

**SOUTH AFRICAN FOREIGN POLICY AND HUMAN RIGHTS:  
SOUTH AFRICA'S FOREIGN POLICY ON ISRAEL (2008-2014) IN RELATION TO THE  
PALESTINIAN QUESTION**

**MPhil Mini-dissertation**

**By**

**QURAYSHA ISMAIL SOOLIMAN**

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**Prepared under the supervision of**

**Professor Anton du Plessis**

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**Faculty of Law, University of Pretoria**

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## DECLARATION

I, Quraysha Ismail Sooliman, hereby declare that this mini-dissertation is original and has never been presented in the University of Pretoria or any other institution. I also declare that any secondary information used has been duly acknowledged in this mini-dissertation.

Student: Quraysha Ismail Sooliman

Signature: -----

Date: -----

Supervisor: Professor Anton du Plessis

Signature: -----

Date: -----

## **DEDICATION**

To all the martyrs of Gaza, specifically, the ‘Eid’ martyrs (28 July 2014).

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All praises are to God who gave me the ability and the opportunity to do this study.

When I decided to pursue this programme, I was at first overwhelmed and unsure of my ability to complete this task. I therefore would like to begin by thanking my Head of Department, Professor Maxi Schoeman who believed in me and my ability to do this programme and the Centre of Human Rights, University of Pretoria for giving me this opportunity. The scope and extent of this course has been invigorating, inspirational, unique and truly transformative to my understanding on many issues.

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## ABSTRACT

Although much has been written about South African foreign policy very little focus has been on the African perspective in analysing policy actions. Furthermore, South Africa has regularly been criticised for being consistent in its criticism of Israel but inconsistent in other human rights issues. This so-called contradiction in South Africa's foreign policy on Israel in relation to the Palestinian question, when compared to other human rights' issues, demands an in-depth analysis of the decisions taken by the South African government that is not limited to rigid, pro-West paradigms. South Africa post-1994 is characterised by a context that includes historical experiences of injustice, abuse, apartheid, colonialism, racial discrimination and racial subjugation. It is a country whose leaders and people understand the notion of human indignity because of the impact of supremacist ideologies.

The South African government, based on historical, practical and moral (human rights) grounds has indicated its committed support for the Palestinian struggle against Israeli apartheid and occupation. Accordingly, South Africa's foreign policy stance on Israel has been consistent since 1994, although until 2008, it offered little in terms of real (punitive or sanctioning) action against Israel. Although the focus of this paper is on the Zuma government's foreign policy on Israel in relation to the Palestinian question, a discussion on pre-1994 South Africa's symbiotic relations with Israel is included considering the impact of historical experiences in decision making. This study also considers the foreign policy of the Mandela and Mbeki governments on the Palestinian issue which is important in providing a context to the understanding regarding the purported shift and contestation in the Zuma government's foreign policy on Israel in relation to the Palestinian question. This shift is analysed by highlighting specific foreign policy actions and the role of key actors in attempting to influence those policy actions.

From an academic perspective, the author considers four key areas which include a) human rights, b) foreign policy, c) human rights and ethics in foreign policy and d) global apartheid, foreign policy and human rights which are integrated within the structures of analytic eclecticism allowing for multiple levels of analysis.

## **LIST OF ACRONYMS AND ABBREVIATIONS**

<b>ACDP</b>	<b>African Christian Democratic Party</b>
<b>ANC</b>	<b>African National Congress</b>
<b>BDS</b>	<b>Boycott, Divestment, Sanctions</b>
<b>CCPR</b>	<b>Covenant on Civil and Political Rights</b>
<b>CESR</b>	<b>International Covenant on Economic and Social Rights</b>
<b>COSATU</b>	<b>Congress of South African Trade Unions</b>
<b>CRT</b>	<b>Critical Race Theory</b>
<b>CTD</b>	<b>Cape Town Declaration</b>
<b>DIRCO</b>	<b>Department of International Relations and Cooperation</b>
<b>HRC</b>	<b>Human Rights Commission</b>
<b>HSRC</b>	<b>Human Sciences Research Council</b>
<b>ICJ</b>	<b>International Court of Justice</b>
<b>NAM</b>	<b>Non-Aligned Movement</b>
<b>OPT</b>	<b>Occupied Palestinian Territories</b>
<b>PLO</b>	<b>Palestinian Liberation Organisation</b>
<b>SACP</b>	<b>South African Communist Party</b>
<b>SAJBD</b>	<b>South African Jewish Board of Deputies</b>
<b>SAZF</b>	<b>South African Zionist Federation</b>
<b>UDHR</b>	<b>Universal Declaration of Human Rights</b>
<b>UNGA</b>	<b>United Nations General Assembly</b>
<b>UNHRC</b>	<b>United Nations Human Rights' Council</b>
<b>UNSC</b>	<b>United Nations Security Council</b>
<b>WCAR</b>	<b>World Conference Against Racism</b>

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## Chapter 1: Dissertation outline

### 1.1 Background

In the initial years of its democracy, South Africa was congratulated for ushering in a new era [on the promotion of human rights].<sup>1</sup> However, in later years South Africa was accused of aligning its foreign policy with “enemies of human rights”, “tarnishing” its human right’s reputation<sup>2</sup> and behaving like a “rogue democracy”.<sup>3</sup>

But has South Africa gone *rogue* or is it slowly maturing to the ‘political chess board’ in which it has had to manoeuvre? In *Ubuntu Diplomacy in Action* (2013), South African Ambassador and Deputy Director-General for Asia and the Middle East, Anil Sooklal writes that foreign policy making in the 21<sup>st</sup> century is on an evolutionary course and is being used by states to pursue their diverse interests *via* multiple platforms.<sup>4</sup> According to the Minister of International Relations and Cooperation, Maite Nkoana-Mashabane, “... the world order that is emerging will be a product of how the global powers of the South will assert their new-found role and how this will balance with traditional powers”.<sup>5</sup>

Historically, the ANC has enjoyed a relationship with the Palestinian Liberation Organisation (PLO) borne out of a shared solidarity in their liberation struggles. When the ANC and its tripartite partners came to power in 1994, it was guided by the Non-Aligned Movement’s (NAM) declaratory statements on Palestine which “stress support for the inalienable rights of the Palestinian people”. NAM also endorsed the call for the withdrawal of Israel from the occupied territories, adherence and compliance to existing treaties and agreements and UN resolutions and support for Palestinian statehood.<sup>6</sup> In the first week of August 2012 South Africa’s Deputy Minister of International Relations and Cooperation Ebrahim-Ebrahim and four other ministers of the NAM were refused entry into the West Bank city of Ramallah for a meeting.<sup>7</sup> According to the Israeli government, the Committee was prevented from entering

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<sup>1</sup>[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/48/258&Lang=E&Area=RESOLUTION](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/48/258&Lang=E&Area=RESOLUTION) (accessed 11 March 2013).

<sup>2</sup><http://www.hrw.org/news/2008/09/07/south-africas-human-rights-reputation-tarnished> (accessed 11 March 2013).

<sup>3</sup><http://www.thoughtleader.co.za/traps/2008/05/29/is-south-africa-a-%E2%80%9Crogue-democracy%E2%80%9D/> (accessed 11 March 2013).

<sup>4</sup>[http://www.dfa.gov.za/docs/2013/ubuntu\\_magazine\\_issue02.pdf](http://www.dfa.gov.za/docs/2013/ubuntu_magazine_issue02.pdf) (accessed 10 March 2013).

<sup>5</sup>As above.

<sup>6</sup>

<http://www.mindint.co.za/dajo/site/sites/default/files/Relations%20between%20Israel%20and%20South%20Africa-%20A%20reflection%20by%20Garth%20le%20Pere.pdf> (accessed 12 February 2013).

<sup>7</sup><http://www.prestsv.ir/detail/2012/08/05/254664/nam-condemns-israel-for-barring-ministers/> (accessed 24 February 2013).



Palestine on the claim that four of the member nations of the committee did not have diplomatic relations with Israel.<sup>8</sup> The action taken by Israel was according to the Egyptian Foreign Minister, Mohamed Kamal Amr “...a flagrant violation of the principles of international law and of Israel’s obligations as the occupying power”.<sup>9</sup>

According to Beckman and Butte:

“(i)nternational law consists of the rules and principles of general application dealing with the conduct of States and of international organizations in their international relations with one another and with private individuals, minority groups and transnational companies”.<sup>10</sup>

International law is embodied in treaty documents of which, The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations was adopted by the General Assembly on 24 October 1970 (Resolution 26/25(XXV)).<sup>11</sup> This declaration has strong evidence of rules of customary international law<sup>12</sup> that is “evidence of a general practice accepted as law through a constant and virtually uniform usage among states over a period of time”. The rules and regulations of customary international law thus bind all states<sup>13</sup> even if states are not formally parties to them; of which the provisions of the Hague Conventions of 1899 and 1907 on land warfare are included.<sup>14</sup>

According to Resolution 26/25(XXV), states should refrain from threatening the territorial integrity and political independence of other states, resolve disputes peacefully in order to safeguard security in the international system, refrain from interference in the domestic disputes of other states, consider the principle of sovereign equality of other states and co-operate with each other. The Charter also urges states to consider the principle of equal rights and self-determination of peoples.<sup>15</sup> According to the Legal Resources and Human Rights Centre of the Society of St-Yves (Jerusalem), the Israeli High Court of Justice has defined Israeli control in the Occupied Palestinian Territories (OPT) as a “belligerent occupation and

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<sup>8</sup>As above.

<sup>9</sup>As above.

<sup>10</sup>R Beckman & D Butte “Introduction to International Law” <http://www.ilsa.org/jessup/intlawintro.pdf> (accessed 10 July 2013).

<sup>11</sup>[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/2625\(XXV\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/2625(XXV)) (accessed 27 February 2013).

<sup>12</sup>Beckman & Butte (n10 above).

<sup>13</sup>Beckman & Butte (n10 above).

<sup>14</sup><http://www.icrc.org/ihl/INTRO/195> (accessed 27 February 2013).

<sup>15</sup>n 11 above

administrative occupation” and since the Hague Regulations of 1907 constitute customary law these resolutions are binding on Israel.<sup>16</sup>

It is contended that Israel has shown a persistent disregard for international law<sup>17</sup> and it is in this context that Deputy Minister Ebrahim, during an interview with City Press on 11 August 2012, after having been denied entry into Ramallah “discouraged” South African’s from travelling to Israel because of the treatment and policies of Israel towards the Palestinian people.<sup>18</sup> Ebrahim’s comments did not advocate for a boycott of Israel, and South Africa still had diplomatic ties with Israel. On the contrary, WikiLeaks cables indicated that the Israeli ambassador to South Africa, Dov Segev-Steinberg told his American counterpart Ambassador Donald Gips, that Ebrahim is “the biggest obstacle to Israel in the South African Government”.<sup>19</sup>

The South African position on Palestine is contextualised through the South African experience of apartheid, oppression and violations of human rights.<sup>20</sup> In this regard, the South African government is concerned that governmental visits to Israel legitimises Israel’s occupation of Palestine and the blockade on Gaza.<sup>21</sup> Furthermore, the government of South Africa has supported every resolution in favour of Palestine tabled at the United Nations Security Council (UNSC), United Nations General Assembly (UNGA) and Human Rights Commission (HRC)/United Nations Human Rights’ Council (UNHRC). From 1998-2003 (in 2004 South Africa abstained) and again in 2005, in country specific resolutions on human rights’ violations tabled at the HRC/ UNHRC, South Africa voted against Israeli settlements on occupied Arab lands. Regarding the violation of human rights in the occupied Arab territories including Palestine, South Africa voted in support of the Arabs in 1998, 1999, 2001-2004 and again in 2005-2006. Furthermore, in relation to human rights violations against the Palestinian people and other Arabs in the occupied territories, South Africa supported these resolutions against Israel.<sup>22</sup>

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<sup>16</sup>R Antonius (2006) “The Relevance of Principles of International Law to the Israel-Palestine Conflict” <http://www.cjpmo.org/DisplayDocument.aspx?DocumentID=232> (accessed 10 July 2013).

<sup>17</sup>As above.

<sup>18</sup><http://www.citypress.co.za/Politics/News/Ebrahim-cautions-against-Israel-20120811> (accessed 24 February 2013).

<sup>19</sup>WikiLeaks “Viewing cable 10PRETORIA304, Israeli ambassador discusses difficult relations” <http://wikileaks.org/cable/2010/02/10PRETORIA304.html> (accessed 30 June 2014).

<sup>20</sup><http://www.dfa.gov.za/docs/2012/pale0817.html> (accessed 13 June 2014).

<sup>21</sup>as above; <http://www.dfa.gov.za/docs/2010/isra0531.html> (accessed 13 June 2014).

<sup>22</sup>S Graham “South Africa’s voting behaviour in the United Nations: 1994-2008” *Doctoral thesis University of Johannesburg* (2013) 85.

These steps reaffirm the NAM's position but also reflect an on-going tension between South Africa and Israel because of Israel's disregard of international law and its on-going illegal activities such as the building of settlements in the OPT which undermines the viability of a Palestinian state. Moreover, Israel's disregard for the South African and other Ministers (the NAM delegation) who were refused entry into Ramallah highlights Israel's attitude to cordial foreign relations with any state or organisation that seeks to support the Palestinians, also considering that the meeting was to take place in Palestine and not Israel. Therefore the question, "Why does Israel have the right to refuse the delegation entry into Ramallah, *Palestine*?" Furthermore, in 2002 the same Committee held a special meeting in Ramallah and all its members were allowed entry into Palestine. Such antagonism from Israel is bound to elicit a response from the states that endured this treatment, including South Africa. As Gideon Levy, human rights activist and journalist for Haaretz says, "When you openly thumb your nose at the world for years on end, eventually, it thumbs its nose back...The world is sick of Israel and its insanities".<sup>23</sup>

## 1.2 Problem statement

Against the aforesaid background, this work enquires into South Africa's foreign policy on Israel in relation to the Palestinian question from 2008-2014. Since 2008, there has been a shift in South Africa's foreign policy stance on this issue from purely verbal articulations to more formal action taken by the South African government against Israel. The actions are however problematic because of limitations, constraints and restraints when balancing interests with ethics and morality. This shift is further influenced in terms of a contestation for South Africa's foreign policy on Israel from domestic and international actors who seek to limit the consistency and extent of the solidarity support maintained by the South African government towards the Palestinians thus far. The question therefore is: "What has motivated this purported shift and contestation in South Africa's foreign policy on Israel, in relation to the Palestinian question during the Zuma government?"

## 1.3 Research questions

1. What informs the Zuma government's foreign policy on Israel in relation to the Palestinian question?

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<sup>23</sup>G Levy 26 June 2014 "The world is sick of Israel and its insanities"  
[http://www.haaretz.com/mobile/.premium-1.601243?v=4D11ADD0ED2AC72D4F92594A16B9D7B9&utm\\_content=buffer7ddb4&utm\\_medium=social&utm\\_source=twitter.com&utm\\_campaign=buffer](http://www.haaretz.com/mobile/.premium-1.601243?v=4D11ADD0ED2AC72D4F92594A16B9D7B9&utm_content=buffer7ddb4&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer) (accessed 3 July 2014).

2. What has triggered a shift in policy in the Zuma government and what is this shift?
3. What has led to the contestation in the Zuma government's foreign policy on Israel and who is spearheading this contestation?
4. What challenges does the Zuma government face in asserting its commitment to the promotion of international human rights, specifically for the Palestinians, in an international system that uses amongst others, coercive measures against states that demand accountability from Israel for its often violent occupation of the Palestinian territories?

#### 1.4 Significance of the study

This enquiry is significant because it investigates whether South Africa under President Zuma is committed to the promotion of international human rights for the Palestinians which goes beyond diplomatic rhetoric to include substantive actions against Israel.\* When referring to a foreign policy that is based on human rights, such a foreign policy incorporates activities that seek to influence states to “improve the respect for human rights”.<sup>24</sup> South African politics at present is located in a single dominant political party system<sup>25</sup> where the ANC transformed from liberation movement to ruling party and is the most dynamic contributor to the country's foreign policy.<sup>26</sup> Hence it is necessary to establish if ANC party policy resolutions on Israel have been adopted by the government and if not, why not?

