigeria (Mbeki, 2016). Another criticism emerged when South Africa chose relation with China over Taiwan (IGD 2014:11). In the effort to enforce human rights in Nigeria, South Africa initiated sanctions against the country through OAU (Organisation for African Unity) and SADC but it was in vain as African leaders rejected the idea. On choosing between Taiwan and China, South Africa was in a hard place, but eventually, the choice had to be made. Even though there are no facts to prove that China put the pressure on South Africa, considering that the existence of Taiwan is politically and legally controversial and Taiwan is a small country without global influence, South Africa had no choice but to choose China. The approach and explanation to both the cases show that at times a country can opt for a policy that turns out to be bad policy in the eyes of others. Another important factor is that a foreign policy decision cannot please all the global actors and they all look at the situation differently.

2.2.2. The initial establishment of South Africa's foreign policy

At the dawn of democracy, South Africa adopted a foreign policy that was not radically influenced by ideology to adapt to the new post-Cold War world environment (Muller 1998:182). In other words, South Africa developed a foreign policy that accommodated all global states as the country could not afford to alienate any country due to national economic and developmental interests. It was from 1994 that Mandela started defining South Africa's foreign policy. Van Wyk (2012:277) articulates that Mandela's presidency marked the period of foreign policymaking and the establishment of new relations. At this stage, South Africa was building a national image on the international level to restore the dignity lost under apartheid rule. Given the history of human rights violations manifested through racial inequality and police brutality, South Africa's image building became part of the country's

political culture guiding the state to use its international status to support human rights around the world in the same way that the world had supported the human rights struggles of the black majority in South Africa (Van Wyk, 2012:86). Black and Wilson (2004:27) support this by pointing out that in the post-Cold War era, South Africa became increasingly outspoken about its support for human rights and they became central to its foreign policy. According to Shelton (2012:218), during Mandela's presidency, the promotion of human rights was South Africa's core interest. Mandela emphasised that human rights will guide South Africa's foreign affairs as an extended courtesy to appreciate the supportive structure it received across the globe during apartheid. Masters (2012:21), questions the implementation of Mandela's foreign policy by postulating that Mandela's foreign policy followed public statements. This means that public statements on did not necessarily translate into actual foreign policy action. Borer and Mills (2011:77) also emphasise that South Africa's foreign policy since 1994 might best be described as one of the disparity between commitment and action. This implies that Mandela's public diplomacy did not correlate with his foreign policy.

Weighing in on the debate, Khumalo (2010) alludes to the presence of set goals. South Africa has set goals to maintain its national interests and through some of its outlined goals, it seeks to influence the behaviour of other states across the globe for strategic alliances that will benefit national development and security purposes South Africa seeks. In line with developmental goals, South Africa also seeks to address the socio-economic issues of social services, land, workers' rights, environment as well as gender issues through its foreign policy (Khumalo 2010;46). The issues discussed above capture the economic disparity, inequality, poverty, and scarce skills the government seeks to address through international interactions (*White Paper on Foreign Policy*, 2011:8).

South Africa's core interests include national security and economic development. These two determine South Africa's foreign policy because international interaction is driven by economic opportunities and relations, which eventually translate into economic development over time. The importance of these components lies in the fact that they guarantee the existence of South Africa. A freer and more democratic world helps create a virtuous circle of improved security and stronger economic growth, which serves the long-term interests of South Africa. Accountable, effective, and democratic governments facilitate reliable trading partners and provide the cornerstones of international stability. Given their modest scale and numerous

benefits, South Africa's is dedicated to the promotion of democracy and human rights across the globe.

2.3. Mbeki administration, 1999 – 2008

According to Olivier (2012:176), like Mandela, Mbeki was still in a process of navigating South Africa's foreign policy. Olivier's assumptions are based on Mbeki's diplomatic readjustment from 1999 which gave South Africa another identity from that of Mandela. Zondi (2015:104) also notes South Africa's foreign policy shift in so far as Mandela's administration and Mbeki's administration were concerned. However, Zondi sees the shift not in a fixed angle of ideological change but crystallisation of South Africa's African destiny through African renaissance. Mbeki established an Afrocentric South Africa which gave substance to the African agenda (Masters, 2012:22). The Afrocentric South Africa reinforced foreign policy goals which are aligned with Africa. According to Zondi (2015:99), Africa's well-being became the centre of South Africa's foreign policy. Even though Mbeki re-positioned South Africa's identity, Olivier (2012:177) emphasise that Mbeki remained in the shadow of Mandela's moral legacy of human rights themed foreign policy.

The Afrocentric positioning of South Africa's foreign policy under Mbeki's presidency proved to be a rebellion against Western political and cultural hegemony in Africa which marginalise the continent and perpetuates underdevelopment. Mbeki shifted his focus from primary and middle goals to universal range goals. Mbeki championed regional integration and mobilised developing countries to resist and reduce Western hegemony with the distant goal to democratise not only the UNSC, but also other international institutions such as International Monetary Fund (IMF), World Trade Organisation (WTO), the Group of 7 (G7), and the Group of 20 (G20) which are equally influenced by powerful Western nations (Shelton 2015:217). Mbeki mobilised through engagements like-minded nations which forms part of the Non-Aligned Movement, the Group of 77 (G77), the New Asia-Africa Strategic Partnership (NAASP), the India-Brazil-Russia-South Africa Dialogue Forum (IBSA) and the Brazil-Russia-India-China-South Africa (BRICS) (Shelton 2012:217). Mbeki's foreign policy was more economically influenced compared to that one of Mandela. This explains the formulation of the Medium Term Strategic Framework for 2004-2009 in pursuit of South Africa's own growth and development. Mbeki's diplomatic approach adopted a counter strategy intended to develop strong bilateral support and to further build wider coalitions.

2.4. Categorisation of South Africa's foreign policy: The breakdown of Foreign policy pillars

South Africa's foreign policy pillars include promoting peace and security in Africa, advancement of international equity by advocating for UNSC reform, advancement of African common positions where relevant, securing international support for the African Union's peace and security architecture and its peacekeeping missions, to be a custodian of international law, and to bridge communication between non-members of the Security Council and serving members (DIRCO 2009. 7). This represents an ideal of what should inform the country's foreign policy. For this study, the above mentioned foreign policy pillars are categorised as core values and interests, universal long-range goals which will help to account for South Africa's conduct in the UNSC. This category simply highlights national priorities that influence every international decision, which gives a sense of what South Africa is likely to trade-off when a situation transpires.

2.4.1. Core values and interests

- **National security**

At the dawn of democracy Mandela denounced the militaristic approaches to security within the Southern African region (Mandela 1993: 91). Such utterance continued to be relevant to South Africa's foreign policy over the years. From a militarist approach, security adopted humanistic approach to security whereby security is defined within political, economic, social and environmental dimensions (ANC 1994:13). According to Smith (2012:188), national security is the primary goal of foreign policy. The treaties and alliances which South Africa concludes with other states rest on this objective. With the nature of the international system that is no longer characterised by expansionist politics sealed by international treaties, the notion of South Africa's national security goes beyond the traditional meaning of securing its physical survival from external threats in the form of military attack. South Africa's national security makes South African citizens referent objects of security because the country's security efforts intend to protect them from the constant threat of hunger, disease, crime and repression (Nathan 2005:364). South Africa is doing so through human development, food security, employment and environmental security (ANC 1994:13). It is in this regard that Nathan (2005:364) emphasises that security implies that citizens must live in freedom, peace and safety, participate fully in the process of governance, enjoy the protection of fundamental

rights, have access to resources and the necessities of life and inhabit an environment which is not detrimental to their health and well-being.

The fulfilment of national security is well captured by South Africa's aspirations of promoting democracy, political, social, economic and environmental rights. Individuals in source countries particularly the SADC region, and the African continent are induced to relocate to South Africa because of poverty, poor living standards and the lack of employment opportunities in their countries (Ngomane 2010:17). Ngomane claims that immigrants are attracted to South Africa not only because of the living standards, but political stability of the country which potentially provides them the opportunity for self-determination. Immigrants triggers riots in South Africa because local citizens feel insecure due to rising crimes alleged to be committed by foreign nationals, competition for scarce resources, job opportunities and spread of diseases. It only makes sense for South Africa to dedicate man power and resources to promoting democracy and human rights, for people to feel secure in their home country, particularly on the African continent. The acknowledgement that Africa is central to South Africa's foreign policy is informed by the articulated circumstances wherein South Africa intends to liberate everyone from a human security threat.