This study aims to inform an understanding of South Africa's commitment or lack thereof to the Palestinian struggle for self-determination which is essentially a human right's struggle. The right to self-determination is mentioned in both the International Covenant on Civil and Political Rights (CCPR) and in the International Covenant on Economic and Social Rights (CESR) and has been championed by African states. Article 55 of the UN Charter also recognises the ‘principle’ of self-determination. Although certain states may seek to promote international human rights, the challenge can be daunting because of the inevitable tension that may arise with other countries.<sup>27</sup> The reality that South Africa must contend with is the existence of double standards in the application and promotion of human rights from

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\*The scope of this study was concluded by the end June of 2014 prior to the attack on Gaza under the label “Operation Protective Edge” which was initiated on the 8<sup>th</sup> July 2014.

<sup>24</sup>PR Baehr & M Caster-Holleman (2004) “The role of human rights in foreign policy” 2.

<sup>25</sup>Y Spies “Trends and developments in South African foreign policy” (2009) 34 *SAYIL* 270.

<sup>26</sup>IGD (2012) “The influence of the ANC on South Africa's foreign policy” Proceedings report of a roundtable organised by the Institute for Global Dialogue.

<sup>27</sup>Baehr & Caster-Holleman (n 24 above) 8.

dominant Western states<sup>28</sup> who often expect South Africa to genuflect to the resolutions they prescribe. However, it must be noted that the pursuit of a human rights foreign policy usually involves a compromise between national economic interests amongst others on the one hand and moral obligations on the other.

## 1.5 Literature survey

The literature on and data sources relating to the proposed study focuses on four key areas:

- **Human rights**

The human rights regime has been fraught with criticism over its pursuit and preference for Western liberal conceptions of human dignity which establish a hierarchical structure to the value of life that is found in the human rights regime. Douzinas contends that universal humanity does not exist empirically because of the weak implementation ability of the human rights regime wherein the interests of great powers are secured and national sovereignty is protected.<sup>29</sup> Hence the grand articulations on human rights are often not matched in reality. The concept of universality is also underpinned by a number of exclusions regarding the real beneficiaries of rights. In *Human rights and empire*, Douzinas states that

“the privileged subject of rights of man has been a white, well-off, heterosexual male, who condenses in his person the abstract dignity of humanity and the real prerogatives of belonging to the community of the powerful”.<sup>30</sup>

The second type of exclusion includes what Douzinas describes as a “symbolic moment” which defines the ‘other’. This ‘othering’ creates a clear divide between the West and “the rest” where outsiders are considered “inferior and *ad extremis* subhuman” perpetuating a class barrier.<sup>31</sup> By this symbolic moment, universality ‘includes’ the colonial French, the imperial English and the Americans who through their actions of colonialism, imperialism and foreign conquest aim to impose their understanding of ‘universal values’ on “the rest”.<sup>32</sup>

Douzinas further contends that human rights incorporate a moral discourse for political philosophers because human dignity and self-respect is about making moral decisions and

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<sup>28</sup>F V Harrison “Global Apartheid, Foreign Policy, and Human Rights” (2002) *Race and globalisation* See Harrison’s comments: “...the U.S.’s human rights record at home and abroad is marginal, and it has long played an obstructionist role in the UN human-rights system” & “The record shows, however, that U.S. policy has disregarded many people’s human rights by countering struggles for freedom, self-determination, and economic and environmental justice all over the world” 60.

<sup>29</sup>C Douzinas *The end of human rights* (2000) 116-135.

<sup>30</sup>C Douzinas *Human rights and empire* (2007) 96.

<sup>31</sup>Douzinas (n 30 above) 99-100.

<sup>32</sup>Douzinas (n 30 above) 99-100.

raising legal claims.<sup>33</sup> Human rights is an essentially contested concept, but broadly defined, it incorporates the worth and inherent dignity of the human being. These rights are inalienable rights by virtue of birthright and they are universal because they apply to all individuals irrespective of race, status, gender and nationality.<sup>34</sup> Namukasa contends that human rights can also be a “morally-justified demand to rectify all sorts of injustices” and for yet others, human rights are approached suspiciously and with hostility.<sup>35</sup> According to Mutua, the regime is primarily Eurocentric, embodying the colonial project and establishing a hierarchy of human value based on race, undermining the claim of universality.<sup>36</sup> In spite of this contention, the Universal Declaration of Human Rights (UDHR) signalled a major triumph for the most vulnerable in societies initiating a process of engagement by state parties, on accountability to their citizens.<sup>37</sup>

- **Foreign policy**

Du Plessis contends that foreign policy is amongst others, about social relations and domestic policy, and includes the actions, reactions and interactions of international actors in the environment outside their national borders.<sup>38</sup> Foreign policy analysis incorporates various contending theories that seek to explain the behaviour of states. Foreign policy gives the national identity coherence and it is the most authoritative, consciously constructed narrative of the state that defines the nation’s identity and assists in its formation.<sup>39</sup> It also provides a micro-perspective of international relations.<sup>40</sup>

Within the new and developing framework of constructivism, domestic policy is considered to have a significant influence on foreign policy.<sup>41</sup> In analysing foreign policy, two contexts are considered: the systemic context (refers to the structural determinants of the international system) and the domestic environment.<sup>42</sup> Because of the growing dominance and influence of domestic issues which include political and normative debates, foreign policy spans the

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<sup>33</sup>Douzinis (n 30 above) 29-39.

<sup>34</sup>Baehr & Caster-Holleman (n 24 above).

<sup>35</sup>A Namukasa “Demystifying human rights: A socio-legal approach to the political framing of migrant workers’ rights in Africa” in F Viljoen(ed) *Beyond the law: multi-disciplinary perspectives on human rights* (2012).

<sup>36</sup>M Mutua “Savages, victims and saviors: The metaphor of human rights” (2001) 42 *Harvard International Law Journal* 204.

<sup>37</sup><http://www.un.org/en/documents/udhr/> (accessed 15 July 2013).

<sup>38</sup>A du Plessis “Analysing foreign policy” in *Power, wealth and global equity* (2002).

<sup>39</sup>M Shapiro “Textualizing Global Politics,” in JD Derian and M J Shapiro (eds) *International/ Intertextual Relations: Postmodern Readings of World Politics* (1989) 11-22.

<sup>40</sup>du Plessis (n 38 above).

<sup>41</sup>Spies (n 25 above) 268-271.

<sup>42</sup>Spies (n 25 above) 268-271.

divide between the domestic and international realms of policy.<sup>43</sup> Robert Putnam, in Van der Westhuizen, has described this divide as “two level games: the interaction between domestic and international politics”.<sup>44</sup> Government choices in matters relating to foreign policy have to measure the constraints on and consequences of their decisions against the national interest, domestic pressures and demands from the international environment.<sup>45</sup>

Breuning maintains that leaders do not make decisions on their own but are often swayed by advisors and bureaucracies.<sup>46</sup> Although the leader bears the responsibility for the decision once it has been made, policy making is fundamentally constituted through hierarchical organisations.<sup>47</sup> In order to garner support, leaders employ various tactics such as “framing” to manage how an issue is presented.<sup>48</sup> Information is never neutral in the policy process so leaders frame information using “reference points” to garner support and provide the lens through which the public will consider a situation.<sup>49</sup> International constraints, perceptions of power and an understanding of opportunities and limitations must also be considered when making choices.<sup>50</sup>

Regarding public participation in post-apartheid foreign policy, Jo-Ansie van Wyk indicates that although Mbeki and the ANC-led government have always claimed that South Africa’s foreign policy is based on democratic principles in line with the interests of ‘the people’, South African citizens at large remain excluded from decision-making on foreign policy issues.<sup>51</sup> South Africa as a newly democratised state has been required to function in an international system where power is structured to reinforce the dominance of hegemonic states. The ANC-led government promoted a people-centred foreign policy from as early as 1994<sup>52</sup> which was informed by its history and values. This history incorporated the building of a dynamic solidarity movement of progressive forces in countries such as Vietnam, Cuba, Chile, Spain and the OPT.<sup>53</sup> International solidarity thus underpins many aspects of South African foreign policy.

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<sup>43</sup>Spies (n 25 above) 268-271.

<sup>44</sup>J Van der Westhuizen “South Africa's emergence as a middle power” (1998) 19(3) *Third World Quarterly* 435.

<sup>45</sup>L Neack, JAK Hey & PJ Haney *Foreign policy analysis: Continuity and change in its second generation* (1995) 117.

<sup>46</sup>M Breuning “Foreign policy analysis; A comparative introduction” (2007) 85-86.

<sup>47</sup>As above 85-86.

<sup>48</sup>A Mintz & K DeRouen Jnr (2010) *Understanding foreign policy decision making* 149.

<sup>49</sup>Mintz (n 48 above) 150.

<sup>50</sup>Mintz (n 48 above) 150.

<sup>51</sup>J van Wyk “Public participation in post-apartheid South African foreign policy” in *Public participation in foreign policy* (2012) J Headley, A Reitzig & J Burton(eds) 79.

<sup>52</sup><http://www.anc.org.za/show.php?id=227#S> (accessed 20 February 2013).

<sup>53</sup>IGD report (n 26 above).

- **Human rights and ethics in foreign policy**

The concept of a human rights foreign policy has attracted much debate because of the challenges in balancing moral, ethical choices with national and economic interests which may necessitate the need to compromise on human rights.<sup>54</sup> The notion of ethics and values in international relations emerged in the post-Cold War era by focusing on the moral responsibility to protect the rights and interests of other individuals through foreign policy action.<sup>55</sup> When considering the role of morality and human rights in foreign policy and international politics, any one of many theoretical paradigms can be employed. Morgenthau according to Chang, advocated for an awareness of moral significance in political action because “a mature political science must combine utopian and realistic thought, purpose and analysis, ethics and politics”.<sup>56</sup> In order to act ethically in the political sphere, leaders should be cognisant of the role of power and realistically consider specific contexts and conditions. Through this process a compromise is sought between “abstract moralism and pure realpolitik”.<sup>57</sup>

Accordingly, leaders have to be prudent in order to seek moral decisions because “ethical realism rejects the ‘juxtaposition’ of power politics and ‘moral’ politics”.<sup>58</sup> This contradicts the realist position stated in Baehr & Caster-Holleman who indicate that realists give scant attention to the question of ethics in international relations due to the anarchical nature of international society where order can only be achieved through a balance of power.<sup>59</sup> For idealists, moral values play an important role in the international society.<sup>60</sup> Thus, foreign policy decision makers are usually unaware that the choices they need to make have ethical considerations.

Most decision makers focus on “maximising utility over dis-utility” but decision makers have to know that sometimes moral or ethical claims such as human rights claims negate estimations of advantage.<sup>61</sup> South Africa’s ‘constructive’ engagement with Israel raises ethical considerations because the Wall and many of Israel’s policies perpetuate a system of

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<sup>54</sup>R Gropas “Is a Human Rights Foreign Policy Possible? The case of the European Union” (1999) Hellenic Foundation for European and Foreign Policy (ELIAMEP) 6.

<sup>55</sup>C Chang (2011) *Ethical foreign policy* 1.

<sup>56</sup>Chang (n 55 above) 31.

<sup>57</sup>Chang (n 55 above) 33.

<sup>58</sup>Chang (n 55 above) 35-36.

<sup>59</sup>Baehr & M Caster-Holleman (n 24 above) 18-20.

<sup>60</sup>Baehr & M Caster-Holleman (n 24 above) 18-20.

<sup>61</sup>M Frost (1997) “Pitfalls on the moral high ground: Ethics and South African foreign policy” in *Change and South African External Relations* W Carlsnaes & M Muller (eds).



apartheid which negate the values of the International Convention on the Elimination of all forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the UNGA Resolution 1514 (1960).<sup>62</sup>

- **Global apartheid, foreign policy and human rights**

The impact of neoliberal policies on the structuring of political systems and economies, which promote free trade and wealth accumulation for multinational corporations, has resulted in an onslaught on the ‘ideals’ of universal human rights. A nation’s ability to protect the third generation rights of its citizens is often compromised by internationally mandated programmes and the prioritisation of corporate rights and transnational capital over the basic needs and dignity of ordinary individuals.<sup>63</sup> In this regard, the role played by Nathan Kirsh’s Magal Security Systems in maintaining the apartheid structures related to the wall built by Israel in the OPT and Kirsh’s association with opposition political parties in South Africa illustrate this point.<sup>64</sup> (See Chapter 4).

Additionally, the intensification of discrimination and violence against people based on race has become a serious human rights issue because the discrimination is now framed in cultural terms.<sup>65</sup> The resurgence of writings on “biological[ly] based accounts” of social difference<sup>66</sup> has fuelled the need for more introspection on the posturing of race and racial hierarchies in the context of national identity and foreign policy. The greatest threat to the human rights of people who are subjugated based on race is related to structural violence and global apartheid.<sup>67</sup> Apartheid is the human version of classical physics which is based on the principles of Newtonian billiard ball physics. According to this mechanical theory, “objects are separate from each other and reality is based on cause and effect”.<sup>68</sup> The essence of apartheid is manifested structurally, institutionally, culturally and epistemologically and it is contended that it is visible in the systemic subjugation of the Palestinian people by the Israelis.

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<sup>62</sup>Democratic South Africa’s complicity in Israel’s occupation, colonialism and apartheid (2009) <http://www.ipk-bonn.de/downloads/SA-Isarel-report-09.pdf> (accessed 20 June 2014).

<sup>63</sup>Harrison (n 28 above) 47-48.

<sup>64</sup><http://www.iol.co.za/news/politics/exposed-da-agang-mystery-funder-1.1644076> (accessed 26 March 2014).

<sup>65</sup>Harrison (n 28 above) 50.

<sup>66</sup>Harrison (n 28 above) 51.

<sup>67</sup>Harrison (n 28 above) 51.

<sup>68</sup><http://spiritualdreamweaving.com/quantum-physics-spirituality/> (accessed 19 June 2014).

There is a growing consensus that in order to give meaning to territorially anchored struggles, “culturally specific social constructions of race” must be considered in order to understand the impact of ideological and structural forces that frame international responses.<sup>69</sup> According to Robert Vitalis in Harrison, “international relations are driven by a longstanding unspoken ‘norm against noticing’ race”.<sup>70</sup> This is evident in the US’s refusal to participate in the World Conference Against Racism’s (WCAR) discussion on Zionism as racism and in discussions on reparations for colonialism and slavery.<sup>71</sup> From the above it can be contended that political scientists need to incorporate perspectives on race and racism in their analysis on global politics and political economy”.<sup>72</sup>

From the foregoing it is evident that at the conceptual-theoretical level there is a considerable amount of literature and documents that deal with the broader ambit of the research theme under investigation. The literature and policy documents offer insight into trends and transformations that have occurred in relation to South Africa’s foreign policy in general. Subsequent chapters will engage the literature in more detail to provide a theoretical framing of the topic and an exploration of the South African case study. However, the relevance, nature and scope of race and racial prejudice, settler colonialism and the impact of white supremacist ideology is under-emphasised in foreign policy analysis, which provides an additional justification for this study.

## 1.6 Proposed methodology

This study is based on a single case study. The research design incorporates literature and document analysis of primary and official documentary sources on South Africa’s foreign policy tenets and South Africa’s commitment to human rights. Because this particular foreign policy is unfolding, news reports and opinion pieces as well as seminar and conference reports on the issue have been consulted. This study follows a qualitative and inductive approach to research and analysis. Although the focus of this paper is on the Zuma government’s foreign policy on Israel in relation to the Palestinian question, a discussion on pre-1994 South Africa’s symbiotic relations with Israel is included considering the impact of historical experiences in decision making. The period between 1994 and 2008 is discussed

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<sup>69</sup>Harrison (n 28 above) 55.

<sup>70</sup>Harrison (n 28 above) 55.

<sup>71</sup>Harrison (n 28 above) 55.

<sup>72</sup>Harrison (n 28 above) 50.

because it is essential for a contextualisation of the 2008-2014 periods and it assists with understanding the nature of the shift in the Zuma administration. Finally, those factors that have contributed to the contestation and purported shifts in the Zuma government's foreign policy on Israel in relation to the Palestinian question are analysed by highlighting specific foreign policy actions and the role of key actors in attempting to influence those policy actions.

Because there are so many conversations that interact simultaneously in shaping and informing South Africa's foreign policy on Israel in relation to the Palestinian question, this study employs analytic eclecticism in order to connect the diversity of these conversations which are often related but developed in different paradigms.<sup>73</sup> This allows for a more useful and pragmatic understanding of the Zuma government's foreign policy approach on this issue. Analytic eclecticism aims to bridge the gap between theoretical debates and the demands for policy relevance and practicality by including various social phenomena in the framework of analysis instead of being bound to scholarly conventions which are informed by paradigmatic assumptions.<sup>74</sup> This approach allows for exploring the relationship between individual and collective actors in world politics by considering the impact of the external environment, and the contexts contained therein which serve as constraints on decision makers.<sup>75</sup> In order to break away from hegemonic paradigms that promote specific explanations or outcomes, this study works within the structures of analytic eclecticism allowing for multiple levels of analysis. Furthermore, it is informed by the evolving nature of the foreign policy to be analysed as well as the fluid nature of the international system in which this particular foreign policy is executed.