- **Economic development**

The economic capability of a nation carries a lot of weight on the global stage because it goes further than maintaining national human security as established from the previous elaborations on national security. Beyond borders, economic muscle grants a nation an authoritative role to influence gains over other nations. A nation with strong economic capability provides aid, channel finances for institutional capacitation to mention a few. To such an extent, a country in that standing establishes good relations which position it on an influential role at the global stage and this play out in the best interests of maximising the outcome of national objectives. Therefore, economic interests appear to be the cornerstone of South Africa's foreign policy agenda (ANC 1994:11).

South Africa's foreign policy is driven by the enhancement of the nation's economic well-being and the promotion of national economic development through interaction with other states to secure trade partnerships and investments (Shelton 2012:217). Economic development informed the inclusion of all the other foreign policy principles outlined in the *1993 Foreign*

Affairs document. The motivation for South Africa's aspiration for quick integration with the world had more to do with economic realities. The significance of economic development in South Africa's foreign policy is emphasized by Mandela (1993:4) in the foreign policy documents outlining that economic interaction with other sovereign states are meant to place South Africa on the path of rapid economic development in order to address slow growth, unemployment and extreme inequalities in living standards.

The reality is that South Africa in 1994 was a crippled economy caused by sanctions which were imposed on the country and economic isolation. Due to the economic status Mandela's administration acquired, the urgency for economic growth was an unavoidable agenda the new government had to pursue in order to deliver its promises of economic emancipation to the South African people. This is when the journey for South Africa's long-term socio-economic development roadmap started. The relations that South Africa cemented went along with the objective of maintaining economic relations with like-minded states even those whose values differed from the nation.

2.4.2. Universal long-range objectives

Bearing in mind what South Africa seeks to achieve through some of its set objectives as discussed above, primary and middle range goals are supposed to be pursued immediately otherwise they can create national ramifications which can jeopardise not only the development of South Africa, but its existence as well. Foreign policy is dominated mostly by core and middle-range goals. However, in the era of clashes between Western civilisation and other civilisations, developing countries adopted a long-range goal which they linked to their foreign policy practice. These long-range goals are the aspirations which can be achieved in a distant future. The middle range objectives are thought to aim at restructuring the international organisations (Shelton 2012:217).

At the dawn of democracy, South Africa joined other developing countries in advocating for restructuring of international organisations, particularly the UNSC which is assumed to be a foreign policy tool for the Western countries (Kagwanja 2008:42; Pahad 2010:49). Mandela (1993: 89) argued that the UN should not be dominated by a single power or group of powers, or else its legitimacy will continuously be called into question. This is further elaborated

through the emphasis the UNSC agenda focuses on Africa, a continent which full of resources, but with no say in the decision making. The objective of reforming the Security Council not only seeks to legitimise the institutional decisions taken but to ensure that its membership becomes more reflective of wider affiliation. For South Africa, reformed international organisations will translate into national and continental prosperity because commercial actors will operate peacefully and fairly on the global stage (Shelton 2012:217). Through its national foreign policy, South Africa seeks to contribute to the establishment of international system that is just.

According to Habib (2010:21), the aspirations to restructure international organisations stems from acknowledging that developing countries have less influence on the global stage as well as the fact that they are made to be the recipient of dominant Western liberal principles. Without the restructuring of the international organisations, anti-colonial agendas will not materialise (Habib 2010:21). It should be noted that as much as leaders are championing one agenda, approaches to realising this goal differs from one county to the other. Furthermore, Habib (2010:21) point out that the agenda of restructuring international organisations is implemented through several mechanisms and alliances. Unlike countries which display aggressive anti-Western or American rhetoric, South Africa implements the foreign policy strategy that is in harmony with Western countries for political and economic concessions, including aid and preferential trade access (Habib 2010:21). Olivier (2012:178) emphasise Habib's point by pointing out that economic and developmental interests prove that South Africa cannot afford to function as an island being alienated from the West. The only way for South Africa to reform the international system is to be part of it to understand power relations thereby subvert it.

2.5. Conclusion

An overview of South Africa's foreign policy principles as well as diplomatic practices by Mandela presidency and Mbeki presidency establish a premise to analyse South Africa's role in the Security Council. This is to say South Africa's role in promoting human rights has to flow from one administration to the other considering the goals each administration sought to achieve through the set national goals. As presented, Mandela's duties were different from that of Mbeki given the position of the country during each of their administration. The national circumstances during the Mandela presidency did not have a room for radical approach to

diplomacy because South Africa was still new on the international stage and it had to display itself as a good and responsible nation and this could only be done through the harnessing of the soft power. While on the other hand, Mbeki came in office when South Africa had positioned itself and his duty was to expand the national interests further. It should be noted that Mandela and Mbeki differ on so many levels; Mbeki had been exposed to global system through the Mandela presidency. This put Mbeki at an advantage to strategise on which relations could be reinforced to stabilise the system and an observation of which relations would benefit South Africa economically. The historical background of South Africa's integration into the international system made core interests to be merged with middle interests especially looking into Mandela's diplomatic approach.

Human rights were central to Mandela's foreign policy, and African renaissance was central to Mbeki's foreign policy. Arguably, it can be appropriate to articulate that Mandela failed to promote African agenda and Mbeki failed to promote human rights, both principles well-articulated in the document produced by Mandela. Both their agendas were relevant to the national objectives, but their relevance on the international stage is a problem. Mandela was at an advantage because his foreign policy focus was aligned to the international objective. While on the other hand, Mbeki's agenda threatened the influence of liberalism on the Africa continent. Like Mandela when he was articulating on the importance of human rights, African renaissance being the popular concept, it became the great debate opening channels for Mbeki to use every chance he gets to spread its enforcement.

The only way to reach national objectives was through making the country attractive. According to Smith (2012:70) attractiveness is closely linked to national reputation and image in which in the case of South Africa positive image was conveyed through public diplomacy, the impression South Africa had on the international community through government's policies. According to Van Nieuwkerk (2012:86), Mandela's presidency from 1994-1998 was a human rights crusade era and government exercised a morally superior attitude towards the continent. Whereas from 1999-2008, during Mbeki presidency South Africa realised the limits of unilateralism it implemented in relation to Africa. Zondi (2010:9) see the reality of this being the notion that human rights focused foreign policy was seen to have ignored economic and social interests. Differentiation in the foreign policy approaches during Mandela and Mbeki term created speculation that South Africa has struggled to define its identity and its interests especially finding it difficult to live up to Nelson Mandela's and the world's expectations of

putting human rights at the centre of its foreign policy, and thus to act as an exceptional state, or whether to act as a more ordinary state and to pursue policies based on traditional state interests (Borer and Mills 2011:95).

Since 1994, South Africa has found it difficult to promote other foreign policy objectives and has not put much effort into other objectives as Landsberg (2012:8) puts it. Human rights are one of the objectives found to be difficult to promote. While on the other, too much focus on human rights diplomacy made South Africa pay less attention to economic development matters. The broader theme of this study is located within the application of key concepts relating to the research topic, foreign policy, human rights, and diplomacy.

Chapter 3: South Africa in the United Nations Security Council 2007-2008

3.1. Introduction

The traditional purpose of the UN is to provide mechanisms that could prevent border aggression and violence between nations that triggered the WWII (UN Women, 2014:18). The initiative to extend the function of UN to peacekeeping transpired in the late 1940s, in a series of ad hoc interventions that began in the Middle East with the United Nations Truce Supervision Organization (UNTSO) in 1948 and along the border between India and Pakistan with the United Nations Military Observer Group (UNMOGIP) in 1949. The UN Women report (2014) goes further to establish the idea that the extension of UN mandate reflected the changing nature of armed conflict. After 1945 to 1988 the UN intervention was militaristic, and the UN was required to get consent from conflict parties to monitor ceasefire agreements.