## **1.7 Proposed structure of dissertation**

*Chapter 1* is the introduction, setting a background to the dissertation.

*Chapter 2*, as a contextual background outlines the bilateral relations between South Africa and Israel from 1948-1994 and South Africa's foreign policy approach from 1994-2008.

*Chapter 3* analyses the Zuma government's foreign policy from 2009 to June 2014, on Israel, in relation to the Palestinian question and the factors that have contributed to the purported shift and contestation in this specific foreign policy approach.

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<sup>73</sup>R Sil & PJ Katzenstein 2010 "Beyond paradigms: Analytic eclecticism in the study of world politics" 2-6.

<sup>74</sup>Sil & Katzenstein (n 73 above) 36-37.

<sup>75</sup>Sil & Katzenstein (n 73 above) 36-37.

*Chapter 4* focuses on the limitations of and constraints on the government when interacting in the international society of states.

*Chapter 5* is a concluding evaluation on the main research questions in the dissertation and will offer certain recommendations.

## **Chapter 2: From symbiosis to solidarity: South African foreign policy and bilateral South Africa/ Israel relations (1948-2008)**

### **2.1 Historical and experiential learning in foreign policy changes**

Inferences from experiences or myths which are related to historical circumstances and events often have an impact on foreign policy decisions and preferences. In studies on historical learning and its impact on foreign policy change, especially where liberatory solidarity networks are involved, it was concluded that structural changes alone cannot adequately explain change in foreign policy.<sup>76</sup> Quantitative empirical studies in particular, highlighted the impact of historical learning, specifically experiential learning on key foreign policy issues such as “crisis bargaining behaviour and on alliance formation”.<sup>77</sup> These experiences generated some influence on policy because their impact produced new beliefs and skills amongst political leaders ultimately influencing leaders’ understandings of key issues and how they are interpreted.<sup>78</sup> More pertinently, learning is not a passive activity but a construction where historical experiences are interpreted through the learner’s own analytic assumptions and worldviews.<sup>79</sup> Often leaders are more influenced by their framing of history than history itself. This is evident in the foreign policy choices of states. This analysis is important when considering the history of occupied territories, settler colonies or states manifesting supremacist ideals and is crucial to an understanding of the context within which South Africa’s leaders have interpreted the Palestine-Israel conflict.

According to Kissinger, quoted by Hunt “the convictions that leaders have formed before reaching high office are the intellectual capital they will consume as long as they continue in office”.<sup>80</sup> The post-1994 South African government has undeniably been influenced by historical experiences and solidarity networks. The policy of apartheid as experienced by

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<sup>76</sup>JS Levy “Learning and foreign policy: sweeping a conceptual minefield” (1994) 48 (2) *International Organization* 279 – 312.

<sup>77</sup>Levy (n 76 above) 279 – 312.

<sup>78</sup>Levy (n 76 above) 279 – 312.

<sup>79</sup>Levy (n 76 above) 279 – 312.

<sup>80</sup>MH Hunt *Ideology and U.S. foreign policy* (1987) 1.

people of colour in South Africa was the anti-thesis of human rights and as a result, it was necessary for the ANC-led government to place high value and focus on human rights in its foreign policy.<sup>81</sup> Additionally, the ANC both as a political party and liberation movement had always been committed to the Palestinian struggle. This commitment is three-fold: firstly because of the support the ANC liberation movement had received from the PLO during the ANC's resistance struggle; secondly because the ANC identifies with the violations the Palestinians are suffering to their human dignity by the Israeli state, arguably similar to that which black South Africans endured during apartheid; and thirdly, because apartheid South Africa's historical alignment with Israel has not been forgotten.

### **2.1.1 The symbiotic South African foreign policy relations with Israel (1948-1989)**

South Africa was amongst the first countries to recognise Israel at the UN in 1948 and in 1949 South Africa established official diplomatic relations with Israel<sup>82</sup> but South African diplomatic representation only began in Israel in 1972 which initiated a "relationship of convenience"<sup>83</sup> and a "marriage of interests and ideologies".<sup>84</sup> Jewish interests inside of South Africa played an important role in fostering diplomatic links between the two countries.<sup>85</sup>

In 1953 Prime Minister D.F. Malan became the first head of government to visit Israel. Of the many Jews who moved to South Africa after the Second World War, most did not openly challenge the apartheid system that resembled the discrimination against Jews in Germany in the period before the holocaust. Although the Jewish community as a whole did not endorse apartheid, some voiced their disapproval by supporting the opposition United Party whilst others joined the liberation struggle. Ultimately, many of them settled in and enjoyed the benefits of the system.<sup>86</sup> For some Jews, apartheid was necessary to contain black domination whilst others considered Africans as inferior and not deserving of equal status.<sup>87</sup> Many South

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<sup>81</sup><http://www.thepresidency.gov.za/docs/pcca/irps/pere1.pdf>;

<http://www.dfa.gov.za/docs/speeches/2013/ebra0704.html> (accessed 2 February 2014); C Landsberg "South Africa and the Making of African Union and Nepad: Mbeki's 'progressive African agenda'" in *South Africa in Africa: The Post-apartheid Era* Adebajo, A; Adedeji, A & Landsberg, C (eds) (2007) 195-212.

<sup>82</sup>[http://www.ajcarchives.org/AJC\\_DATA/Files/1950\\_14\\_Israel.pdf](http://www.ajcarchives.org/AJC_DATA/Files/1950_14_Israel.pdf) (accessed 20 February 2013).

<sup>83</sup>Y Dadoo "Relations with the Middle East and the Arab world" in *Change and South African external relations* (1997) 175.

<sup>84</sup><http://mondoweiss.net/2010/05/excerpt-from-the-unspoken-alliance-israels-secret-relationship-with-apartheid-south-africa.html> (accessed 20 February 2013).

<sup>85</sup>Dadoo (n 83 above) 174-175.

<sup>86</sup>R Mendelsohn & M Shain *The Jews in South Africa: An Illustrated History* (2008).

<sup>87</sup><http://www.guardian.co.uk/world/2006/feb/07/southafrica.israel> (accessed 5 February 2013).

African Jews supported Zionism to the extent that by 1950, almost half of South Africa's Jews were members of the World Zionist Organisation.<sup>88</sup> This figure was unique and was not matched by any other Diaspora community.<sup>89</sup>

On 10 November 1975, UNGA Resolution 3379 declared Zionism a form of racism and racial discrimination.<sup>90</sup> This resolution reflected the gist of the 1950 UNGA resolution that declared that apartheid was based on “doctrines of racial discrimination”.<sup>91</sup> Resolution 3379 specifically intended the elimination of all forms of racial discrimination and made reference to Resolution 77(XII) adopted at Kampala in 1975 by the Assembly of Heads of State and Government of the Organisation of African Unity.<sup>92</sup> The latter stated that the regimes in occupied Palestine, Zimbabwe and South Africa were racist regimes that had a common imperialistic origin, whose policies were structured to repress the inherent dignity and integrity of the human being.<sup>93</sup> In 1997, Claudia Braude who was on the editorial board of *Jewish Affairs* wrote an article wherein she criticised the behaviour of Jewish leaders during apartheid. She was particularly critical of Percy Yutar for his role as the prosecutor in Mandela's trial.<sup>94</sup> Yutar was subsequently elected as the president of Johannesburg's largest orthodox synagogue and was revered as a symbol of the Jews' contribution to South Africa.<sup>95</sup> The South African government at that time had also relaxed currency export laws and allowed Jews to send significant remittances and donations to Israel, more money *per capita* than any other Jewish community in the world.<sup>96</sup>

The racist policies pursued by the Malan government certainly eroded the inherent dignity and integrity of South Africa's indigenous people. In addition to promoting a viewpoint of the ‘Swart gevaar’,<sup>97</sup> ‘Rooi gevaar’ propaganda against the Soviet Union and its socialistic vision was also promoted. Malan, being aware of the USSR's support for the ANC,

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<sup>88</sup>S Dadoo & F Osman *Why Israel? The anatomy of Zionist apartheid- A South African perspective* 9 (2013) 304.

<sup>89</sup>Dadoo & Osman (n 88 above) 304.

<sup>90</sup><http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/000/92/IMG/NR000092.pdf?OpenElement> ; <http://www.informationclearinghouse.info/article36331.htm> (accessed 5 February 2014).

<sup>91</sup><http://www.unric.org/en/nelson-mandela-day/26991-un-and-apartheid-from-1946-to-mandela-day-> (accessed 5 February 2013).

<sup>92</sup>n 90 above.

<sup>93</sup>n 90 above

<sup>94</sup>[http://repository.up.ac.za/bitstream/handle/2263/5090/Herman\\_Jewish\(2007\).pdf?sequence=1](http://repository.up.ac.za/bitstream/handle/2263/5090/Herman_Jewish(2007).pdf?sequence=1) (accessed 25 February 2013).

<sup>95</sup>B Beit-Hallahmi *The Israeli Connection: Whom Israel Arms and Why* (1988) 108-109.

<sup>96</sup>N Chazan “The Fallacies of Pragmatism: Israeli Foreign Policy towards South Africa” (1983) 82 (327) *African Affairs* 175.

<sup>97</sup>D Posel “What's in a name? Racial categorisations under apartheid and their after life” (2001) 47 *Transformation* 52.

envisioned South Africa to be part of the Western world<sup>98</sup> sharing western values, civilization and fears.<sup>99</sup> These perceptions and policies were mirrored by the Israeli's who viewed their country as the "beacon of enlightened Western values"<sup>100</sup> and as a "villa in the jungle".<sup>101</sup> The two states also shared the "ideology of minority survivalism".<sup>102</sup> This ideology developed the notion that South Africa and Israel constituted outposts of European civilisation that were being threatened by the "barbarian" Africans/Arabs.<sup>103</sup> Thus, on account of these domestic racist policies both states gradually became conceived off as pariahs.<sup>104</sup>

The term 'pariah' state had been coined to refer to states that were deviant in their conduct because they violated accepted standards and norms of behaviour.<sup>105</sup> Other scholars opted for terms such as 'outcast' or 'isolated' states which also alluded to a non-conformance with international norms and values. These 'isolated' states were punished through the severing of international or diplomatic ties isolating them from normal interactions with the 'conforming' body of states in the international system.<sup>106</sup> The pariah states shared certain similar traits which included an "authoritarian right-wing government, the systematic abuse of human rights, a fierce anti-communist orientation" and the belief that they were valuable allies of the Western world and deserved to be recognised as thus.<sup>107</sup>

By the mid-1970s Israel entered a period of forced isolation similar to that of South Africa,<sup>108</sup> partly because African states severed diplomatic ties with Israel after the Arab/Israeli war in 1973. At around the same time Arab states imposed an oil embargo on South Africa.<sup>109</sup> Other measures were also put into place that contributed to this isolation. In May 1968, the UNSC raised the issue of Jerusalem and Israel's intention to change the legal status of the city, in 1976 the HRC deemed Israel guilty of 'war crimes' in the OPT and in 1977 the European

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<sup>98</sup> Dadoo (n 83 above) 174.

<sup>99</sup> J Barber & J Barratt *South Africa's foreign policy: The search for status and security 1945-1988* (1990) 45.

<sup>100</sup> Dadoo (n 83 above) 175.

<sup>101</sup> <http://www.informationclearinghouse.info/article39258.htm> (accessed 29 July 2014).

<sup>102</sup> n 84 above

<sup>103</sup> As above

<sup>104</sup> Dadoo (n 83 above) 175.

<sup>105</sup> D Geldenhuys *Deviant conduct in world politics* (2006) 1-3.

<sup>106</sup> Geldenhuys (n 105 above) 2-3.

<sup>107</sup> Geldenhuys (n 105 above) 2; According to Geldenhuys, the core group constituting pariah states during the Cold-War were Israel, South Africa, Chile and Taiwan.

<sup>108</sup> Geldenhuys (n 105 above) 7-8.

<sup>109</sup> Dadoo (n 83 above) 175.

Council stated that it was inadmissible for Israel to acquire territory by force demanding that “Israel recognise the legitimate rights of the Palestinian people”.<sup>110</sup>

It should be noted however, that condemnation of Israel by the UNSC was less harsh in tone and substance than that of the UNGA. For example, between 1972 and 1985, the US vetoed sixteen resolutions which if adopted would have resulted in punitive measures against Israel. The behaviour by the US amounted to a consistent protection of Israeli violations. (See Chapter 3). In comparison, UNGA resolutions<sup>111</sup> delegitimised the South African government and condemned it to pariah status because of South Africa’s racist policies which contravened the Charter of the United Nations and the basic norms of international law.<sup>112</sup> During the 1970s and 1980s the UNGA repeatedly censured South Africa’s apartheid practises.<sup>113</sup>

When Eschel Rhodie was appointed as the Secretary of Information in 1972 he visited Israel fourteen times in two years fostering diplomatic ties with Israel. Rhodie’s “bridge-building” efforts initiated the invite from Prime Minister Rabin to Vorster.<sup>114</sup> During the period of isolation, the two pariah states began to co-operate on and share economic and military strengths.<sup>115</sup> The influence of the Israeli military and naval intelligence on South Africa was evident when in 1975 the Israel-South Africa Agreement (ISSA) was signed which focused on areas of defence co-operation.<sup>116</sup>

On 16 December 1975, UNGA approved a series of resolutions demanding sanctions against South Africa. In spite of these developments, in April 1976, Rabin invited Vorster to make a state visit to Israel, to which Vorster acceded.<sup>117</sup> In the same year, Israel absented itself from anti-apartheid votes at the UN.<sup>118</sup> Vorster’s official visit to Israel was considered a diplomatic coup for South Africa.<sup>119</sup> At the same time “approbation of Zionism was a cheap price to pay for Jewish silence on apartheid”.<sup>120</sup> The South African Jewish leadership celebrated this occasion by hosting a banquet in honour of Vorster on his return from Israel, irrespective that

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<sup>110</sup>D Geldenhuys *The diplomacy of isolation* (1984) 74-75

<sup>111</sup>Resolutions 95/41; 3151G/25; 3411G/30;3206/29;3151G/28; 35A/41.

<sup>112</sup>Geldenhuys (n 110 above) 81.

<sup>113</sup>Geldenhuys (n 110 above) 81.

<sup>114</sup>Geldenhuys (n 110 above) 116.

<sup>115</sup>Dadoo (n 83above) 175.

<sup>116</sup>K Maguire *Politics in South Africa: From Vorster to De Klerk* (1991) 65; n 84 above

<sup>117</sup>Chazan (n 96 above) 175.

<sup>118</sup>Chazan (n 96 above) 175

<sup>119</sup>Geldenhuys (n 110 above) 116.

<sup>120</sup>H Sachar *History of the Jews* (2005) 666.



Vorster was one of the main architects of apartheid and a former Nazi sympathiser.<sup>121</sup> At this point it is necessary to stress that although the Jewish leadership in South Africa proposed “non-involvement” in political issues, they pursued a strategy which sought to build good ties with the apartheid government whilst maintaining a low profile politically.<sup>122</sup>

When Menachem Begin came into power in 1977, South Africa’s Foreign Minister, Pik Botha, visited Israel to further engage with the Israeli regime and to strengthen the military relationship between South Africa and Israel.<sup>123</sup> The Chief of the South African Defence Force, Magnus Malan even wrote a letter to Sharon thanking him for the cooperation he extended to the South African Defence Force when Sharon was forced to resign because of his role in the massacres at Sabra and Shatilla.<sup>124</sup> During the mid-1980s when many western governments were divesting from South Africa, South Africa was one of Israel’s three largest customers in terms of arms purchases.<sup>125</sup> As a result, on 13 December 1984 UNGA passed Resolution 39/72C on “Relations between Israel and South Africa” which condemned Israel for its continued support of and collaboration with South Africa in the military and nuclear fields.<sup>126</sup>

By 1985, the South African government had become desperate because of economic sanctions, amongst others, and turned to Israel to channel their exports to other countries. Israel agreed to act as a “pass-through point” for South Africa.<sup>127</sup> By 1987 Israel found it isolated as being the only developed country that still supported the apartheid regime and by September it instituted a series of measures to limit economic, sports and cultural ties with South Africa. According to Beit-Hallahmi, the alliance between South Africa and Israel was grossly under reported and Israel had played a vital role in maintaining the apartheid regime.<sup>128</sup> What must be emphasised is that South Africa and Israel shared more than an anti-communist agenda against the ANC and PLO respectively. According to award-winning author and journalist Max Blumenthal, the leaders from these two states discussed their alliance specifically in terms of “a holy war against the dark-skinned hordes”.<sup>129</sup>

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<sup>121</sup>Dadoo & Osman (n 88 above) 305.

<sup>122</sup>Dadoo & Osman(n 88 above) 305.

<sup>123</sup>M Blumenthal “The Banquo's Ghost of Israeli Foreign Policy” (2010).

<http://www.thenation.com/article/banquos-ghost-israeli-foreign-policy> (accessed 22 June 2014).

<sup>124</sup>Blumenthal (n 123 above).

<sup>125</sup>J Hunter “Israel and the Bantustans” (1986) 15(3) *Journal of Palestine Studies* 55.

<sup>126</sup>Hunter (n 125above) 60-61.

<sup>127</sup>Hunter (n 125 above) 58.

<sup>128</sup>Beit-Hallahmi (n 95 above) 108-109.

<sup>129</sup>Blumenthal (n 123 above).

## 2.1.2 The post-1990 schism in the South African Jewish community.

The close ties between Israel and South Africa had to be facilitated by the South African Jewish community with the end of apartheid in the 1990s. Although the previous regime had fostered a bond with Israel, Mandela had enjoyed a significant standing and relationship with Yasser Arafat and the PLO. The Zionist lobby thus remained active in different ventures but simultaneously sought alternate approaches to influence the new government established in 1994.<sup>130</sup> This strategic behaviour by the Zionist lobby has subsequently repeated itself when significant policy directives were initiated to sanction Israeli misconduct or violations of international law and human rights. In particular, this has been the case during the Zuma government. (See Chapter 4).

In 1992, after visiting Israel as guests of the South African Union of Jewish students, the ANC Youth League issued a harsh statement about Israel's discriminatory policies having encountered these policies first hand. It was obvious that the tide of support in favour of Israel had waned, and in August 1993, the then South African Zionist Federation (SAZF) President Julius Weinstein commented that, "...in the new South Africa, it will be a different ball-game: our friends will be in the minority and our enemies in the majority".<sup>131</sup> The Zionist leadership in South Africa became frustrated with the new regime in Pretoria, when after the outbreak of the Palestinian *intifada* in 2000 the aggressive and disproportionate use of force by the Israeli's drew strong condemnation from President Thabo Mbeki<sup>132</sup> and the ANC as political party. ANC MPs initiated a special debate in parliament to discuss Israel's occupation of Palestine.<sup>133</sup> Mbeki stated in his speech:

"Allow me, therefore, on behalf of the Non-Aligned Movement and particularly on behalf of the Republic of South Africa, to reiterate our commitment to invigorate our support for and solidarity with your legitimate struggle for freedom and equality as a sovereign member of the family of nations. In effect, it is an affront to all humanity that, while we are dealing with the challenges of and aspirations for the new millennium, our Palestinian brothers and sisters are still hankering for their basic human rights and, as a nation, for the realization of their right to self-determination".<sup>134</sup>

In October of 2001, Minister Ronnie Kasrils, himself a Jew, read a statement in the National Assembly with reference to the fact finding mission to Israel and the OPT. This statement developed into a petition drafted by Kasrils and an ANC colleague, Max Ozinsky which

<sup>130</sup>Dadoo & Osman (n 88 above) 305.

<sup>131</sup>Dadoo & Osman (n 88 above) 308.

<sup>132</sup>T Mbeki "Message on the Occasion of the International Day of Solidarity with the Palestinian People, 30 November 2000" <http://www.dfa.gov.za/docs/speeches/2000/mbek1130.htm> (accessed 10 June 2014).

<sup>133</sup>Dadoo & Osman (n 88 above) 307.

<sup>134</sup>Mbeki (n 132 above).

essentially outlined their support for the Palestinian struggle. Almost three hundred prominent South African Jews became signatories to the document. The voices of these Jewish citizens clearly indicated that the Jewish community was not a monolithic community and that Zionist support for Israel by South African Jews was contested. The official leadership of the Zionist lobby in South Africa took a position of denial in relation to Israel's racist and repressive policies and chose instead to personally vilify individuals who signed the "Not in my name" document.<sup>135</sup> This was a tactic the Zionist lobby would utilise throughout the next decade to try and silence anyone who criticised Israeli policies. But, the "Not in my name" campaign was significant because it echoed the values and vision that Mandela had articulated on this matter.

## 2.2 Mandela's foreign policy vision

For Mandela, the time and context post-1990 demanded a focus on democracy and human rights because the new South Africa was in part the creation of a formidable human rights campaign that had been advanced by NGOs, governments and representatives in the Third World. At the centre of Mandela's foreign policy vision was the upholding of human rights and democracy, the maintenance of justice and respect for international law, the development of peace and the promotion of regional and international economic co-operation.<sup>136</sup>

Following his release from prison in 1990, Mandela said that, '*Almost every country in the world - except Israel*' had invited him to visit. It would eventually take Israel four years to extend the invitation.<sup>137</sup> From the outset, President Mandela had recognised the Palestinian right to self-determination and through this recognition the Palestinian embassy was opened in Pretoria in 1995.<sup>138</sup> Mandela had always articulated the need for a just solution to the struggle of the Palestinian people. His vision included having South Africa broker a settlement between the two states and his instruction to Israel had always been clear - that Israel stop all settlement expansion projects and return to the 1967 borders to afford the Palestinians a viable state.<sup>139</sup> Significantly, because Mandela espoused a vision of peaceful

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<sup>135</sup>Dadoo & Osman (n 88 above) 310-311.

<sup>136</sup>N Mandela "South Africa's Future Foreign Policy" (1993) 72 (5) *Foreign Affairs* 86-97

<sup>137</sup><http://www.jweekly.com/article/full/11885/mandela-bears-message-of-peace-in-first-visit-to-israel/> (accessed 2 February 2014).

<sup>138</sup><http://www.nelsonmandela.org/omalley/index.php/site/q/03lv02167/04lv02168/05lv02170.htm> (accessed 2 February 2014).

<sup>139</sup><http://www.jta.org/news/article/1999/10/19/4603/Mandelawantstohel> (accessed 20 February 2013).

co-existence he acknowledged Israel's right to exist,<sup>140</sup> but he was outspoken and critical of the occupation and ongoing settlement construction in the OPT.<sup>141</sup> In his 1997 speech at the International Day of Solidarity with the Palestinian people, Mandela reflected that the freedom of the South Africans was inextricably linked with the freedom of the Palestinians.<sup>142</sup> Mandela further reaffirmed that the 1977 United Nations resolution which inaugurated the International Day of Solidarity with the Palestinians was "recognition that injustice and gross human rights violations were being perpetrated in Palestine".<sup>143</sup>

Significantly, Mandela's foreign policy often followed his personal convictions and analytical understanding of matters<sup>144</sup> which included the courage to forgive the past actions of countries that had supported the apartheid regime. South Africa's image and foreign policy were thus linked with the President's profile.<sup>145</sup> From this it is clear that Mandela's foreign policy approach was deeply ethical and moralistic.

The emerging solidarity with the Palestinians was reiterated in 1999 following a meeting with Israeli Foreign Minister David Levy in Israel, when Mandela stated:

"To the many people who have questioned why I came, I say: Israel worked very closely with the apartheid regime. I say: I've made peace with many men who slaughtered our people like animals. Israel cooperated with the apartheid regime, but it did not participate in any atrocities...My view is that talk of peace remains hollow if Israel continues to occupy Arab lands".<sup>146</sup>

Although Mandela reached out in a reconciliatory manner to the Israelis, it did not signify a complete forgetfulness of the past.<sup>147</sup> Mandela was forward-looking, but ultimately he had to be pragmatic.<sup>148</sup> He often stressed that the freedom of the Palestinians from occupation was an important foreign policy issue for South Africans.<sup>149</sup> Consider also that as early as 15

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<sup>140</sup><http://www.haaretz.com/blogs/jerusalem-vivendi/.premium-1.562566> (accessed 2 February 2014).

<sup>141</sup><http://wikileaks.org/cable/2010/02/10PRETORIA304.html> (accessed 30 June 2014).

<sup>142</sup><http://www.anc.org.za/show.php?id=3384> (accessed 25 January 2014).

<sup>143</sup>As above.

<sup>144</sup>G le Pere & A van Nieuwkerk "Who made and makes foreign policy?" in *Apartheid past, renaissance future: South Africa's Foreign Policy 1994-2004* E Sidiropoulos (ed) (2004).

<sup>145</sup>le Pere & van Nieuwkerk in Sidiropoulos (n 144 above).

<sup>146</sup>n 140 above.

<sup>147</sup>n 142 above

<sup>148</sup>B Vickers "Pulpit morality or penny- pinching diplomacy? The discursive debate on Mandela's foreign policy" (2002) 21(2) *Politeia* 92.

<sup>149</sup>See Mandela's comment: "It behoves all South Africans, themselves erstwhile beneficiaries of generous international support, to stand up and be counted among those contributing actively to the cause of freedom and justice"; "Peace and prosperity; tranquillity and security are only possible if these are enjoyed by all without discrimination" in (n 142 above) (accessed 20 February 2013).

September 1995, South Africa had signed an agreement with the PLO establishing a Joint Commission of Cooperation.<sup>150</sup>

The concept of freedom and human dignity was pivotal to Mandela's moralistic and ethical foreign policy approach<sup>151</sup> and to emphasise these values Mandela equated the freedom of the South Africans with the freedom of the Palestinians. For Mandela, the acknowledging of the inherent dignity of every individual was a necessary condition for peace and for as long as the Israeli's considered the Palestinians as 'inhuman' in the manner that apartheid South Africa dehumanised the Africans, this attitude would serve as an obstacle to peace whilst recalling the humiliation that black South Africans suffered during the apartheid years. In this regard, the historical experiences of South Africa's new leaders would influence the manner in which they interpreted the Palestinian-Israeli conflict.

### **2.3 Emerging solidarity with the Palestinian cause: South Africa-Israel foreign policy (1999-2008)**

The emerging solidarity with the Palestinian cause was consolidated by President Mbeki from 1999, who similar to his predecessor Mandela was outspoken about Israeli aggression against the Palestinians. In his address as Chair of the Non-Aligned Movement at the 9th Session of the Islamic Summit Conferences, Doha, State of Qatar, 12 November 2000, President Mbeki stated that decisive steps were needed to secure the rights of the Palestinian people and action had to be taken to end the occupation of the Palestinian and Arab lands.<sup>152</sup> He urged for the implementation of Security Council Resolution 1322(2000) of 7 October 2000 condemning Israel's use of force that had resulted in the death of more than 80 Palestinians.<sup>153</sup> The resolution demanded from Israel as the occupying power to respect the call for the immediate cessation of all violence and to respect and observe the Fourth Geneva Convention of 12 August 1949 which referred to the Protection of Civilian Persons in Time of War.<sup>154</sup>

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<sup>150</sup><http://www.sahistory.org.za/dated-event/south-africa-signs-agreement-palestine-liberation-organisation-regarding-establishment-j> (accessed 26 March 2014).

<sup>151</sup>PJ Schraeder "South Africa's Foreign Policy: From an International Pariah to Leader of the African Renaissance" (2001) 359 *The Round Table* 229-243.

<sup>152</sup><http://www.dfa.gov.za/docs/speeches/2000/mbek1112.htm> (accessed 5 February 2014).

<sup>153</sup>As above.

<sup>154</sup><http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/679/37/PDF/N0067937.pdf?OpenElement> (accessed 5 February 2014).

In 2002, South Africa tried to broker peace talks between the two parties under the “Spier Presidential Peace Retreat”<sup>155</sup> initiated by Mbeki. The Spier Initiative aimed at strengthening the peace camps on both sides and looked to share South Africa’s negotiated transitional experiences. For their part, the Israeli’s were dismissive of the initiative and sent a low-level delegation of representatives and Likud members. The Spier initiative collapsed in 2006 and did not yield any tangible political result. According to the Stop the Wall campaign report of 2009, the Spier initiative allowed for greater penetration by Israel into the South African market whilst improving Israel’s diplomatic position in South Africa<sup>156</sup> bringing into question South Africa’s actual commitment to a resolution of the Palestine-Israel conflict. (See Chapter 5).

As the outgoing chair of NAM in 2003, at the XIII Summit Conference, Mbeki pledged that he would be committed to promoting the rights of the Palestinian people.<sup>157</sup> The most pertinent statement from Mbeki was his reaffirmation of Mandela’s position which linked the freedom of the South Africans with the freedom of the Palestinians. In his statement at the United Nations African Meeting in Support of the Inalienable Rights of the Palestinian People, Cape Town, 29 June 2004, Mbeki said, “There is not one of us who can feel that we are completely free when we are faced with the situation that the Palestinians face”.<sup>158</sup> Subsequently, in 2004, the South African government submitted an affidavit to the International Court of Justice (ICJ) stating that the ‘apartheid wall’ and the Jewish-only settlements were “illegal and a violation of international law”.<sup>159</sup> In a meeting with President Hosni Mubarak of Egypt at the Presidential guesthouse in Pretoria, in July 2008, Mbeki again mentioned that it was necessary to find a permanent solution to the Palestinian-Israeli conflict.<sup>160</sup> From the above it is evident that although democratic South Africa has maintained ties with Israel, the symbiotic relationship which had existed between the two pariah states had changed. The South African government now prioritised the Palestinian issue and in this regard, resolutions in favour of Palestine were consistently

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<http://www.dajoassociates.com/sites/dajoassociates.com/files/page/2011/08/Relations%20between%20Israe%20and%20South%20Africa-%20A%20reflection%20by%20Garth%20le%20Pere.pdf> (accessed 5 February 2014).

<sup>156</sup> n 62 above.

<sup>157</sup> [http://www.nam.gov.za/media/030401b.htm#NAM Committee on Palestine](http://www.nam.gov.za/media/030401b.htm#NAM%20Committee%20on%20Palestine) (accessed 2 February 2014).

<sup>158</sup> <http://www.dfa.gov.za/docs/speeches/2004/mbek0701.htm> (accessed 4 February 2014).

<sup>159</sup> <http://ymlp.com/zw1x1a> (accessed 22 June 2014).

<sup>160</sup> <http://www.dfa.gov.za/docs/speeches/2008/mbek0730.html>;  
<http://www.dfa.gov.za/docs/speeches/2008/mbek0729.html> (accessed 4 February 2014).

supported by South Africa at UNSC, UNGA and the HRC/ UNHRC. (See Chapter 1).

The focus of the next chapter, Chapter 3, is an analysis of the Zuma government's foreign policy (2009-2014) on Israel in relation to the Palestinian question and the factors that have contributed to the purported shift and contestation in this specific foreign policy.

## **Chapter 3: From consistency to contestation: The Palestinian question in South Africa's foreign policy on Israel of the Zuma government (2009-2014)**

### **3.1 2009: A new foreign policy agenda**

Shortly after the inauguration of Jacob Zuma in 2009 as the president of the Republic of South Africa, a new foreign policy agenda was identified. Zuma's first state of the nation address indicated that South Africa's foreign relations would have to contribute to sustainable economic growth and development and that South Africa would be advancing domestic priorities at the international level.<sup>161</sup> Bearing in mind that post-apartheid South Africa's foreign policy focused on reintegrating the country into the international community, Zuma's emphasis by 2009 of multilateralism and the observance of international law,<sup>162</sup> initiated a national interest oriented policy. Irrespective of this changing emphasis, this progression can be seen as a continuation of the purpose and vision of the foreign policy initiated by Mbeki who committed South Africa to be a voice on the African continent.<sup>163</sup> Mbeki had strong anti-Imperialist views and was committed to an African agenda.<sup>164</sup> In supporting Mbeki's vision the Medium Term Strategic Framework of August 2009 reaffirmed South Africa's commitment to African advancement and renewed cooperation between African states.<sup>165</sup> As a result, South Africa's conceptualisation of its national interest was articulated by DIRCO in 2009 in a draft

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<sup>161</sup>Gov.Za "State of the Nation Address by His Excellency JG Zuma, President of the Republic of South Africa, Joint Sitting of Parliament, Cape Town (2009)" <http://www.gov.za/speeches/view.php?sid=266&lid=1> (accessed 6 March 2014).

<sup>162</sup>DFA (2007) "Role of SA in the UN Security Council" <http://www.dfa.gov.za/docs/2007pq/pq8.htm> (date accessed 22 September 2013).