However, the end of the Cold War in 1989 witnessed the emergence of more complexity and a need for multidimensional peace operations. The Security Council authorized missions with a mandate to reduce armed tensions, implement peace accords, and prevent atrocities against civilians in states ravaged by conflict. These changes led to another phase of UN development that introduced UN Secretary-General Boutros Boutros-Ghali's Agenda for Peace document (1992). The document recommended that the UN be proactive in peace missions by enforcing peace and engage in peace building over long-term periods. The functions of these multidimensional missions went beyond monitoring a ceasefire to include truce supervision and military observation, Disarmament, Demobilization, and Reintegration (DDR), humanitarian aid, electoral assistance, human rights protection, mine action, use of UN Police (UNPOL), cooperation with local and regional organizations, as well as Non-Governmental Organizations (NGOs) (UN Women, 2014: 18).

From 1945, UN evolved from engaging as an observer and monitor conflicts and the use of Military personnel under the UN mandate only to the application of humanitarian assistance, institution-building, protection of human rights, support of democratic elections through both military and civilian UN personnel and the NGOs in the 1990s. Furthermore, the evolution followed the use of air, navy, and land forces to restore peace, Humanitarian assistance through deployment of both military and civilian UN personnel plus NGOs. The last evolution of the

late 2000s is assumed to follow a great emphasis on non- militant intervention by the UN and the inception of the concept of Responsibility to Protect (R2P). This is controversial given that the implication of UN intervention even through deployment of humanitarian personnel it ends up creating tension where violent conflict erupts calling for a militant response in the name of self-defence. Indeed, the mandate and the concepts of the field of conflict management evolved but some of the traditional dynamics remain due to unforeseen circumstances that the UN see fit to remedy through the deployment of armed forces.

The development of South Africa's foreign policy since 1994 is well documented in terms of the execution of the set objectives as well as the role the country held on the international stage are well documented by now. Equally, the changes which accompanied the end of the cold war are documented as well (Muller 1998:180). According to Muller (1998:180), diplomatic approaches evolved to adjust to the post-Cold War era. Pahad (2010:47) also notes that the end of the Cold War was an era where every state sought to redefine them. Accordingly, South African diplomacy remains dynamic and will continue to change (Muller 1998:180). Landsberg (2012:2) attests to the existing gap left by scholars to unpack South Africa's foreign policy about the reality of the post-Cold War era. Practically, international alliances are no longer restricted to the influence of the two Cold War superpowers. Similarly, emerging powers are no longer the recipient of the dominant West, thereby act according to their national interests and tend to challenge the Western hegemony.

3.2. South Africa's human rights diplomacy in the UNSC

Zondi (2010:5) argues that the criticism of South Africa's human rights diplomacy date as early as Mandela's presidency. The initial concerns were raised when South Africa was alleged to be involved in arms trade with rogue states as well as South Africa's new-found allies, Cuba, Libya and China. South Africa strong stance in disarmament and arms has not meant that it ceased to function as an arms trader, as has been mentioned, it merely implied that it would act as a responsible arms trader (Muller 1998:184). Zondi (2010:5) goes further by explaining that the questioning of South Africa's position on human rights diplomacy became critical during Mbeki's presidency when South Africa was serving its first term as a temporary member of the Security Council. South Africa's position on Zimbabwe and Myanmar, the countries which

were declared to be threatening the international peace and security received attention between 2007 and 2008. It was during this same period that South African economic institutions were engaging on the debate that sought to steer South Africa foreign policy towards securing commercial benefits from international interactions.

According to Merke and Pauselli (2013:133), human rights diplomacy can be explained to be national behaviour signalling willingness to develop, promote, or advance principles and policies related to human rights. Cooperation in this regard happens either through unilateral, bilateral or through multilateral efforts. South Africa's human rights assessment during 2007-2008 employed national participation in the UNSC as an indicator to assess human rights diplomacy at the multilateral level. South Africa proved to be an active participator in the UNSC having favoured 120 of the 121 adopted resolutions, with a single abstention. South Africa's participation became questioned when the country executed two votes against resolutions brought forward. The first one alongside China and Russia to stop UK, and the US sponsored draft resolution S/2007/14 of 12 January 2007 condemning assumed political repression and human rights violations in military-ruled Myanmar (Graham, 2005:79).

Furthermore, South Africa with the backing of China voted against sanctioning President Mugabe's regime after the flawed election that took place in 2008. Graham (2016:36) is of the view that the controversial votes against resolutions intending to secure political rights in both countries left South Africa's human rights status tarnished. For Graham, South Africa's decision conflicted with its human rights driven national constitution other than anything. Graham's standpoint provides a legitimate argument only based on liberalism, the ideology that champions human rights and democratic rule. According to Graham, South Africa was obliged to support each resolution brought forward to the UNSC to address human rights. This pragmatically implies that institutional expectations of the Security Council place national interests secondary to the human rights agenda.

Shelton (2012:218) also accuse South Africa of neglecting the promotion of human rights by pointing out that South Africa overlooks human rights in favour of advancing South-South cooperation. Choosing South-South cooperation over human rights should not be surprising reflecting on the goal of 1955 Bandung Conference which laid foundation for solidarity

between African and Asian countries to fight marginalisation of developing countries (Kornegay 2014:17). According to IGD, South Africa seeks to strengthen political, social and economic linkages with emerging powers like China, India, Brazil, and Turkey (Kornegay 2014:17). These ties play out in the SC during the voting process and set conditions for international cooperation whereby developing countries seek to decrease the power and influence of the P3 (the US, France and Germany). Titus (2009:27) also criticise South Africa for failing to prioritise human rights in so far as the Zimbabwe and Myanmar cases are concerned. Black and Wilson indicate the difficulty of promoting human rights through foreign policy. On the contrary, Titus argues that it is possible to practice a human rights oriented foreign policy by pointing out that there are countries that have established good reputations in their promotion of human rights in their foreign policy. This is a huge claim made by Titus considering how most liberal states including the US, France and UK are accused of disregarding human rights in their diplomatic practices. According to Titus (2009:27), South Africa has lost its good reputation, and must evaluate its human rights policy. Bogert (2008) criticised South Africa for neglecting human rights by frequently voting with China and Russia in the Security Council. Bogert and Graham expected the country to use the platform to support human rights resolutions as the very platform was used to end apartheid rule.

Regardless of vivid criticism of South Africa's human right diplomacy, Pahad (2010:50) maintains the position that South Africa is committed to human rights and democracy. South Africa's representative at the UN, Khumalo (2010:42) equally agrees that South Africa's foreign policy continue to be guided by human rights and goes further to clarify that this happens in consideration of national interests which vary over time. However, Khumalo brings forth the challenge of advancing human rights outside the country. In its actions in the UNSC, South Africa sought to balance the promotion of human rights and national interests (Zondi: 2010). It is in this regard that Ngwenya (2010:29) underlines the unrealistic approach in expecting human rights to trump other national interests. According to Ngwenya (2010:29), this portrays the limitation of debates engaging on South Africa's human rights crisis. This is to say South Africa's foreign policy principles not only commit to promotion of human rights and democracy but include commitments to justice and international law in the conduct of relations between nations, to international peace and internationally agreed-upon mechanisms for resolving conflict; to promoting the interests of Africa in world affairs and economic development through regional and international cooperation in an interdependent and globalized world (Mandela 1993: 87).

South Africa pledged to engage on the Security Council's agenda in accordance with the Council's mandate to maintain international peace and security (DIRCO, 2009:3). However, it should be noted that South Africa did not pledge to support illegitimate decisions of the Security Council. It is put out there that the US and other major powers abused the promotion of human rights to achieve their national interests. It is only fair for countries like South Africa to be sceptical about resolutions brought forward by the US and UK without being stereotyped by the liberal system. Apart from voluntarily complying with international norms and rules, South Africa initiates and participates in flexible and informal patterns of cooperation with such norms outside the UNSC. For example, South Africa works through the AU and the Regional Economic Communities (RECs) to promote human rights. Working through regional organisations enables South Africa to determine the criteria to select its partners and its influence secured.