<sup>163</sup>S Graham "Gold Star or bottom of the class: is South Africa a good international citizen?" (2008) 15(1) *South African Journal of International Affairs* 87-97.

<sup>164</sup>L Nathan "Consistency and Inconsistencies in South African foreign policy" (2005) 81(2) *International Affairs* 361-372

<sup>165</sup>Medium Term Strategic Framework: A framework to guide government's programme in the electoral mandate period (2009-2014) 8.

discussion document on South Africa's foreign policy which included core state interests "which are inalienable, and whose attainment and protection is absolutely vital".<sup>166</sup>

Arguably, considering the moral imperatives of South Africa, a core national interest was to challenge and deal with racism and racial prejudice domestically and internationally and so, it is no coincidence that Palestine was mentioned in Zuma's state of the nation address (2009) in conjunction with African issues even though Palestine is not in Africa.<sup>167</sup> At a University of Pretoria seminar on the 11<sup>th</sup> September 2012 on South Africa's Foreign Policy Vision, Minister Nkoana-Mashabane confirmed during the Q&A session that Israel was an apartheid state and she stated that only South Africans and Palestinians know what it is like to live under apartheid.<sup>168</sup> These official sentiments reinforced similar comments made in October 2012 at the ANC International Solidarity Conference when ANC chairman Baleka Mbete stated that the Israeli regime was not only comparable, but "far worse than apartheid South Africa".<sup>169</sup> The conference delegates called on the ANC to support the international boycott against Israel.<sup>170</sup>

Additionally, in support of Minister Mashabane's comments Deputy Minister Ebrahim Ebrahim stated at an address at the University of Kwa Zulu Natal (UKZN) Westville, Senate Chamber, on the 19<sup>th</sup> of March 2014 that:

"The struggle against racism and other forms of discrimination is far from over and South Africa's commitment to fight racism and to promote human rights will remain strong... [And] that the best way of honouring Madiba's legacy is to honour the outcomes of the Durban Summit and its review conference".<sup>171</sup>

Minister Ebrahim further indicated that the Durban Declaration and Plan of Action (DDPA) had been developed to reaffirm the "principles of equality and non-discrimination as core human rights with the aim of transforming victims of discrimination into rights-holders and States into duty bearers".<sup>172</sup> This was particularly important according to the

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<sup>166</sup>C Landsberg "The foreign policy of the Zuma government: pursuing the 'national interest'?" (2010) 17(3) *South African Journal of International Affairs* 275.

<sup>167</sup>Gov.za (n 161 above).

<sup>168</sup> <http://www.dirco.gov.za/docs/speeches/2012/mash0911.html> (accessed 24 March 2014).

<sup>169</sup> A Norsaka & SAPA (2012) Mbete's support for boycott of Israel noted <http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=339053&sn=Detail&pid=146826&Mbete%E2%80%99s-support-for-boycott-of-Israel--noted> (accessed 6 June 2013).

<sup>170</sup>C Landsberg "Transformation, Continuity and Diffusion: South Africa's foreign policy under Thabo Mbeki and Jacob Zuma" (2011) *Inroads – The Canadian Journal of Opinion* 29.

<sup>171</sup>DFA "Address by Deputy Minister Ebrahim Ebrahim entitled '20 Years of South Africa and Multilateralism: Returning to the fold,' University of KwaZulu Natal, 19 March 2014" <http://www.dfa.gov.za/docs/speeches/2014/eBra0319.html> (accessed 24 March 2014).

<sup>172</sup>DFA (n 171 above).



Minister because the US and its allies have constantly been trying to dilute the declaration in order to protect Israel and its discriminatory policies.<sup>173</sup> He also stressed that South Africa had differed on many issues with the US and he stated that South Africa was independent in its foreign policy choices.<sup>174</sup>

Considering the above, the South African focus on racism and racial discrimination in the Palestinian-Israeli conflict began surfacing in 2008 when more than 12 government officials condemned Israel's apartheid policies, racial discrimination, theft of Palestinian resources and the creation of 'Bantustans' in the OPT, in an open letter published in the Mail and Guardian on the 21 November 2008.<sup>175</sup> These nuanced changes in focus highlight the South African government's approach to the definition of core interests that include challenging racism, racial prejudice and supremacist ideology. In light of these responses it is contended in this thesis that the Palestinian-Israeli conflict from a South African perspective can be interpreted through the analytical tools of racial prejudice, white supremacy and settler colonialism. White supremacy is constituted by particular but distinct inter-related logics, namely those of anti-black racism which "anchors capitalism", genocide which "anchors colonialism" and orientalism which "anchors war".<sup>176</sup>

The logic of orientalism constitutes a notion of the West as a superior civilisation where other nations or peoples are regarded as inferior and as permanent "foreign threats to empire"; whilst the logic of genocide maintains that indigenous people must either disappear or keep disappearing in order to establish a 'rightful' claim of the non-indigenous people to the land.<sup>177</sup> In this way, non-indigenous people feel entitled and deem it justified to own the land, homes, resources, culture etc. of the native people because they have disappeared. Significantly, many racial theories and academic comment on external relations also exclude an analysis of settler colonialism. The nature of settler colonies is that they are essentially constituted through the genocide and expulsion of the native peoples and this is a history that is shared by states such as the US, Canada, Australia and Israel amongst others.<sup>178</sup> What is not questioned in the writings in general is the knowledge

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<sup>173</sup>DFA (n 171 above).

<sup>174</sup><http://www.iol.co.za/dailynews/news/deputy-minister-slams-un-as-antiquated-body-1.1664276#.UzAG-na6m4> (accessed 24 March 2014).

<sup>175</sup><http://supernatural.blogs.com/Mail%20%26%20Guardian%20Article%202021.11.08.pdf> (accessed 12 April 2014).

<sup>176</sup>A Smith "Indigeneity, settler colonialism, white supremacy" in *Racial formation in the twenty first century* D.M. Hosang *et al* (eds) (2012) 67-68.

<sup>177</sup>Smith (n 176 above) 69.

<sup>178</sup>Smith (n 176 above) 72.

that these settler colonies can only exist “through the disappearance of indigenous people;”<sup>179</sup> hence external relations are inevitably influenced by this dimension in the reality of these states.

Israel, as a settler colony is actively engaged in driving “so many of its original inhabitants into the sand” through various programmes such as the “unelaborated exercise of force”, illegal settlement building and the expulsion of Bedouin populations from the villages inside Israel and in the OPT in order to complete its plan of ‘changing the demographics’ on the ground.<sup>180</sup> In comparing the history of Western states such as the US, Canada and Australia (all former settler colonies) to the occupation of the Palestinian lands it is feasible to claim that racism, settler colonialism and white supremacy, irrespective of a denial thereof, play a key role in the attitude of these states. This is because holding Israel accountable for its actions against an indigenous people would amount to these states acknowledging and being accountable for their own acts of ‘genocide’ against the indigenous people in their lands. As mentioned in Chapter 1, the US refused to participate in WCAR because it refused to engage in discussions on reparations for colonialism and slavery. Notably, WCAR was also boycotted by Canada, Australia, Israel and New Zealand amongst other European states.<sup>181</sup>

In this regard, the continued support these states give to Israel during its illegal settlement building and violation of Palestinian human rights is significant. This stance can be compared and contrasted with the outrage that the US and European allies displayed at Russia’s ‘attack’ on Ukrainian sovereignty and the measures that have been adopted ever since to ‘punish’ Russia for its violation of international law and disregard for territorial sovereignty.<sup>182</sup> No such responses have been forthcoming against Israel in defence of the Palestinians, who are considered a ‘non-white, oriental’ civilisation.

Considering the above, various organisations and reports have declared that many of Israel’s policies against the Palestinians are racist and developed to maintain the

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<sup>179</sup>Smith (n 176 above) 73.

<sup>180</sup>P Wolfe “Settler colonialism and the elimination of the native” (2006) 8(4) *Journal of Genocide Research* 401.

<sup>181</sup><http://www.theguardian.com/world/2009/apr/20/un-race-conference> ;  
<http://www.reuters.com/article/2009/04/19/us-racism-un-idUSLJ34980320090419> (accessed 2 June 2014).

<sup>182</sup><http://www.independent.co.uk/news/world/europe/ukraine-crisis-eu-to-finalise-toughest-sanctions-yet-on-russian-banks-and-energy-firms-9634117.html> (accessed 28 July 2014).

domination over and subjugation of the Palestinian people.<sup>183</sup> Referring to the comments by Mashabane and Ebrahim in association with the written declaration signed by members of the South African government which refer to Israel as an apartheid state, South Africa's foreign policy on Israel in relation to the Palestinian question incorporates the dimensions of race and racial prejudice. On a theoretical level, Critical Race Theory (CRT) describes racism as a manifestation of "structural power, systemic dominance [and] institutionalised ideologies" that constitute the main elements in defining race and racial identity.<sup>184</sup> CRT locates race and racism within a discourse that does not limit the analysis to a discussion on every-day or individual discrimination based on colour; rather it identifies "racial oppression as primarily an institutional and systemic problem [and] racism as a structural manifestation of white social, economic and cultural power".<sup>185</sup> In light of this definition, the systematic oppression and domination of the Palestinian people by Israel which declares the ethnic superiority of the Jewish people can be deemed as racism.

Accordingly, the Human Sciences Research Council (HSRC) report of May 2009, entitled *Occupation, Colonialism, Apartheid? A re-assessment of Israel's practices in the occupied Palestinian territories under international law*, the Apartheid Convention and Rome Statute which identified and described the prohibition of apartheid, stated that Israel was guilty of introducing a system of apartheid in the OPT in accordance with Article 2 of the Apartheid Convention.<sup>186</sup> The apartheid practises referred to inhuman acts perpetrated to establish and maintain domination of one racial group over another racial group through an institutionalised regime of systematic oppression.<sup>187</sup> The prohibition of apartheid is considered as customary law and is "a peremptory rule of international law (*a jus cogens* norm) which entails obligations owed to the international community as a whole (obligations *erga omnes*)".<sup>188</sup> The report further stated that Israel is systematically instituting policies and implementing them to ensure a continued domination over the Palestinian people in the OPT through a three-tiered process which is similar to that

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<sup>183</sup>See the Concluding observations of the Committee on the Elimination of Racial Discrimination in relation to Israel <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.ISR.CO.14-16.pdf> & John Dugard's report in his capacity as Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/105/44/PDF/G0710544.pdf?OpenElement> (accessed 2 June 2014).

<sup>184</sup>P Modiri "Towards a '(post-)apartheid' critical race jurisprudence: 'Divining our racial themes'" (2012) *SAPL* 27.

<sup>185</sup>Modiri (n 184 above) 27.

<sup>186</sup>HSRC (2009) "Occupation, Colonialism, Apartheid? A re-assessment of Israel's practices in the occupied Palestinian territories under international law" <http://electronicintifada.net/files/090608-hsrc.pdf> (accessed 24 March 2014).

<sup>187</sup>HSRC (n 186 above).

<sup>188</sup>HSRC (n 186 above).

previously found under the “grand-apartheid” practises in South Africa. The three pillars are:<sup>189</sup>

a) Israeli law: Israeli law gives preferential legal status and material benefits to Jews. As a result, non-Jews are accorded an inferior status. Israeli law constitutes a host of discriminatory legal practises and law that undermine Palestinian citizenship, status and rights and subjects Palestinians to harsher laws and different courts in comparison to Jewish settlers.

b) Grand policy of fragmentation: The grand policy of fragmentation of the OPT serves to segregate and dominate the population along racial lines whilst allowing Israel to appropriate Palestinian land.

c) Security laws and policies: The creation of extensive and excessive security laws and policies supported by oppressive military laws and biased military courts are claimed by Israel to be ‘security’ measures to ‘protect’ Israel, although concealing of the suppression of the Palestinian opposition to ensure their continued subjugation and domination.

Additionally, many South African politicians<sup>190</sup>, members of the government<sup>191</sup>, Archbishop Desmond Tutu<sup>192</sup> and Christian Organisations<sup>193</sup>, Ministers Ronnie Kasrils,<sup>194</sup> Malusi Gigaba and Alec Erwin<sup>195</sup> as well as prominent individuals in COSATU<sup>196</sup>, the SACP<sup>197</sup>, the Judiciary<sup>198</sup> and academia<sup>199</sup> have repeatedly identified and pronounced on Israel’s racist and apartheid style policies against the Palestinians. Hence, in supporting the Palestinian struggle for freedom from occupation and racial oppression it is contended in

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<sup>189</sup>HSRC (n 186 above).

<sup>190</sup><http://www.aljazeera.com/news/africa/2010/04/2010415145423264829.html> ; <http://ymlp.com/z8Clew> ; <http://supernatural.blogs.com/Mail%20%26%20Guardian%20Article%2021.11.08.pdf> (accessed 16 March 2014).

<sup>191</sup><http://www.iol.co.za/capetimes/minister-abandons-israel-visit-1.1296867> (accessed 3 March 2013).

<sup>192</sup><http://digitaljournal.com/news/world/desmond-tutu-urges-boycott-of-apartheid-israel/article/375545> ; <http://boycottisrael.info/content/desmond-tutus-support-letter-uc-berkeley-divestment-drive> (accessed 3 March 2013).

<sup>193</sup><http://kairossouthernafrica.wordpress.com/2014/02/28/south-african-council-of-churches-sacc-triennial-conference-statement/> (accessed 24 March 2014).

<sup>194</sup><http://www.aljazeera.com/indepth/opinion/2012/09/2012925114242310461.html> (accessed 24 March 2014).

<sup>195</sup>n 190 above.

<sup>196</sup><http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=265273&sn=Detail&pid=71619> ; [https://groups.google.com/forum/#!msg/cosatu-press/DcF1\\_xzsTW8/VHJqvX9th94J](https://groups.google.com/forum/#!msg/cosatu-press/DcF1_xzsTW8/VHJqvX9th94J) (accessed 24 March 2014).

<sup>197</sup>n 190 above ; <http://electronicintifada.net/content/learning-south-africa/7743> (accessed 24 March 2014).

<sup>198</sup><http://boycottzionism.wordpress.com/2010/10/09/towards-accountability-john-dugard-interviewed/> ; <http://craignilsen.wordpress.com/tag/john-dugard/> (accessed 24 March 2014).

<sup>199</sup><http://mondoweiss.net/2009/04/i-come-from-apartheid-south-africa-arriving-in-your-land-the-land-of-palestine-the-sense-of-deja-vu.html> ; <http://mrzine.monthlyreview.org/2010/greenstein220810.html> ; <http://unpetrified-opinion.blogspot.com/p/is-israel-apartheid-state.html> ; n 190 above (accessed 24 March 2014).

this thesis that the South Africa government is reiterating Mandela when he said that South Africa would not be free until Palestine is free. This is because the fight for Palestinian freedom is a fight against apartheid and racist policies, extortion of land, theft of resources and supremacist ideology.

As South Africa headed to a national election in May 2014, the contestation between financially and politically powerful lobby and interest groups and the demands from a growing civil society solidarity alliance that is demanding the adoption of BDS at a governmental level surfaced again. These interests together with the ANC's desire to maintain power will certainly have an impact on the way in which ANC party policy on Israel is conceived off and acted out by the state after the 2014 national elections.

### **3.2 Foreign policy, the national interest and political expediency**

The basis of foreign policy in modern states, namely core national interest, is to establish security and promote prosperity. Foreign policy making in democratic states is the product of diverse actors vying for specific agendas,<sup>200</sup> which are acted out on two levels - the domestic and international.<sup>201</sup> Landsberg has intimated that a dilemma in South Africa's foreign policy is the prioritization of norms.<sup>202</sup> The application of norms in ethical behaviour can contradict each other and South Africa has been challenged on many occasions with regards the prioritisation of human rights, democratisation, sovereignty and solidarity. While no state makes absolute claims about prioritising one norm over the other, South Africa also faces dilemmas in this regard. Douzinas maintains that "the business of government is to govern not to follow moral principles".<sup>203</sup> Foreign policy action is therefore determined by national interests and political expediency. Prior to the national elections in May 2014, this approach in South Africa's foreign policy on Israel in relation to the Palestinian question became obvious. See Chapter 4 regarding the two policy directives which give meaning to this comment.

It is also argued that the morality of a state becomes an issue when the principles invoked challenge the actions of a political adversary. Academic and media comment usually opines that South Africa is inconsistent in its foreign policy on human rights issues, yet consistent on its criticism of Israel's human rights violations against the Palestinians. Such

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<sup>200</sup>C Hill *The changing politics of foreign policy* (2003) 15-23.

<sup>201</sup>Van der Westhuizen (n 44 above) 435.

<sup>202</sup>C Landsberg "Promoting Democracy: The Mandela-Mbeki Doctrine"(2000) 11 (3) *Journal of Democracy* 107.

<sup>203</sup>Douzinas (n 30 above) 119.

comment seems to lament South Africa's position on Israel by ignoring the African perspective in South Africa's foreign policy on this issue. It must be stated that these perspectives are necessary and relevant for an objective analysis of South Africa's foreign policy and that they can be linked through the approach of analytic eclecticism. It is contended in this thesis that critics of South Africa's foreign policy analyse the government's reactions or responses within well-established and rigid pro-West paradigms and frameworks of analysis without internalising the agents that drive the decision.<sup>204</sup>

Academics such as Eduard Jordaan maintain that South Africa pursues an anti-Imperialist approach to the politics in the Middle-East. For Jordaan, South Africa would therefore not be considered an 'honest broker' in various Middle-Eastern conflicts.<sup>205</sup> This conclusion raises a corresponding question regarding South Africa's role in the Middle-East. Would South Africa qualify for this role if it was *not* anti-Imperialist? And according to whom then would South Africa be eligible? Jordaan's analysis is framed by a particular conceptual understanding of foreign policy, human rights and IR theory which is nestled in the notion of Western superiority. These perspectives reduce scholars from outside the Anglo-American tradition as mere consumers of theory. The narrative and the analysis of South African foreign policy decisions are usually from these alternate perspectives.

Considering that many states view Hamas as a terrorist organisation, the South African Ambassador to Israel, Sisa Ngombane told the Times of Israel on 22 May 2014 that although it was necessary for Hamas to reject violence, for the Israelis to claim that Hamas should not exist was equally unacceptable.<sup>206</sup> According to Ngombane, Hamas was "a national liberation movement" and the product of the Palestinian struggle for a better life.<sup>207</sup> In order to give meaning to the manner in which discourses are framed decisions are taken and actions executed, it is essential to avoid imposing a logic or claim to the actions of states if credence is not given to the perspectives of the decision makers. Of essence also is the historical and current context which frames the prism through which these states ultimately operate. Smith maintains that the developing world needs to be considered as an "agent of IR knowledge" and not simply as an "object of IR study" and such an understanding would then significantly contribute to a richer analysis on the discourse of

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<sup>204</sup>K Smith "Has Africa Got Anything to Say? African Contributions to the Theoretical Development of International Relations" (2009) 98 (402) *The Round Table* 274-277.

<sup>205</sup>E Jordaan "Barking at the Big Dogs: South Africa's Foreign policy towards the Middle-East" 97(397) *The Round Table*, 547-559.

<sup>206</sup>[http://www.timesofisrael.com/south-africa-looks-to-new-era-in-relations-with-israel-envoy-says/?utm\\_source=dlvr.it&utm\\_medium=twitter](http://www.timesofisrael.com/south-africa-looks-to-new-era-in-relations-with-israel-envoy-says/?utm_source=dlvr.it&utm_medium=twitter) (accessed 01 June 2014).

<sup>207</sup>As above.

the behaviour of the state,<sup>208</sup> in this case the Palestinian question in South Africa's foreign policy on Israel.

From the above it is evident that because South Africa has consistently challenged the balance with traditional powers such as the US, specifically in relation to Israel's human rights violations at the UNSC, UNGA and UNHRC, this direct confrontation has irked certain states and specific lobby groups. Actors such as the South African Jewish Board of Deputies (SAJBD) and the SAZF have in turn responded to this challenge by delegitimising South African foreign policy actions through terminology that describes South Africa's foreign policy as 'inconsistent', and 'incoherent' in order to reduce South Africa's moral standing in the international arena.<sup>209</sup> Certainly, it is convenient to hide the reality of racial prejudice and white supremacist actions behind terminology such as the 'Palestinian issue' or 'disputed conflict' but for South Africa, the racist overtones cannot be masked. Thus, it is not unexpected that since 2008, South Africa has been accused of having an incoherent, inconsistent or ambiguous foreign policy especially on human rights and democracy.

But, South Africa's foreign policy is coherent and driven by five themes.<sup>210</sup> These include democracy and a respect for human rights, Africa and the Africanist impulse, a pacific approach to conflict resolution, multilateralism and finally, a holistic approach and understanding to security.<sup>211</sup> A dilemma occurs when in making a new foreign policy choice, one or another of the themes is at odds with either democracy or human rights. As a result, decision makers have to be cognisant of the complicated relationship that exists between these themes.<sup>212</sup> Additionally, statistical analyses show that developing countries often have to choose between supporting the protection of civil and political rights on the one hand and choosing rapid economic growth on the other.<sup>213</sup> According to Clapham, "human rights foreign policy at the UN or elsewhere will always be about balancing concern for human rights with other competing interests".<sup>214</sup> These competing interests are usually located in the national interest.

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<sup>208</sup>Smith (n 204 above) 269.

<sup>209</sup>A Kregel, M Kluk & Chief Rabbi Goldstein "Ebrahim Ebrahim's statement deplorable - Jewish community" <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=318806&sn=Detail&pid=71654>

4 (accessed 24 February 2013).

<sup>210</sup>Nathan (n 164 above) 361-372.

<sup>211</sup>Nathan (n 164 above) 361-372.

<sup>212</sup>Frost (n 61 above) 242.

<sup>213</sup>M Freeman *Human rights: an interdisciplinary approach* (2011) 100.

<sup>214</sup>A Clapham *Human rights: a very short introduction* (2007) 77.

South Africa's support for the Palestinians is balanced by economic benefit, security and national interests when it comes to taking concrete steps against Israel; steps that demand more than just verbal reprimand. However, the essence, spirit and morality of the support are related to an experiential understanding of history, identity and power. At the International Solidarity Conference on Cuba, Western Sahara and Palestine, hosted by the Parliament of the Republic of South Africa on 6 February 2014, Deputy Minister Marius Fransman, in his opening comments on Palestine, quoted Mandela who said "the Palestinian struggle is the greatest moral issue of our time".<sup>215</sup>

This sentiment echoes the ANC's Deputy Secretary General, Jessie Duarte on the 01 September 2013 at the book launch of *Why Israel?* when she said:

"The plight of the hundreds of thousands of Palestinian people makes each one of us a Palestinian. The people of Palestine are not merely 'the Palestinian question' to be mentioned in speeches in the UN when someone remembers that people are dying to preserve the State of Israel and its military machine. The feeble throwaway and carelessness by which the leaders of the developed world speak of death in Palestine, of hunger, of children not at school, of a wall of steel that locks in land stolen, of segregated roads and detentions without trial - is more than shame. It is the manifestation of humanity having lost its meaning".<sup>216</sup>

From the foregoing discussion it can be contended that support for the Palestinian struggle for freedom and liberation, especially during Zuma's government highlights three key issues: identity, an experiential knowledge of the imbalance of power in the international system and the commitment to upholding international law and human rights by challenging foremost, racial prejudice and racial discrimination.<sup>217</sup> The Palestinian struggle for self-determination is different from the reality of other states to which South Africa's foreign policy on Israel has been compared. It is a reality that is not considered because of the manner in which 'equality of context' in human right's violations between Israel and Syria, or Israel and Iran or Israel and Lebanon is usually portrayed. By this conclusion, it is not argued that there are hierarchies of human right's violations, because a violation is a violation, but that it is important to distinguish Israel's role in violating the rights of people of an *occupied territory* and the fact that these hierarchies exist. This is a fundamental difference. This conclusion stresses that there is a hierarchy of values being practised in the international human rights system and at the UNSC and this can be identified by a cursory review of vetoes cast at the UNSC by France, the UK and US since 1956 which favoured

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<sup>215</sup>Dirco (2014) <http://www.dirco.gov.za/docs/speeches/2014/frans0206.html> (accessed 2 June 2014).

<sup>216</sup>Press alert: ANC's Jessie Duarte speaks in Fleurhof on Palestine [Saturday 15 March 2pm] (2014) <http://ymlp.com/z8Clew> (accessed 16 March 2014).

<sup>217</sup><http://electronicintifada.net/content/south-african-study-israel-practicing-apartheid-and-colonialism/3432> (accessed 16 March 2014).



the Zionist state of Israel and apartheid South Africa.<sup>218</sup> Also consider Alan Dershowitz's comments in his support for Samantha Power's nomination as US ambassador to the UN. For Dershowitz "Power was well-positioned to defend Israel at the United Nations... She also understands the principle of 'the worst first' – you go after the worst human rights abusers first".<sup>219</sup>

Thus, the discourse on human rights lies at the heart of civil society struggles in Africa, between the state and empire. As Henning Melber writes in *Whose World?* "...the border line runs not between the peoples but between top and bottom".<sup>220</sup> According to the French philosopher Ranciere, the idea of a democratic state is best described as an oxymoron, because all states can only be oligarchic.<sup>221</sup> This is because the right to 'rights' in democracies is selective, certain groups in the population have access to these rights whilst the weak and the poor are marginalised or subjected to state violence.<sup>222</sup> As mentioned previously, Palestinians are considered 'non-white/Orientals'. Hence it is concluded that people of colour do not merit the same measure of equality or dignity that is accorded to white people. Thus, much of the academic content that is produced and promoted internationally by think tanks and academics that are dependent on funding and sponsors is managed by gatekeepers who do not include race, racism and settler colonialism in their analysis of foreign policy as mentioned in Chapter 1. The mainstream media adopts a similar *modus operandi* following the unspoken habit of not noticing race.<sup>223</sup> This is achieved by usually apportioning blame to the "black hordes" in the way in which the language is slanted.

Minister Ebrahim alluded to this hierarchy of values when he stated at the UKZN lecture

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<sup>218</sup><http://www.globalpolicy.org/component/content/article/102/40069.html> (accessed 22 June 2014).

<sup>219</sup><http://www.ipsnews.net/2013/07/power-woos-critics-with-pro-israel-charm-offensive/> (accessed 19 July 2013).

<sup>220</sup>H Melber *Whose world? Development, civil society, development studies and (not only) scholar activists* (2013).

<sup>221</sup>J Ranciere *Hatred of democracy* (2006) 71-72.

<sup>222</sup>Ranciere (n 221 above) 71-72.

<sup>223</sup><http://electronicintifada.net/blogs/amena-saleem/protesters-force-bbc-confront-its-pro-israel-bias> see "There are lies, there are damned lies, and then there's the BBC. Come on BBC, tell the truth — it's the occupation, stupid." <https://islamiccommentary.org/2014/01/jim-lobe-major-parts-of-world-ignored-by-u-s-tv-news-in-2013-palestine-virtually-disappeared/> see "As for the Israel-Palestinian conflict which Secretary of State John Kerry has made a top priority along with a nuclear deal with Iran, it received only 16 minutes of coverage in 2013. 'Palestine has virtually disappeared from the news agenda,' noted Tyndall" - (these comments indicate a reluctance to cover the issue of the occupation which highlight Israel's human rights' violations. It is thus contended that this supports the idea that issues related to race, racism and settler colonialism which are inherent in the Palestinian occupation are not covered by the media; <http://consortiumnews.com/2014/04/29/kerry-grovels-over-israeli-apartheid/>; <http://fair.org/take-action/action-alerts/in-u-s-media-palestinians-attack-israel-retaliates/> (accessed 5 July 2014); <http://fair.org/extra-online-articles/hating-the-oppressed-in-gaza/> (accessed 10 July 2014).

that the UNSC had an “antiquated structure” that promoted the agenda of specific permanent members.<sup>224</sup> He specifically mentioned the failure of the UNSC to resolve the *Question of Palestine* and stated that since 2000, of the 14 vetoes cast relating to issues in the Middle East, 10 of the 14 were cast by the US. Nine of the 10 vetoes by the US were in favour of Israel. The February 2011 veto was cast by the US with the knowledge that the settlement activities by Israel in the West Bank and East Jerusalem were illegal under international law.<sup>225</sup>

In endorsing and supporting the 10<sup>th</sup> Palestinian Solidarity Israeli Apartheid Week Campaign, the ANC as political party in its press statement reiterated that the organisation supported the Palestinian struggle for self-determination and that it was “unapologetic in its view that the Palestinians are the victims and the oppressed in the conflict with Israel”.<sup>226</sup> This position further challenges the hegemonic, pro-West narrative that usually portrays the Israeli’s as victims of Palestinian ‘terrorist’ activities. As Levy wrote, “History has witnessed worse and more brutal occupiers than the Israelis. But I’ve never heard about an occupation that believes it is the victim. And the only victim”.<sup>227</sup>

### 3.3 Challenging the *status quo*

This victim mentality is evident from pro-Israeli supporters as well as official Israeli comment in response to Minister Ebrahim’s comments when the NAM delegation was denied entry into Ramallah. The SAZF, SAJBD and the Office of the Chief Rabbi, stated that the South African Jewish community found the minister’s comments “counter-productive and wholly inconsistent with how South Africa *normally conducts its international relations* (my emphasis) and contradicts its official policy of having full diplomatic ties with Israel”.<sup>228</sup> What must be noted is what was not mentioned in the statement. In the statement, not one of the three offices condemned Israel’s treatment of the NAM delegation. Furthermore, no comment was made regarding Israel’s continuous

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<sup>224</sup>DFA (n 171 above).

<sup>225</sup>DFA (n 71 above).

<sup>226</sup>

<http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/twitter.com/page71654?oid=559445&sn=Detail&pid=71654> (accessed 24 March 2014).

<sup>227</sup>Al-Jazeera World “Going against the grain” 2 July 2014

<http://www.aljazeera.com/programmes/aljazeeraeworld/2013/02/2013212837310172.html> (accessed 6 July 2014).

<sup>228</sup>Krengel *et al* (n 209 above)

violations of international law.

Additionally, Howard Sackstein commented in *The Thoughtleader* that the Minister's "reckless words" would only harm South Africa because South Africa was characterised as being "underdeveloped, battling with corruption, spiralling unemployment, chronic under-education and crippling service delivery".<sup>229</sup> Sackstein also failed to condemn Israel for violating UN regulations and international law when it denied the ministers from NAM entry into the West Bank. According to Sackstein, it was South Africa that needed Israel and not *vice versa*.<sup>230</sup> On the contrary, DIRCO echoed the government's commitment and support for the Palestinians and stated that "South Africa remains steadfast in its conviction that the Palestinian struggle is a legitimate struggle for self-determination, justice and freedom".<sup>231</sup>

The South African government has been consistently vocal in condemning Israeli aggression and in November 2009, South Africa joined 114 almost exclusively African, Asian and Latin American states (note again the racial configuration of these states) in the UNGA in endorsing Judge Goldstone's report on the Gaza conflict.<sup>232</sup> However, shifts in South Africa-Israel bilateral relations became visible from May 2010. In May, the South African government issued a "*demarche*" to Israel which is a very strong diplomatic protest.<sup>233</sup> The *demarche* was in response to Israel's attacks on the flotilla that was trying to break the blockade of Gaza resulting in the death of nine activists. In June, South Africa recalled its ambassador to Israel because of continued diplomatic anger over Israel's lethal attacks on humanitarian aid ships bound for Gaza.<sup>234</sup> In 2011, Zuma affirmed South Africa's support for the PA's bid for full membership of the UN for a state of Palestine<sup>235</sup> in accordance with similar sentiments expressed by both Presidents Mandela and Mbeki. (See Chapter 2). In August 2012, the South African government adopted a regulation to prevent the labelling of goods from the West Bank as being produced in Israel, in keeping with a 2010 European Court of Justice ruling to the effect.<sup>236</sup> And in April 2013, Mashabane

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<sup>229</sup>H Sackstein (2012) "What next for SA-Israel relations?"

<http://www.thoughtleader.co.za/readerblog/2012/08/24/what-next-for-sa-israel-relations/> (accessed 24 February 2013).

<sup>230</sup>Sackstein (n 229 above).

<sup>231</sup><http://www.dfa.gov.za/docs/2012/nam0806.html> (accessed 10 March 2013).

<sup>232</sup>[www.un.org/News/Press/docs/2009/ga10883.doc.htm](http://www.un.org/News/Press/docs/2009/ga10883.doc.htm) (accessed 11 November 2012).

<sup>233</sup><http://www.dfa.gov.za/docs/speeches/2014/frans0206.html> (accessed 16 June 2014).

<sup>234</sup><http://www.sanews.gov.za/south-africa/sa-recalls-israel-ambassador-amid-attacks> (accessed 20 February 2013).

<sup>235</sup><http://www.un.org/apps/news/story.asp?NewsID=39672#.UKKMwledfsY> (accessed 20 February 2013).