3.2.1. Interpretation of South Africa's human rights diplomacy in the UNSC

On whether the country has neglected the promotion of human rights during the first term of 2007-2008 in the Security Council, several scholars took the position of explaining the motives behind South Africa's reactionary votes on both the Zimbabwean and Myanmar assumed political and humanitarian crisis. This possibly provides a foundation for an objective conclusion if it can be said that South Africa has neglected human rights. One of the reasons for South Africa to block the two resolutions was seemingly influenced by its historical background. Apart from the notion that South Africa's liberation struggle was influenced by liberal principles of democratic governance and human rights. Kornegay (2010:6) outlines that South Africa's liberation struggle was politically aligned internationally, a fact which was not given equal consideration in analysing the country's behaviour as a non-permanent member in the Security Council member. Kornegay (2010:6) further emphasise that the liberation struggle was not only an anti-apartheid struggle for human rights as it was presented to be but also a proxy struggle against a Western-aligned and often Western-supported, anti-communist, racist regime. South Africa's liberation struggle crossed with the international struggle against Western ideology. Because of the alignment of the apartheid government with the West, the socialist states such as Russia (big contender against liberalism), China and Cuba supported South Africa throughout the struggle regardless of liberal norms being central to the South Africa struggle. For instance, African National Congress (ANC) and its armed wing, Umkhonto

we Sizwe (MK), were armed, trained by Russia. This support cultivated ANC's loyalty to Russia and other Communist states. This historical background explains South Africa alignment with countries like Russia and China who have championed African interests during the Cold War.

Shifting away from historical influence, Mbeki in his article (2016) that breaks down South Africa's positions in the UNSC, he attacks the logic that lays the foundation to implement peace and security globally. Reiterating the notion of international law that prescribes the condition for international intervention by the UNSC, Mbeki stands firm on the perspective that despite the acknowledged political and humanitarian crisis, neither Myanmar nor Zimbabwe were a threat to international peace and security, a point which was emphasised by DIRCO in 2008 while giving feedback on South Africa's first term in the UNSC. Both ASEAN region and SADC reported to the Security Council that both Zimbabwean and Myanmar crisis were responsibilities of regional organisations not the UNSC as they pose no threat to international peace and security (DIRCO 2009: 21). This created the division among member states who could not agree if these situations should be addressed by the UNSC or regional structures. The concern of SADC was that with the on-going regional intervention in place, the adoption of the UNSC resolution would undermine facilitation process under the AU and SADC (DIRCO 2009:21).

Acknowledging humanitarian crisis and political violence DIRCO (2009:21) reported that South Africa also joined Security Council consensus on presidential statements expressing concern regarding developments in Zimbabwe but emphasised the need to leave the intervention process to South Africa under the delegation of SADC. South Africa's vote on Myanmar came out of the consultation with the ASEAN region which acknowledged that the crisis was not an international threat and lobbied South Africa to block the proposed resolution.

Black and Wilson (2013:40) demonstrate regional dynamics of the Zimbabwe crisis and highlight how the Zimbabwean political and humanitarian crisis threatened regional stability and economic recovery by alarming potential investors and tourists. Black and Wilson further point out that the Zimbabwean crisis was influenced by issues of identity and inequality which mirrored South Africa's experience with the apartheid system. The South African government understood Zimbabwe African National Union-Patriotic Front (ZANU-PF)'s position especially on the issues of contesting land from White farmers who gained access to the land

through unjust white settler policies. It was on this basis that South Africa could not find itself defending white privilege which it disregarded during the apartheid system. Having considered the root cause of the crisis to be the issue of inequality, South Africa concluded that civil and political rights cannot be prioritised over economic, social and cultural rights. To such an extent it would not make sense for South Africa to vote for the adoption of a resolution that pushes civil and political rights agenda while overlooking economic, social and cultural implications.

The Zimbabwe and Myanmar crises not only brought to the surface the issue of human rights and cultural relativism but equally shows the different position on the classification of human rights in which classical liberal *first-generation rights* are prioritised by Security Council (Lawrence:2012: 36). Most of the adopted resolutions by the West focus on civil and political rights which fulfil their foreign policy interests, one being the promotion of democratic rule which is thought to be the only way to guarantee human rights. While on the other hand, the Third World and Communist states, namely China and Russia support economic, social and cultural rights (Olivier 2012:181). This can be traced to the historical development of the UN before membership was extended to developing countries wherein the structure was dominated by the Western liberal democracies under the leadership of the USA. The ideological homogeneity made it possible to reach a consensus based on liberal ideas about what rights should be recognised and guaranteed as human rights (Rittberger and Zangl, 2006:195). The problem of misunderstanding South Africa's human rights diplomacy transpires from the argument made by IGD (2014:11) that both government and civil society generally see human rights in terms of civil political rights, ignoring that human rights are inclusive of economic, social and environmental rights.

According to Mbeki (2016), criticism of South Africa's human rights diplomacy was just an agenda pushed by powerful states reprimanding South Africa for questioning the legitimacy of two drafted resolutions against Zimbabwe and Myanmar deemed as a disguise by the US and UK to achieve their foreign policy interests. For example, Van Nieuwkerk (2012:87) indicates that dominant powers often provoke violent conflict to advance national interests in the global arms trade terrain. According to Van Nieuwkerk (2012:87), military weapon sales drive the global political economy in the 21st century and they form part of the foreign policy agendas of powerful states. In trying to defend the right to self-determination South Africa stood in the way of the interests of the US and, UK. Mbeki's utterances stretched from the argument made by Rittberger and Zangl (2006:212) that peace and security is not actually central to international organisations because hegemonic powers especially the US, UK, and France use

their preeminent military, economic and ideological resources to set up a social order conforming to their own interest and maintain it through the arbitrary use of carrots and sticks. Mbeki's position highlights that norms and rules do not have the same effect on all states on the international system, and it is South Africa's duty to influence the content of the world hegemonic order and overthrow it. Acknowledging the abuse of power by veto powers, Kagwanja (2012:60) emphasises that South Africa targeted the UN as a platform to retain the sovereignty of weaker states in global governance. Furthermore, Kagwanja agrees that sustainment of sovereignty informed South Africa's voting on Myanmar and Zimbabwe.

Above-discussed interpretation captures South Africa's long goal of not only reforming the Security Council but other international institutions as well (Kornegay 2014:17). South Africa's foreign policy establishment prioritise reconstruction of the Security Council for it to be inclusive of Africa and other developing countries. This anti-West behaviour at times have an influence on South African's voting wherein it chooses to vote with allies who are anti-West to oppose the West (Olivier 2012:181).

3.3. Conclusion

From the above deliberations, it is evident that South Africa continues to embrace human rights. However, in practice, South African's human rights diplomacy was influenced by old friendships. South Africa's foreign policy is shaped and conditioned by the history on which it inherited its political culture which influenced the course of actions. This notion follows the reality of building economic muscles through these relations, especially looking at South Africa's economic ties to China, an emerging power as well as Russia. Assessing South Africa's position, it is evident that ratification and signing of treaties does not easily translate into positive voting towards all resolutions in the Security Council, this is because of the assumed position that the Security Council is a foreign policy tool for Western countries. Therefore, South Africa seeks to counter future regime change manoeuvre in the guise of humanitarian assistance or protection of civilians. Through all this global circumstance, South Africa come across several challenges when attempting to champion the concerns of the Third World while trying to maintain good relations with the West who are sources of investment for the country. With arguments going both ways, that South Africa continue to be committed to the human rights course and the one that says South Africa has neglected the promotion of

human rights during its first term in the Security Council in 2007-2008, South Africa must work out a formula for engaging other states on human rights abuses without endangering political and economic cooperation.

Chapter 4: Analysis

4.1. Introduction

This study addressed the research question on the favourability of the institutional framework of the UNSC to allow South Africa to vote consistently in solidarity with the progressive powers on adoption of Resolutions to address both civil and political rights as well as economic, social, and cultural rights.

The study argued that South Africa has not neglected its assumed responsibility of promoting human rights, however, it is a victim of institutional imbalance of the UNSC. The historical evidence on politicisation, misuse and abuse of the Security Council by veto powers and disagreements on which rights should be prioritised between civic political rights and socio-economic rights creates incentives for South Africa to question some of the decisions taken by the institution. The assumption made is that, if resolutions were drafted on a pure intention of promoting human rights without ulterior geopolitical motives and economic interests, South Africa would not be under the pressure of having to trade its moral principles to protect the sovereignty of vulnerable states against Western hegemony. The central concern of South Africa is the implementation of measures that in their nature negatively affect the socio-economic rights of the concerned states making it seem like the powerful states ignore the fact that these rights are equally important as the civic political rights.

To answer the research question, the study established the meaning of human rights, foreign policy, and diplomacy. To contextualise South Africa's human rights diplomacy in the UNSC from 2007 to 2008, a literature study of South Africa's foreign policy since 1994 and national diplomatic practice in the UNSC during the first term of 2007 and 2008 was consulted. This study used a qualitative research approach and content analysis as an analytical tool.

4.2. Findings (Hypothesis)

The UNSC comprises of three liberal states, US, UK and France, and two social states, Russia and China which are permanent members. The power distribution in the UNSC is spread to accommodate all the defined global political regions. Through this form of representation, it is

assumed that the selected states have the responsibility to use the podium to voice regional challenges and agendas. However, it should be noted that these regions were incorporated in an already established institution with defined liberal principles, principles which differ from their traditional principles. Already even the P5 power distribution is unbalanced because if it comes to making decisions democratically in cases of where consensus is not reached, the liberal states will always win against the socialist. This is the alliance that will be difficult to contaminate because of historical dynamics of the WW I. Tracking the historical formation of the UNSC, the logic explains the structure of the institution. An international organisation like the UNSC need to good management to keep order, and the only best way was the option chosen by the original innovators behind the original idea of maintaining international peace and security. The reality is that in a diverse enlightened world, there will always be a different interpretation of the existing structures like the UNSC. But the interesting part is that no option will ever be the best way to distribute power because from one transformation over time comes another necessity to transform institutions so they current reality.

Indeed, the distribution of power has an impact on the decision-making process. Perhaps it is justifiable to attest to the notion that power distribution in the UNSC is balanced, however, the power of influence is exclusive through the veto granted to the Permanent members (P5). The veto status of the permanent member states relegates the majority of 10 temporary member states because once all the veto powers support resolution chances of it being adopted are very high as the unity of the veto powers project the legitimacy of the decision. This is because the P5 are ideologically different; their interests are not always aligned therefore if the other sponsor a Resolution that might be seen to undermine the other, power politics comes to play. When power politics comes to play, the logic behind the voting becomes less about human rights and becomes more about diverse national, regional and continental issues as well as proving loyalty by disobeying rival proposals. It is surprising when the developing world complains about being manipulated through the veto power system when they are the majority. With the majority, the temporary members can discredit the UNSC decision making process by withholding their votes or withdrawing membership that grants the Security Council to extend peace and security activities to Africa.

From the discussion above, the legitimacy of the UNSC decisions is prescribed by the Universal Declaration on Human Rights (UDHR), any legitimacy described outside the parameters of the UDHR is a fallacy. This implies that represented member states negotiate

under the auspices of the UDHR. Having agreed upon the importance of human rights, it is only realistic for states to execute their pledge made through ratification and signing of human rights treaties by supporting all Resolutions that intend to remedy human rights situations in areas of concern. The legitimacy of decisions made in the UNSC is frequently questioned by developing countries, particularly Africa. This happens because at times decisions are rushed thereby leaving some member states concerned about the legitimacy of such rushed decision. It is required of the UNSC to build on the legitimacy of decisions so that no member state can challenge any decision made.

The UDHR identifies three generational rights, even though it is an established fact that the progressive P3 (the US, UK and France) values civic political rights and support socio-economic rights in abstract, the reactionary P2 (China and Russia) and developing countries are strongly for socio-economic rights. The manifestation of these positions is difficult to track through the adoption of resolutions in the Security Council. This is because no resolution in the Security Council is drafted specifically for generational rights identified under different conventions. The argument is that every resolution incorporates some if not all the aspects of each convention depending on the situation the Council is faced with. The dynamics of the situation in this regard might involve consideration of the stage of the conflict (intensity level), positions, interests, needs, values, gender issues, the nature of the conflict (ideological or religious). However, the problems come when the measures of intervention must be executed. This is when the ideological division crops up because the progressive side normally push for the regime change of which encompasses political rights, and for this they advocate for any extreme measures from military deployment or sanctions. Developing countries find these methods threatening the livelihood of ordinary citizens all covered under the socio-economic rights.

Voting in the Security Council, member states are granted all the right to abstain, to support or to reject the proposed resolutions. One can wonder if human rights were so critical why give member states such open options. Perhaps it is logically the imprint of democracy itself. After all, democracy does not allow dictatorship. Limiting options would have contradicted democratic principles. Practically, this gives back member states the authority to choose if human rights are critical or not. Arguably, it should not come as a shock when states abstain or reject the proposed human rights draft Resolutions because they are using the very same tool provided to them by the institution.

There is a significant line drawn between the civic and political rights and the socio-economic rights. Reflecting firstly on history, South Africa's liberation struggle mirrored the struggle against the violation of both civic political rights and socio-economic rights. The struggle which coincided with the emergence of western liberal hegemony channelled South Africa's liberal aspirations that acknowledged that for the socio-economic rights to prevail civic political rights had to be prioritised. This saw political pressure from the international community put on South Africa through economic sanctions. The reality of this pressure left the democratic government to take over a bankrupt country that could not afford to provide free education, service delivery and accessibility as promised. Skyrocketing unemployment rate meant that majority of black South Africans were living along poverty lines.

With such an experience, South Africa sought to create a balance between civic political rights and socio-economic rights as well as the recently emerged third generation rights through its foreign policy. This was reflected in South Africa's foreign policy principles whereby the promotion of democracy and human rights across the African continent particularly can translate into the fulfilment of several social ills from unemployment to poverty. During the early days of liberal globalisation and liberation victory, all seemed to be possible over time. But with an actual diplomatic practice during the Mandela presidency, possibilities of transforming the African continent into a liberal continent gradually faded with the hostility South Africa received across the continent for its pro-West agenda of human rights.

Fast forward to South Africa's presence in the UNSC from 2007 to 2008, the temporary seat came during the period when Mbeki presidency was championing the African Agenda. Due to the belligerent relations that slightly isolated South Africa from the rest of the continent because of its strong position on human rights and democracy, South Africa's diplomatic approach during 2007 and 2008 was a reinforcement of initial cooperative strategy, expansionist strategy as well as a counter strategy across the African continent. The counter strategy collides well with South Africa's agenda of transforming international organisations such as the Security Council. When the country received a support from the continent to serve on the council, this implied a chance to act on its commitment to the African agenda. In cognisance of South Africa's national values of human rights and democracy, the country had the responsibility to the continent characterised by a number of popular undemocratic regimes. Similarly, acknowledging the marginalisation and underdevelopment of the continent, the

country equally had a responsibility to ensure that it revoke any decision that will infringe socio-economic rights of the African states, underdevelopment. Arguably, South Africa can stand for human rights, but it will never run away from its African roots and values.

While voting in the UNSC South Africa acknowledged human rights violations in Zimbabwe, Myanmar and supported the establishment of the local tribunal court in Lebanon, contrary to what the Security Council wanted. Furthermore, in the official statements, South Africa made statements which supported the human rights course in both the countries. However, the country disregarded the measures the UNSC wanted to employ advocating for regional intervention. In the case of Zimbabwe, South Africa wanted the Security Council to create a balance between socio-economic rights and civic-political rights of Zimbabweans. South Africa's position on Zimbabwe points out that it is not always the case where civic political rights should be prioritised because ordinary people rebel not necessarily because of the regime type but in reaction to social, cultural and economic pressures which manifest in a form of disregard for the existing government system.