<sup>236</sup><http://globalresearch.ca/PrintArticle.php?articleId=18187> (accessed 3 March 2013).

confirmed that South Africa had curtailed ties with Israel by preventing South African ministers from visiting Israel.<sup>237</sup>

Yet in spite of the above actions, shared experiences and a commitment to international solidarity there has been little more than rhetoric from the South African government with regards the endorsing of BDS and the severing of economic and diplomatic ties with Israel at an official level. Although the Zuma government moved from verbal criticism and condemnation of Israel to action, this action has been contested and weak.

*Chapter 4* will focus on the limitations and constraints on the government in relation to this crucial step in South Africa's foreign policy on Israel which could otherwise move the country from 'bark to bite' by attempting to outline the challenges faced by the South African government in balancing priorities, goals and the desire to maintain positions of power.

## **Chapter 4: Restraints and constraints in foreign policy decisions: Identifying the limitations of government**

### **4.1 Restraints and constraints on foreign policy decision making**

Policy making can be a frustrating and arduous task especially when multiple constraints and restraints operate simultaneously limiting the policy maker's freedom of action. Restraints can be either prohibitive or imperative and the nature of the restraint will be influenced by the status of the state in question, its standing and perceived power in the international system, the nature and type of its alliances and "the rules of the game".<sup>238</sup> Constraints refer to restrictions or limitations; they are negative influences which are generated by the international system amongst others and impact on the behaviour of states. In this regard, constraints set boundaries for the decision maker and are precise in what they exclude.<sup>239</sup> Since foreign policy requires co-ordinated strategies by decision makers to influence the international environment<sup>240</sup> and considering this description, it is evident that

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<sup>237</sup><http://electronicintifada.net/blogs/ali-abunimah/south-africa-further-limits-ties-israel> (accessed 4 June 2014).

<sup>238</sup>S Hoffman "Restraints and Choices in American Foreign Policy" (1962) 91(4) *Daedalus* 669.

<sup>239</sup>AA Stein "Constraints and determinants: Structure, purpose and process in the analysis of foreign policy" in *Approaches, Levels and Methods of Analysis in International Politics* New York: Palgrave Macmillan.

<sup>240</sup>SJ Thorson (1973) "Adaptation and foreign policy theory"

<http://www.dtic.mil/dtic/tr/fulltext/u2/a048138.pdf> (accessed 6 April 2014).

decisions and their outcomes are a compromise between competing influences, interests and alternatives. Such decision making involves bargaining between people in power, people with power (whether political or financial) and decision makers.

In assessing foreign policy, the constraints presented by the decision maker's subjective images of the operational environment as well as national policy goals should be considered.<sup>241</sup> This is because leaders have to balance domestic constraints on foreign policy decisions<sup>242</sup> and they have to consider the support of certain public sectors, especially when coming up for re-election. As a result, policy actions or outcomes are the result of the constraints presented; hence the results are seldom optimal.

In this regards, the understanding of South Africa's foreign policy is contextualised by the nature of the liberation struggle and the historical experiences because "[t]he prism through which every nation looks at the outside world has been shaped by its own experience", and by the restraints and constraints of government action.<sup>243</sup>

#### 4.1.1 Trade-offs

Although democratic South Africa has been supportive of the Palestinians and although military trade with Israel is in decline, security and surveillance systems trade has increased.<sup>244</sup> As a result, South Africa's continued economic and diplomatic links with Israel raises doubts about the state's ability to be more than a "barking dog",<sup>245</sup> especially considering Israel's historical relationship with apartheid and continued links with South Africa. Compare this approach with recent developments between South Africa and Rwanda. In a diplomatic spat between the two countries in March 2014, three Rwandan diplomats were expelled because of attacks on exiled Rwandans living in South Africa.<sup>246</sup> This begs the question why South Africa had not expelled the Israeli Ambassador when it became apparent in a *Carte Blanche* expose in 2009 that Israeli security and intelligence were complicit in the illegal profiling and detaining of South African citizens in

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<sup>241</sup> As above.

<sup>242</sup> Breuning (n 46 above) 118.

<sup>243</sup> Hoffman (n 238 above) *Daedalus* 680.

<sup>244</sup> Email from T Crawford Browne 17 April 2013 & see <http://www.ipk-bonn.de/downloads/SA-Isarel-report-09.pdf> (accessed 29 June 2014).

<sup>245</sup> Jordaan (n 205 above)

<sup>246</sup> <http://mg.co.za/article/2014-03-08-sa-rwanda-expel-diplomats-in-row-over-rwandan-exiles> (accessed 26 March 2014).

Johannesburg's O.R.Tambo International Airport? <sup>247</sup>In response to the expose, the South African government withdrew diplomatic immunity from airline operatives who had received extended courtesies dating back to the apartheid era including permission to carry firearms at the airport which had been licensed to the Israeli embassy.<sup>248</sup> However, in relation to the airport expose, no Israeli diplomats were expelled even though South African citizens were harmed.

Furthermore, in comparing ANC resolutions and government action there is a difference between ANC pronouncements and the "government's weak complicity and kowtowing to Zionist lobbying".<sup>249</sup> The dichotomy between state and party interests, the need to balance between the competing tenets of South African foreign policy and the demands of different interest groups constrain the South African government from adopting the BDS campaign against Israel. Implementing BDS would require the severing of diplomatic and economic ties. In December 2012, the ANC held its 53rd National Conference where the party decided to boycott Israel and adopted Resolution 35(g) which called on "all South Africans to support the programmes and campaigns of the Palestinian civil society which seek to put pressure on Israel to engage with the Palestinian people to reach a just solution".<sup>250</sup> During the conference, Dr Abdullah Abdullah, the Senior Deputy Foreign Relations Commissioner of Palestine's Fatah Party, delivered an official message of support to the ANC, and asked South Africa to support and advance the boycott of Israel on behalf of the Palestinian people and *their representatives*.<sup>251</sup>

Yet in spite of these policy decisions of the ANC, and the request by the Palestinian people for a boycott of Israel, South Africa still maintains full economic and diplomatic ties with Israel. Many factors need to be considered in order to explain this matter. As mentioned earlier, an ethical foreign policy is non-existent because states balance moral, ethical choices with national and economic interests. This entails sacrificing one value for another value or interest and usually human rights are compromised at the expense of economic gain or political expediency. The impact of this compromise being the result of both

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<sup>247</sup><http://electronicintifada.net/content/report-israeli-intelligence-illegally-profiling-travelers-south-africa/8492> ; <http://www.haaretz.com/weekend/anglo-file/peres-may-meet-zuma-in-davos-to-save-el-al-route-1.261925> (accessed 26 March 2014).

<sup>248</sup><http://www.security.co.za/fullStory.asp?NewsId=15401> (accessed 30 June 2014).

<sup>249</sup>Crawford- Browne (n 244 above).

<sup>250</sup><http://www.bdsmovement.net/2012/s-africas-ruling-party-the-anc-reaffirms-boycott-of-israel-resolution-10246> (accessed 26 March 2014).

<sup>251</sup><http://www.bdssouthafrica.com/2011/12/palestinian-official-delivers-moving.html> (accessed 26 March 2014).

constraints and restraints can be explained by considering two high profile developments related directly to the Palestinian question in South Africa's foreign policy on Israel. These developments refer also to the contestation for South Africa's foreign policy on Israel between domestic interests and lobby groups. In August 2012, after adopting the regulation to prevent the labelling of goods from the West Bank as being produced in Israel, Zionist lobby groups inside South Africa persuaded the Department of Trade and Industry to tone down the language on the labelling of the goods that emanated from the OPT.<sup>252</sup> Although diplomatic communique from Israel had been strained since the legislation was adopted, the SAJBD and SAZF were satisfied with the outcome.<sup>253</sup> Furthermore, in spite of the 2012 resolution adopted by the ANC to boycott Israel, as of 2014 the ANC's policy had not officially translated into government policy.

The second development refers to the resolutions (known as the Cape Town Declaration – CTD) which emanated from the International Solidarity Conference on Cuba, Western Sahara and Palestine held on 6 February 2014.<sup>254</sup> The aim was to develop an action-oriented declaration thereby allowing the solidarity movement to propose a plan that would facilitate a peaceful resolution to the challenges facing the three nations. The CTD requested of government to adopt 15 policies that proposed sanctions on Israel because of the country's non-compliance with international law.<sup>255</sup> Of the political parties that participated in the process, only the African Christian Democratic Party (ACDP) objected to the adoption of the proposed declaration.<sup>256</sup> In brief, the policies proposed that the South African government address the concern regarding South Africans serving in the IDF; adopt the BDS campaign in its totality; campaign for Israel to be suspended from the SWIFT banking network; and adopt the 2009 HSRC report as mentioned in Chapter 3 which found Israel guilty of apartheid.<sup>257</sup>

However, the CTD was subsequently "softened" by the Parliamentary Portfolio Committee on International Relations and Cooperation after intensive lobbying by the South African Jewry, SAZF and certain political parties as confirmed by Cheryllyn Dudley, MP for the

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<sup>252</sup><http://www.timesofisrael.com/israels-rejects-pretoria-compromise-on-labeling-settlement-goods/>

<sup>253</sup><http://www.jpost.com/Diplomacy-and-Politics/S-Africa-agrees-to-tone-down-settlement-product-labels-309357> (accessed 10 April 2013)

<sup>254</sup>

<http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71616/page71619?oid=558643&sn=Detail&pid=71619> (accessed 16 April 2014).

<sup>255</sup><http://www.bdlive.co.za/opinion/columnists/2014/02/17/has-the-da-abandoned-its-position-on-israel> (accessed 16 April 2014).

<sup>256</sup>As above.

<sup>257</sup>As above.

ACDP and by SAJBD National executive Director Wendy Kahn in the SA Jewish Report.<sup>258</sup> According to Muhammad Desai, the Coordinator of BDS South Africa, although the Portfolio Committee watered down the language of the declaration the CTD still stood as a valid document with specific action-proposals and so it could not altogether be excluded.<sup>259</sup>

According to Dudley, the lack of coherence between party and state policy with regards the CDT could be attributed to the choices that the government made that were politically expedient.<sup>260</sup> Choices act as constraints and can even serve as restraints. This is because economic value often outweighs human rights considerations. For South Africa economic value resided in the bilateral trade with Israel which was in excess of R11 billion a year.<sup>261</sup> Although the ANC wanted the government to adopt the CTD, the latter chose to prioritise economic benefit over human rights. From an analytical point of view, states often have to choose between an alternative which partially contextualises foreign policy decision making. In the South African case, the government has chosen not to adopt an either/or position which implies a zero-sum game but, it is contended in this thesis, that it has opted for the mix-outcome non-zero sum alternative - in the process compromising human rights.

The foreign policy reality that decision makers and analysts have to contend with is that the international system is fraught with tension between competing and often incompatible goals. As a result, evident in the tension the split in the Palestinian leadership generates when leaders have to take decisions, is the reality that states may be trapped in manipulative relations. In this regard, Hamas has endorsed the BDS campaign, whilst Jewish lobby media reports claim that President Abbas does not support BDS and its call for sanctions against Israel.<sup>262</sup> However, in a joint press statement issued by BDS and the Palestinian Embassy in South Africa, both parties stated that Abbas's comments which were made when he attended Mandela's memorial service in South Africa in December 2013, had been taken out of context. This because Fatah had legally implemented a boycott

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<sup>258</sup> A Katz "Community can live with 'whittled-down' Declaration" (2014 )18(8) SA Jewish Report.

<sup>259</sup> Email communication from M Desai BDS SA (16 June 2014).

<sup>260</sup> n 254 above.

<sup>261</sup> n 254 above.

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[http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page72308?oid=568280&sn=Marketingweb+d  
etail&pid=90389&utm\\_source=Politicsweb+Daily+Headlines&utm\\_campaign=e3833c9669-  
DHN\\_March\\_17\\_2014&utm\\_medium=email&utm\\_term=0\\_a86f25db99-e3833c9669-130027489](http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page72308?oid=568280&sn=Marketingweb+detail&pid=90389&utm_source=Politicsweb+Daily+Headlines&utm_campaign=e3833c9669-DHN_March_17_2014&utm_medium=email&utm_term=0_a86f25db99-e3833c9669-130027489) (accessed 6  
June 2014).



of the illegal settlements and it fully supported the BDS movement.<sup>263</sup> In this regard, the ANC as political party has adopted BDS, but the South African government continues to align its foreign policy with the interpretations of the Jewish lobby; effectively nullifying the claim that it always acts in accordance with the demands of the Palestinians.

#### 4.1.2 Domestic Interest Groups

The role of certain groups within the South African Jewry in supporting the apartheid style practises of Israel in the current political context needs to be elaborated on as they constitute the domestic constraints that seek to influence foreign policy. As previously mentioned, (see Chapter 2), many South African Jews supported or condoned the National Party's rule in South Africa either through silence and complacency or through active participation. This trajectory thus links and defines the historical behaviour of these groups with their existing behaviour and support for the racist and apartheid style policies of Israel whilst trying to influence South African foreign policy in favour of Israel.<sup>264</sup> The role and influence of the Zionist lobby in South Africa cannot be excluded because political party funding ensures that political parties often genuflect to their backers, neglecting or circumventing state objectives in order to maintain power.

For example, in February 2014 South African press reports revealed that Nathan Kirsch who is the director and owner of Israel's Magal Security Systems was the main funder to both the Democratic Alliance (DA) and Agang.<sup>265</sup> Kirsch's company had secured 80 per cent of the tenders in Israel to install security systems along the 'apartheid wall' in the OPT. In 2004, the wall had been declared illegal by the ICJ and Mbeki's government had also sent an affidavit to the effect. (See Chapter 2). As a result Kirsch, as Director of Magal Security Systems would be complicit in criminal activity that is rooted in racist ideologies. Additionally, his role as the main financial contributor to these two political parties can best be seen as a manoeuvre to ensure that the South African state maintains a pro-Israeli agenda.<sup>266</sup> The 'back-door' route to political expediency as practised by the Zionist lobby

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<sup>263</sup><http://www.bdsmovement.net/2013/joint-media-statement-embassy-state-palestine-south-africa-bds-south-africa-11567> (accessed 6 June 2014).

<sup>264</sup><http://www.jta.org/2009/05/21/news-opinion/world/election-of-new-president-poses-dilemma-for-south-african-jews> (accessed 26 March 2014).

<sup>265</sup><http://www.iol.co.za/news/politics/exposed-da-agang-mystery-funder-1.1644076> (accessed 26 March 2014).

<sup>266</sup>

<http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71639/page71654?oid=539974&sn=Detail&pid=71654> (accessed 26 March 2014).

has been labelled as a trademark of the organisation that has been founded to ensure the best possible outcomes for Israel.<sup>267</sup> This back-door approach is done either through the funding of political parties as indicated above or through co-ordinated media attacks on anyone, any organisation or any group that speaks out against Israel.<sup>268</sup>

As a result, it is necessary to acknowledge the dissenting voices in the South African Jewish community and pay attention to their call for sanctions as a means of making the occupation unprofitable.<sup>269</sup> Sanctions are necessary because the balance of power inside Israel is different, due to a majority Jewish settler community. In this regard, Israel will not rescind on its occupation until it is economically crippled.

#### **4.1.3 The role of the Muslim community**

In spite of the diversity within the Muslim community in South Africa, there is a united support, understanding and solidarity on the issue of Palestine. Muslims have played a strategic role at the grassroots level in keeping the Palestinian conflict on the agenda in the South African media. This is done through organised activities that include fundraising for Palestinian victims, protests, demonstrations and pickets, letters to the editor, commemoration events on the Naqba\*, solidarity visits to Gaza and the OPT including participating in the flotilla to break the blockade of Gaza.<sup>270</sup> Muslim religious organisations have regularly written to the South African government requesting action from the state in relation to specific Israeli incursions or violations. In a memorandum to the South African government on Gaza (2010), the Muslim Judicial Council (MJC) called on the government to immediately recall the South African ambassador to Israel, align with international law and ban Israeli settlement products from the OPT amongst others.<sup>271</sup>

But, there is a general misconception that the Muslim community is involved in organised lobbying to influence the South African government on the Palestine-Israel conflict, much like the SAZF. The Muslims as a whole lack any structured group or organisation that is

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<sup>267</sup><http://www.jta.org/2009/05/21/news-opinion/world/election-of-new-president-poses-dilemma-for-south-african-jews> ; (accessed 26 March 2014); <http://www.jta.org/2014/05/05/news-opinion/world/south-african-zionists-give-top-rating-to-minor-christian-party> (accessed 6 June 2014).