It should be noted that there is no official or formal measuring tactic that defines a break away from expectations of the UNSC in terms of adhering to human rights obligation, except the practical active and positive participation and ratification and signing of treaties. To such an extent the flexibility of that comes with prioritisation of distinguished rights categorised under the UDHR which cause some frictions when it comes to reporting on the country's commitment to human rights. For instance, the progressive members who advocate firmly for civic political rights will view a state that blocks measures intended for a regime change as an act against human rights. This brings the new argument about which system can be exemplified to be good governance, as good governance is presumed to promote the livelihood of ordinary citizens. Promotion of democracy in the name of creating a convenient environment for human rights tends to discredit other forms of governance. For instance, democracy like dictatorship have their own downfalls, their only difference is the other being individualistic thereby gaining popularity over the other. Well in most cases, the supporters of socio-economic rights are not reluctant to support the civic political rights, they are skeptical about the approaches that in their nature trump socio-economic rights. This explains the bashing behind South Africa's vote against only two resolutions on Zimbabwe and Myanmar with UNSC seen as ignoring the critical implications of sanctions on ordinary citizens.

South Africa's official statements and reports does not contradict with national values, however the actions in the UNSC become alarming to progressive parties as there is a high expectation of active positive support of every resolution brought forward. In reaction to negative stands, progressive countries flood negative comments through the media which in most cases overshadow the actual national positions and foreign policy intentions. To a certain extent this is also influenced by the adjustment of UNSC instructions or resolutions. Apart from this notion, the UNSC institutional framework doesn't create a good working environment that allows South Africa to consistently support human rights resolutions. During the first term, South Africa proved to have a good record of supporting human rights resolutions considering that it voted in favour of 120 out of 121 adopted resolutions. It is appalling to witness how blocking of two resolutions seems to cancel the commitment South Africa has shown throughout the term. In fact, this should raise eyebrows about a sudden detour by South Africa rather than an outcry. If the progressive states had a concern about South Africa's sudden detour they could have engaged through formal channels of communication to understand a national position before popularising the idea that South Africa's priorities in terms of human rights have shifted.

The controversy that revolved around the Myanmar and Zimbabwe crisis was fuelled by bureaucratic politics, especially considering the competition between socialist and liberal countries. The two votes signalled how the progressive states disapprove of South Africa's alliance with China and Russia, the countries who are always skeptical about each move US, UK and France makes in the Security Council. This is grounded on the observation that the scholars, media and ordinary people took cognisance of South Africa's decisions in so far as these countries are concerned. However, it is randomly mentioned that South Africa didn't support the Resolution that rape should be treated as a war crime, yet again South Africa abstained from voting on the adoption of Resolution to initiate a tribunal court in Lebanon. The debates around these incidences hardly dominate the existing body of literature than the issue of Zimbabwe and Myanmar which seems to top the list of South Africa's negative outlook on human rights during the first term.

Even though South Africa's diplomatic agenda in the UNSC was driven by the African agenda, South Africa is accused of being selective when it comes to supporting or rejecting Resolutions directed towards African states. This shows that South Africa doesn't only have double standard when it comes to human rights, but it also applies when it comes to its commitment

to the African agenda. To some extent, this paints a typical approach that is employed in analysing South Africa's human rights diplomacy in the Security Council. The progressive powers do not approve that South Africa block resolutions intended to address the human rights course, therefore to them even blocking two resolutions signals a shift from human rights commitment. While on the other hand, other parties analyse South Africa's actions from its strategic position. For these parties, South Africa has not neglected human rights but there are underlying factors that hamper the country to remain committed to the human rights course. The assumption is that South Africa will indeed support all the resolutions.

Just to emphasise on the contribution South Africa has made in terms of promoting human rights, DIRCO report (2009) unpacks activities South Africa actively engaged on which are particularly in alignment with the human rights cause. First and foremost, South Africa played a major role in the full implementation of Security Council resolution 1325 (2000) on women, peace, and security. This proves the sensitivity the country has towards international gender issues, particularly women empowerment in the field of conflict management and sustainable development. South Africa's commitment to the gender course manifested through the support of a resolution condemning rape and sexual violence in all its manifestations in 2007 (DIRCO 2009:13).

Another notable human rights achievement during the first term in the Security Council became the advocacy of Security Sector reform in 2007 (DIRCO 2009:15). This aligns very well with peacebuilding agenda because reforming national armed forces, police, judiciary, and other security structures is a key element in the process of deepening and sustaining democracy and preventing a slide conflict break out. Furthermore, South Africa played a major role in terms of attempting to unpack the principle of Responsibility to Protect (R2P) to the sceptical global South. This is equally notable noticing the importance of this initiative within the human rights spectrum and it proved South Africa's commitment to human rights when it decided to put itself on critical position to convince the global South about the value of the concept which some reject completely. South Africa's active participation in the proliferation of weapons reversed years of Council inactivity on the issue (DIRCO 2009:17). It is in this regard that South Africa opened channels of communication to address Iranian nuclear disarmament and the prevention of proliferation of nuclear weapons. In the process several constructive amendments to the draft versions of resolutions 1747 (2007) and 1803 (2008) were made. These amendments included recognition of the role of the International Atomic Energy Agency

(IAEA) and a provision that would terminate the sanctions upon receipt of a report to the Security Council from the IAEA Director-General that Iran has complied with the resolutions of the IAEA. Having secured these and other amendments, including placing emphasis on the negotiations track, South Africa voted in favour of both resolutions.

Furthermore, South Africa joined the consensus in condemning terrorist attacks and renewing the mandates of the Counter-Terrorism Committee, Al-Qaeda, and Taliban Sanctions Committee and the 1540 Committee on the proliferation of weapons of mass destruction by non-State terrorist actors (DIRCO, 2009: 16). Apart from supporting thematic issue in the council, South Africa through its flexible, regional and international initiatives contributed to sustaining peace and security on the African continent. The active involvement in Burundi through the African Union placed the country at the position of influencing UNSC decisions and activities in so far as Burundi was concerned. South Africa supported the peace process and post-conflict reconstruction and development in the Democratic Republic of Congo (DRC), prior to joining the Security Council. It also provided personnel and logistical support to the UN peacekeeping mission in that country (MONUC). South Africa's support for these processes extends beyond South Africa's Council membership (DIRCO 2009:19).

In 2007, South Africa successfully persuaded the Security Council to lift the lingering sanctions that were still in place against Rwanda since 1994 (DIRCO 2009:19). Equally important, South Africa coordinated regional and international support to address the protracted Somalian and Sudan humanitarian crisis. In addition to supporting a political process in Somalia and encouraging the deployment of UN peacekeepers, South Africa also joined the consensus in adopting resolutions to address the threat of piracy off the coast of Somalia (DIRCO 2009:19).

South Africa joined other Council members in regularly renewing the mandate of the UN Mission for a Referendum in Western Sahara (MINURSO) and encouraged both parties to the dispute, Morocco, and the Frente Polisario engage in negotiations held during 2007 and 2008. Furthermore, South Africa led the council that was involved in the intervention process in Timor-Leste and secured the immediate adoption of a presidential statement following the attempted assassination of Timor-Leste's President and Prime Minister and put the Security Council under pressure to remain committed to assisting the Timorese people until the situation in that country is fully stabilised (DIRCO 2009:22). In December 2008, South Africa supported a resolution reaffirming the vision of a two-State solution, in which Israel and Palestine live

side by side and within secure and internationally recognised borders. Lastly, the country through the delegation of SADC has been actively involved in finding solutions for the humanitarian and political crisis in Zimbabwe as well as Myanmar. All the above-illustrated efforts briefly traced South Africa's performance in the UNSC.

One should bear in mind that African politics is a mixture of liberal ideologies and African traditional principles which are difficult to amalgamate. South Africa being a component of Africa attempt to establish good relations with Africa by staying true to African aspirations. Equally, the country observes international norms and is pressured to adhere to them, in principle and in practice. It is rather clear that the international system seeks to make South Africa choose a side, either to be fully for international norms or to remain loyal to international undemocratic rogue states. This excludes options for the country to be allowed to balance its foreign relations. Institutional tensions that occur in the UNSC can never be avoided bearing in mind that the UNSC brought together people of different civilisation. One way or the other this awaken the regional values and interests in general. Institutional principles are meant to guide and maintain the functioning of the institution; however, this says much about the complication of decision-making in the UNSC. Foreign policy is complex, and to judge the national human rights status or diplomacy requires an observation of complex dynamics. For this reason, there will never be an analysis that produces similar reliable hypotheses because the commitment to human rights depends on who is narrating the matter.

Chapter 5: Conclusion

In principle, South Africa failed to sustain human rights under the UNSC mandate because it failed to honour the conditional expectations set by the human rights treaties signed and ratified. However, it is invalid to say that South Africa has totally neglected human rights as the expectation is that when a country sign and ratify human rights treaties it implies that it must prioritise human rights through its foreign policy. Arguably, prioritising human rights means states must cut any ties from economic, social and political ties with undemocratic governments that in nature violate human rights. South Africa during its first term of 2007-2008 in the UNSC was supposed to favour all initiatives brought forward to address human rights. It is uncalled for when a democratic country like South Africa with an identity out of human rights to acknowledge the violations of human rights in Zimbabwe and Myanmar through official statement and reports but reverse the proposed intervention. It was clear that the efforts made in Zimbabwe by regional intervention through SADC were not stabilising the country. Widespread domestic and international critique of the *quiet diplomacy* approach to Zimbabwe explains SADCs' stagnant progress. Except for this viewpoint, it is vague to point out any tangible evidence that the SADC intervention initiative addressed human rights issues, particularly the evidence of political killings and persecutions.

Regardless, South Africa continued to emphasise the issue of institutional jurisdiction referring to chapter VIII article 52 of the UN Charter provisioning for regional intervention during conflict management. The involvement of UNSC in this regard depends on the consistency of principles regional organisation applies as well as the purpose. It should be noted in this regard that the UN through article 52 simultaneously emphasise that regional arrangements does not impair the application of article 34 and 35 of Chapter VI which amongst other things point out UNSC referrals by UN member states. The breakdown of this UN Chapters provides the logic that analysis or justifications should not revolve around selective texts within a chapter without a close look at each article synthesising a particular chapter from the Charter. In the case of South Africa's justification of rejecting UNSC intervention over regional intervention, the arguments insisting on regional intervention get their shape from selective part of Chapter VIII Articles ignoring the rest of the texts comprised within consecutive articles of this Chapter.

There are no indicators identified to prove the consistency in terms of principles and purpose of the UN. The UNSC further emphasise its involvement follows the escalation of the situation. However, the problem is that how is the intensity measured, especially from parties positioned on different geographical location. This insinuates the party close to the issue on the ground and the other party that relies on reporting. It is in this regard that reporting on intensity of the situation in public is vulnerable to manipulation, to such an extent creates panics with urgent reactions that can possibly turn out to be irrational. Perhaps the approach provides necessary facts the UNSC needs to conclude the consistency. The UNSC saw it fit to intervene in Zimbabwe as the humanitarian crisis became persistent. The concern here was not the intensity, rather the dragging of the problem because normally the intensity of the situation follows the deployment of armed forces.

The UNSC has a point to reinforce peace and security using any measure that can be effective especially on financial grounds because once a problem escalates it becomes costly to contain and similarly peacebuilding is costly as well. South Africa is vague about its position on Chapter VIII because even the official Report on South Africa's diplomacy in the UNSC (2007-2008) by DIRCO does not get into detail about the country's conclusions on violation of Chapter VIII. Normally when the application of sanctions fails to contain the situation, the next step follows deployment of armed forces. South Africa used the position of regional arrangements with a caution to prevent the deployment of armed forces. This shows that South Africa anticipated the period that will take to solve the situation and their calculation indeed meant the high possibility of sanctions not working with the second option being military enforcement. No country wants war close to its borders because war has several social, economic and political implications. Even this is a possible case; South Africa was never straight about this.

It is one thing to disregard international intervention through constitutional instruments, but it is the other thing to disregard international intervention because of the suspicions based on political assumptions around the credibility of decision-making that lies within the structural formation of the UNSC.

Except the fact that Politics is complex, states have different geographical experiences and evolved differently with different identities and philosophies. However, the reality of global integration and globalisation is the world can never be influenced by all states because each state is on a race to seek comfort to influence all states to adopt its approaches. This pattern goes back to history during ideological battles that influenced European conflicts. Due diversity there is always going to be all sort of logical justifications for actions taken by states on the international level by states. The logic behind this point is that even though they can be some agreement on what is immoral and moral on the international stage, states will always make concrete justifications for their assumed immoral actions. The UNSC expectations ignore the dynamic or relations that are not only multilateral but also bilateral in nature due to geopolitics, cultural homogeneity, and historical background. An issue that proves to go in circles back to the idea about how states like South Africa can be hold accountable for human rights, principles that emerged out of the desired system from a few states or a region.

When looking into the case of Myanmar, it is a matter of reciprocity between two countries with relations initiated on shared interests of the developing world, and strong historical ties. South Africa's close relation with China and Russia, countries who have vast interests on the African continent exchanged their veto powers with South Africa during the first term of 2007-2008. Without the vetoing of the draft Resolution on Zimbabwe by China, South Africa could not have stopped the intervention of the UNSC through constitutional debates. Without the shared vocal animosity against the US and its allies, China and Russia are on the power race with the liberal countries, this made things easier for South Africa. The chance to vote for a draft Resolution on Myanmar, it was South Africa's turn to protect China's geopolitical interests. However, this pattern is not automatic especially considering that it is effective when countering the US and its allies. Practically, South Africa might not always vote with China or Russia because foreign policy objectives get their values through their rankings. These countries afford to jeopardise one of the valuable national objective, but make sure in the process they discredit any suspicious move by the US and its allies.

South Africa chooses to trust some decisions taken by the Security Council but condemn other decisions. It is difficult to tell how countries such as South Africa come to conclusion about which decisions are legitimate and others are not. Well, the truth is that the international system

is open ended, and it is always vulnerable to be manipulated not only by Veto powers through international institutions such as the UNSC, but other countries do the same as well. This argument goes back to the matter of national interests. Veto powers use their power and influence to benefit from UNSC decisions to fulfil national interests, while on the one hand countries like South Africa block those decisions taken in the effort of promoting human rights course because they fringe on national interests. From this scenario, who can be ascribed as bad or manipulative? They are all bad and manipulative but on different ways, depending on who is narrating the story. Tests of the effects of institutions is played by the problems of selection bias, simultaneity, inadequate expectations on conditional expectations and variation and heavy reliance on counterfactuals.

The problem with the UNSC is the diminishing trust amongst member states from the developing and developed liberal countries. The UNSC will never function efficiently when members fail to link national and regional interests to global interests. For the UNSC to be representative and function efficiently without bias, the institution must reflect on contemporary international political situation. This transformation should not only be based on dissolving or increasing veto members because the system of blocking resolutions based on national or regional interests will persist, but the transformation should accommodate several aspects. There is a variety of socially protracted and intractable conflicts across the globe; as such, the Security Council must reconsider the reasons for formulating or adjustment of resolutions. Even is veto member ratio being representative of the affiliation to UN, if the rotational membership remain it will continue to affect formulation and adjustment of resolutions as well as consistency in voting. States who are not members at the given period do not follow the activities of the UNSC in a persistently. When it's their turn to serve they might find it hard to vote consistently with resolutions because it will be quite a lot to track all the resolutions from the initial formulation of countries to follow up resolutions on the country. Some resolutions already might appear contradictory, so how do we then expect new members to vote consistently on draft resolutions directed at one country. Furthermore, the transformation does not have to be about the concern of emerging powers and their allies because that will produce the similar system being under scrutiny. There are Islamic states and small states, which must be part of the process. Accommodating state can equally be a challenge because this defeat the idea of having a dominant power that has an influence on the organisation of the institution. Furthermore, the two conventions under the UNDHR have to represent a coherent representative of universal human rights, not the division between

different ideologies and regional interests. If this can occur to be a difficulty, then they should be clarification and agreement on intervention measures, so they can be in harmony with the Conventions under the UNDHR.

6. Bibliography

Barnett, M. and R, Duvall. 2005. Power in international politics. Cambridge journals, 59 (1): 39-75.

Black, D. and Z. Wilson. Rights, region and identity: exploring the ambiguities of South Africa's regional human rights role South Africa's regional human rights role. Politikon, 31(1): 27.

Bogert, C. 2008. South Africa's Human Rights Reputation Tarnished. Internet: <https://www.hrw.org/news/2008/09/07/south-africas-human-rights-reputation-tarnished>. Access: 24 August 2017.

Borer, T. A. and K. Mills. 2012. Explaining Post-Apartheid South African Human Rights Foreign Policy: Unsettled Identity and Unclear Interests. Journal of Human Rights, 10:76–98.

Cardo, M. 2012. The Liberal Tradition in South Africa: Past and Present. In On liberty: SA liberalism, edited by F. Antonie. Houghton: Helen Suzman Foundation.

Department of Foreign Affairs. 2017. Revised strategic plan 2007-2010. internet: <http://www.dirco.gov.za/department/stratplan06/strategic%20plan%2006.pdf>. Access 24 April 2017
Mandela, N. R. 1993. South Africa's future foreign policy. Foreign affairs, 72(5): 88.

Department of International Relations and Cooperation, 2009. South Africa in the United Nation Security Council (2007-2008). Internet: <http://www.southafrica-newyork.net/pmun/PDF/bookletb5.indd.pdf> . Access: 6 May 2017.

Forsythe, D. P. 2000. Human Rights and Comparative Foreign Policy: Foundations of Peace. Internet: <http://www.corteidh.or.cr/tablas/27531.pdf> . Access: 22 April 2017.

Godsell, B. 2012. A South African Liberalism for the 21st Century. In On liberty: SA liberalism, edited by F. Antonie. Houghton: Helen Suzman Foundation.

Graham, S. 2015. South Africa's voting behaviour at the United Nations Security Council: A case of boxing Mbeki and unpacking Zuma? In *South African foreign policy review* volume 1, edited by L. Masters, S. Zondi, J.A. Van Wyk, and C. Landsberg. Pretoria: Africa Institute of South Africa.

Graham, S. 2016. Yea or nay? Democratic South Africa's voting behaviour in an intergovernmental organisation. In South Africa & the world, edited by F. Antonie. Houghton: Helen Suzman Foundation.

Gropas, R. 1999. Is a human rights foreign policy possible: the case of the European Union. Internet:

<https://www.files.ethz.ch/isn/23240/Is%20a%20Human%20Rights%20Foreign%20Policy%20Possible.pdf>. Access: 23 May 2017.

Habib, A. 2010. Principled foreign policy and South Africa's multilateral diplomacy In Reconciling national interests and values: A dilemma for SA's foreign policy, edited by S. Zondi. Pretoria: Institute for Global Dialogue.

Hsieh, H. F. and Shannon, S. E. 2005. Three approaches to qualitative content analysis, *Qualitative health research*, 15 (9): 1277-1288.

Jimenez, X. 2012. Gender perspectives in United Nations peacekeeping operations. Williamsburg: Peace Operations Training Institute

Kagwanja, P. 2008. Cry sovereignty: South Africa and the UN Security Council in a hegemonic world, 2007–2008. International Journal of African Renaissance Studies - Multi-, Inter- and Transdisciplinarity, 3(1) 35-58.

Kornegay, F. A. 2012. South Africa's second tenure in the Un Security Council: A discussion Paper. In *South Africa in The UN Security Council 2011–2012: Promoting the African Agenda in a sea of multiple identities and alliances*, edited by F. Kornegay, and F. Nganje. Pretoria: Institute for Global Dialogue.

Khumalo, D. 2010. A principled foreign policy and South Africa's multilateral diplomacy: a perspective. In Reconciling national interests and values: A dilemma for SA's foreign policy, edited by S. Zondi. Pretoria: Institute for Global Dialogue.

Landsberg, C. 2012. Towards a post-apartheid South African foreign policy review. In. South African Foreign policy review volume 1, edited by S. Landsberg, and J. A. Van Wyk. Pretoria: Institute for Global Dialogue.

Lawrence, J. 2012. Human rights. Williamsburg: Peace Operations Training Institute.

Libweb, The ten steps of content analysis. Internet: libweb.survey.ac.uk/skills/page_74. Access 21 February 2018.

Masters, L. 2012. Opening the 'black box': South African foreign policy-making. In South African foreign policy review volume 1, edited by C. Landsberg, and J. A. Van Wyk. Pretoria: Institute for Global Dialogue.

Mbeki, T. 2016. The day Nigeria stabbed Mandela in the back. Internet: <https://www.businesslive.co.za/rdm/politics/2016-02-29-the-day-nigeria-stabbed-nelson-mandela-in-the-back/> . Access: 25 August 2017.

≥

Merke, F. and Pauselli, G. 2013. Foreign Policy and Human Rights Advocacy: An Exercise in Measurement and Explanation. Internet: https://www.researchgate.net/publication/257772172_Foreign_Policy_and_Human_Rights_Advocacy_An_Exercise_in_Measurement_and_Explanation. Access: 24 April 2017.

Muller, M.1998. Current developments in South African diplomacy. In Modern diplomacy. Malta: The Mediterranean Academy of Diplomatic Studies.

Ngomane, T.S. 2010. The socio-economic impact of migration in South Africa: A case study of illegal Zimbabweans in Polokwane municipality in the Limpopo province. Internet: <http://ul.netd.ac.za/bitstream/handle/10386/479/Ngomane%20T%20S%20M.Dev.pdf;jsessionid=1C350D31C17769E92B88614424821C52?sequence=1> . Access 22 May 2017

Ngwenya, N. 2012. The values-interest debate and South Africa's bilateral diplomacy. In Reconciling national interests and values: A dilemma for SA's foreign policy, edited by S. Zondi. Pretoria: Institute for Global Dialogue.

Olivier, G. 2012. South Africa's foreign policy towards the global North. In South African foreign policy review volume 1, edited by C. Landsberg, and J. A. Van Wyk. Pretoria: Institute for Global Dialogue.

Pahad, A. 2010. Progressive values in SA's foreign policy since 1994. In Reconciling national interests and values: A dilemma for SA's foreign policy, edited by S. Zondi. Pretoria: Institute for Global Dialogue.

Nathan, A. 2005. Consistency and inconsistencies in South African foreign policy, International affairs, 81 (2): 361-372.

Shelton, G. 2012. South Africa and East Asia: Missed opportunities. In In South African foreign policy review volume 1, edited by C. Landsberg, and J. A. Van Wyk. Pretoria: Institute for Global Dialogue.

Smith, K. 2012. The essence of South Africa's foreign policy. In South African foreign policy review volume 1, edited by C. Landsberg, and J. A. Van Wyk. Pretoria: Institute for Global Dialogue.

Titus, D. 2009. Human rights in foreign policy and practice: The South African case. Internet: [https://www.saiia.org.za>file](https://www.saiia.org.za/file). Access: 24 April 2017.

Thomas, D. R. 2006. A general inductive approach for analyzing qualitative Evaluation Data. Internet: <http://journals.sagepub.com/doi/pdf/10.1177/1098214005283748>. Access: 5 October 2017.

United Nations, Internet: <http://www.un.org/en/index.html>. Access: 20 May 2017.

United Nations Peacekeeping, Financing peacekeeping.
<http://www.un.org/en/peacekeeping/operations/financing.shtml>. Access 7 September 2017.

United Nations Women, 2014. Implementation of the UN Security Council Resolutions on the Women, peace, and security agenda in Africa, edited by H. J. Langholtz. Williamsburg: Peace Operations Training Institute.

Van Wyk, A.J. 2012. Reflection on South Africa's post-apartheid foreign policy and preliminary comments on future foreign policy. In South African foreign policy review volume 1, edited by C. Landsberg, and J. A. Van Wyk. Pretoria: Institute for Global Dialogue.

Williams, P. 'South African foreign policy: getting critical?', *Politikon* 27 (1): 73-91.

Zondi, S., 2010. The interests-versus-human rights debate in context: An overview. In Reconciling national interests and values: A dilemma for SA's foreign policy, edited by S. Zondi. Pretoria: Institute for Global Dialogue.