<sup>268</sup><http://marthiemombergblog.wordpress.com/tag/alan-horwitz/>;  
<http://www.bdlive.co.za/national/2013/11/04/israeli-mp-urges-sa-jews-to-pack-bags-after-ministers-comments> (accessed 26 March 2014).

<sup>269</sup>As above.

<sup>270</sup><http://cfpsa.blogspot.com/2010/06/anc-proposed-motion-on-gadija-davids.html> (accessed 22 June 2014.)

\*The Naqba or “Catastrophe” relates to events in Palestine/Israel in 1948.

<sup>271</sup>[http://www.mjc.org.za/index.php?option=com\\_content&view=article&id=476:mjc-mou-to-sa-government-on-gaza](http://www.mjc.org.za/index.php?option=com_content&view=article&id=476:mjc-mou-to-sa-government-on-gaza) (accessed 29 June 2014).

dedicated to such lobbying exclusively on behalf of the Palestinians. Muslim organisations, religious groups and individuals have opted to ally themselves with civil society and activist groups that fall under the umbrella of the broader Coalition for a Free Palestine.<sup>272</sup> In 2009, the Media Review Network together with the Palestinian Solidarity Alliance handed a Gaza docket to the Office of the President and various prosecuting authorities to investigate and prosecute in South Africa individuals involved in war crimes and crimes against humanity during Operation Cast Lead.<sup>273</sup> The Gaza docket had detailed evidence and records of Israel's actions in the OPT and Gaza; in particular the use of white phosphorous during Operation Cast Lead.

Ultimately, the main support for the struggle against occupation comes from committed individuals and activists inside the SACP, COSATU, ANC and various church and Jewish groups that identify with the Palestinian struggle. The ANC has been involved in progressive internationalism from the time of Oliver Tambo and the ANC's affiliation with the Palestinian struggle precedes the Muslim constituency they now govern.<sup>274</sup> Muslim participants, whether individuals or groups function to keep alive the Palestinian struggle in the memory of South Africans who endured a similar fate. And their alignment with the Coalition for a Free Palestine is indicative of their understanding that the Palestinian issue is not a religious issue.<sup>275</sup> The Palestinian-Israeli conflict is about occupation, expulsion, land theft, racial prejudice and supremacist ideals. It is more than just human rights' violations and it is not religious conflict.

## 4.2 ANC resolutions vs. State policy

Although the ANC as political party has fully articulated what needs to be done economically, politically and socially to force Israel to rescind on its occupation of the Palestinian territories this has not translated into official state policy. If this is achieved, it will take the government's policy directives as proposed by Mbete at the ANC international solidarity conference, to the next level. Additionally, the South African government has always intimated that it acts in accordance with the wishes of the

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<sup>272</sup><http://cfpsa.blogspot.com/2010/06/time-to-act-is-now-mjc.html> (accessed 29 June 2014).

<sup>273</sup><http://www.mlajhb.com/brief-summary> (accessed 29 June 2014).

<sup>274</sup><http://www.polity.org.za/article/sa-statement-by-boycott-divestment-and-sanctions-south-africa-anti-israel-campaign-welcomes-president-zumas-state-of-the-nation-reminder-of-boycotts-14022014-2014-02-14> (accessed 30 June 2014).

<sup>275</sup><https://www.facebook.com/MediaReviewNetworkSouthAfrica/posts/379244408850430> (accessed 30 June 2014).

Palestinians; but South Africa's actions do not match this claim. In 2005, the BDS campaign was launched and supported by approximately "170 Palestinian political parties, organizations, trade unions and movements" and included signatories from the refugees, Palestinians in the OPT and the Palestinian citizens of Israel.<sup>276</sup> Fatah subsequently officially endorsed BDS and the boycott of illegal settlement products. South Africa's official response however, does not resonate with either that of the Palestinians or their official representatives, Fatah and Hamas.

However, it should be mentioned that Fatah is guilty of masquerade policies due to the discord between its words, actions and demands.<sup>277</sup> In spite of endorsing and supporting BDS, Abbas has defended the PA's willingness to maintain strong security partnerships with Israel.<sup>278</sup> The focus of Abbas's security co-ordination is to protect the PA elite and maintain stability in the OPT irrespective of the consequences for Palestinians.<sup>279</sup> In this regard, the PA-Israeli security partnership serves as an obstacle to a meaningful resolution of the conflict.<sup>280</sup>

Until South Africa does not officially include Hamas in foreign policy decisions on Israel in relation to the Palestinian question and, for as long as there are no dynamic activists and leaders inside the government to lobby for an official recognition of Hamas and ANC party resolutions, it is unlikely that South Africa's foreign policy on Israel could be elevated to include BDS. In this regard, South Africa needs to re-evaluate its claim of a commitment to the Palestinian struggle that is indicative of what they expected of foreign governments during the liberation struggle. Furthermore, unless the offices of the current deputy ministers are as committed to Palestinian liberation as was displayed by both former Deputy Ministers Ebrahim and Fransman, it is unlikely that any major breakthrough will be forthcoming. But in spite of the constraints, it is expected that a certain amount of institutional memory does exist because Minister Mashabane has maintained her portfolio at DIRCO. Additionally, Deputy Minister Noma-India Mfeketho has been critical of Israel's blockade of Gaza and has stated that "South Africans will not be completely free until people in a similar position to the one we were once in are also free".<sup>281</sup> This echoes

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<sup>276</sup> <http://www.bdsmovement.net/bdsintro> (accessed 10 June 2014).

<sup>277</sup> DO Wilkinson "Comparative foreign relations: Frameworks and methods" (1969) 11.

<sup>278</sup> <http://www.amec.org.za/articles-presentations/palestineisrael/457-pa-israeli-security-coordination-keeps-palestinian-outrage-in-check> (accessed 7 July 2014).

<sup>279</sup> n 278 above.

<sup>280</sup> n 278 above.

<sup>281</sup> <http://www.parliament.gov.za/Multimedia/InSession/2012/october/10-10-2012/files/assets/basic-html/page13.html> (accessed 10 June 2014).

both Mandela and Mbeki and suggests a deep insight into the values that drive South Africa's foreign policy on Israel. In this regard, it can be expected that South Africa will exhibit the same level of coherence and continuity in its actions at the UNGA, UNHRC and UNSC on all matters relating to Palestine.

Contestation may however resurface because of Israeli perceptions of the new Deputy President Cyril Ramaphosa. WikiLeaks cables revealed an exchange between Ambassadors Segev-Steinberg (Israel) and Gips (US) in which Gips asked Segev-Steinberg who in South Africa would be an "easy" partner for Israel to work with.<sup>282</sup> The Israeli ambassador stated that there were two "easy" partners - Mathews Phosa and Cyril Ramaphosa. In this regard, at a symposium hosted in February 2013 by Investec<sup>283</sup> Ramaphosa was asked about South Africa's possible future relationship with Israel.<sup>284</sup>

In replying, Ramaphosa did not clearly articulate the existing official South African and ANC policy on the Middle-East but instead called for a deeper discussion between the South African Jewish community and the South African government.<sup>285</sup> He also stated that South Africa should search for balance in assessing the conflict and he advised the Jewish community to lobby government if they felt prejudiced by the policies initiated.<sup>286</sup> According to Steve Linde of the Jerusalem Post, Ramaphosa's comments signalled the reversal of the South African government's anti-Israel stance.<sup>287</sup> However, during his response, Ramaphosa did endorse the resolutions and visions of the ANC at Mangaung.<sup>288</sup> Of significance is the fact that the Mangaung resolutions and Zuma's subsequent State of the Nation address (2013) vigorously support justice for the Palestinians whilst advocating censures of Israeli policies.<sup>289</sup> A careful reading of Ramaphosa's comments and Mangaung endorsements indicate a strong alignment with official governmental policy. Being the orator he is, it is contended that the deputy president spoke to his audience and accordingly

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<sup>282</sup>Viewing cable 10PRETORIA304, ISRAELI AMBASSADOR DISCUSSES DIFFICULT RELATIONS 12 February 2010 <http://wikileaks.org/cable/2010/02/10PRETORIA304.html> (accessed 30 June 2014).

<sup>283</sup>Investec's CEO Stephen Koseff, is a recipient of the State of Israel's highest tribute, the Jubilee Award which recognizes individuals and organizations that have done the most to strengthen the Israeli economy.

<sup>284</sup><http://www.ciibroadcasting.com/2013/02/26/are-sa-zionists-pinning-hopes-on-ramaphosa-to-change-anc-policy-on-israel/> (accessed 30 June 2014).

<sup>285</sup><http://www.anc.org.za/show.php?id=230> ; <http://www.dfa.gov.za/docs/2012/pale0817.html> (accessed 13 June 2014) & n 284 above.

<sup>286</sup>n 284 above.

<sup>287</sup>S Linde "ANC deputy: S. Africa can play role in Mideast peace" 26 February 2013 <http://www.jpost.com/International/ANC-deputy-S-Africa-can-play-role-in-Mideast-peace> (accessed 30 June 2013).

<sup>288</sup>n 284 above.

<sup>289</sup>n 284 above.

framed difficult answers ambiguously hence, interpretations thereof differ.

In light of the above, it is evident that domestic and international actors have engaged with decision makers to limit South Africa's consistent support of the Palestinians. In this regard, the outcomes in favour of the Palestinians have been less than ideal because of the constraints and restraints of the operational environment and the fact that South Africa's leadership is not prepared to go 'against the grain' and do what is morally expected and demanded of it, especially when moral or ethical claims such as human rights claims negate estimations of advantage.

## **Chapter 5: Evaluations and recommendations**

### **5.1 Overview**

The argument of this study was that since 2008, there has been a shift in South Africa's foreign policy on Israel in relation to the Palestinian question from purely verbal articulations to more formal action taken by the South African government against Israel. This shift was explained firstly in terms of a contestation for South Africa's foreign policy on Israel between domestic and international actors who seek to compromise the consistency of the approach adopted by the South African government on this policy issue; and secondly, in terms of lobbying by domestic interest groups such as the SAZF and SAJBD who seek to reduce the solidarity support that the South African government has consistently expressed and demonstrated towards the Palestinian people. Accordingly, the aim of this study was to provide an understanding of South Africa's commitment (or lack thereof) to the Palestinian struggle for self-determination, considering that this struggle is essentially a human right's struggle. To this effect, the study focused on the role of the current Zuma government in informing and demonstrating this commitment; in the process also contrasting it with those of previous political regimes and governments.

Since 1994, starting with the Mandela presidency, South Africa has maintained ties with Israel. However, this relationship has from the outset been fraught with tension over South Africa's unfailing criticism of Israel because of Israel's violations of international law, the siege on Gaza and the occupation of Palestinian lands. When, as a majority party the ANC and its alliance partners came to power in 1994, it was evident that although the Mandela government sought reconciliatory approaches with 'oppressors and enemies', apartheid

South Africa's historical alignment with Israel had not been forgotten. Thus, the post-1994 relationship would require a re-alignment.

As indicated in this study, during the pre-1994 era a symbiotic relationship developed with Israel providing diplomatic, political and military support to South Africa thereby prolonging the survival of the apartheid regime. The close ties between Israel and South Africa was also facilitated by the Jewish community inside South Africa, also considering that as early as 1950 almost half of South Africa's Jews were formal members of the World Zionist Organisation. This relationship prevailed irrespective of the fact that UNGA Resolution 3379 (1975) declared Zionism as a form of racism and racial discrimination. Although not a monolithic community, and bearing in mind that there were dissenting voices from within, the majority of South African Jews benefitted from apartheid. It was further concluded that for some South African Jews, apartheid was necessary to limit black domination whilst others considered Africans to be an inferior people. Based on the study, it is evident that the alliance between South Africa and Israel extended well beyond a pro-West identity, being intricately linked to the mentality of 'minority survivalism' and the need to manage "a holy war against the dark-skinned hordes".<sup>290</sup>

From the study it is evident that the South African position on Palestine is framed within a particular context that is informed by South Africa's experiences with apartheid, oppression and violation of human rights. Yet ironically, the relevance of race and racial prejudice and the impact of supremacist ideology are under-emphasised in current foreign policy analysis. This also applies to South Africa as a newly democratised state which functions in an international system where power is structured to reinforce the dominance of hegemonic states who exhibit supremacist and/or racist behaviour to peoples that are considered inferior or 'not like us'.

In reiterating their support for the Palestinians, presidents Mandela, Mbeki and Zuma regularly referred to the Palestinian struggle as a legitimate struggle for freedom and equality. Mandela, Mbeki and Mfeketho have identified and linked Palestinian freedom to South African freedom. This association provides insight into understandings held by the South Africans regarding the racist and oppressive elements in Israel's actions towards the Palestinians. This view was reinforced when President Zuma strategically linked the Palestinian conflict with post-conflict reconstruction and development on the African

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<sup>290</sup> Blumenthal (n 123 above)

continent in his 2009 State of the Nation Address and when Mashabane referred to Israel as an apartheid state. Although South Africa's foreign policy initially had to focus on reintegrating the country into the international community, by 2009 President Zuma initiated another element to South Africa's policy goals - that of the national interest, usually defined as the interests of the state. However, since South Africa's interest in challenging racism and racial prejudice are usually overlooked as constituting the 'interests of the state' this aspect is often excluded in commenting on South Africa's foreign policy on Israel in relation to the Palestinian question.

Although democratic South Africa has been supportive of the Palestinians, trade in general but especially in security and surveillance systems have increased. Despite the fact that the policy decisions taken by the ANC as a political party support Boycott, Divestment and Sanctions in response to the official request of the Palestinian people, the South African government still maintains full economic and diplomatic ties with Israel. This contradiction is attributed to various restraints that include, amongst others the South African Jewish and Zionist lobby's influence on decision makers because of the financial and economic power they wield. The lack of consensus or political will amongst the ANC and its alliance to escalate their policy resolutions on Israel to the state level also serves as a constraint. For consideration also, are national policy goals that themselves act as constraints by prioritising economic development over human rights' needs. Finally, the subjective images and perspectives that decision makers have of the operational environment also serve as constraints preventing leaders from prioritising human rights over economic benefit.

## 5.2 Key findings

Considering the above, any analysis of South Africa's foreign policy on Israel in relation to the Palestinian question must be cognisant of the effect these experiences, knowledge and understandings have on decision makers. However, South Africa's 'constructive' engagement with Israel raises ethical considerations. According to the IV Geneva Convention, the settlements and the Wall that has been built into the OPT are illegal and a violation of international law.

Firstly, by engaging with Israel at economic and diplomatic levels, South Africa is breaching its international legal, moral and ethical obligations with the international



conventions to which it is a signatory. Admittedly, other states such as Australia, Canada, France the UK and the US are also similarly guilty of violating the IV Geneva Convention. South Africa also recognises that the settlements, the Wall and numerous other policies instituted by Israel perpetuate a system of apartheid which transgresses international law and the essence of many international treaties; including the International Convention on the Suppression and Punishment of the Crime of Apartheid. Despite this knowledge, South Africa continues to pursue economic and diplomatic ties with Israel. The implication of the aforesaid is that the South African government is indirectly strengthening Israel whilst adversely affecting Palestinians who have as yet not achieved the right to self-determination. To date, Palestinians cannot enjoy any of the third generation rights that link development to freedom. Furthermore, by engaging in trade with Israel, South Africa continues to infringe on international law and its own laws, values and ethics because it is contributing to the notion that ‘occupation is and can be profitable’. The South African government has not adopted an either/or position on Israel in relation to the Palestinian question which implies a zero-sum game but, it can be contended, that it has opted for a ‘compromise’ by trying to balance its moral and ethical obligations against its economic and security interests.

Secondly, since 2008, there has been a shift in South Africa’s foreign policy on Israel in relation to the Palestinian question from consistent verbal criticism to action against Israel’s persistent violations of international law and human rights. In 2008 more than 12 government officials signed an open letter declaring that Israel is apartheid state guilty seeking to dehumanise the Palestinians. In 2010, the government recalled its ambassador to Israel and it also issued a *demarche* against Israel in response to Israel’s attacks on innocent civilians in international waters. In 2012 the government adopted the regulation to prevent the labelling of goods from the West Bank as being produced in Israel and in 2013 South Africa curtailed its diplomatic relations with Israel when it prevented its ministers from visiting Israel. In 2014 the Parliamentary Portfolio Committee ratified the amended CTD which was ‘softened’ after intense lobbying by domestic Jewish and Zionist groups.

Thirdly, South Africa has consistently articulated its displeasure regarding Israel’s racist and apartheid policies and the role of specific states such as the US in maintaining the racist and apartheid style practises of Israel. This is evident from the casting of vetoes by the US for example, at the UNSC on matters relating to the censuring of illegal Israeli activity or Israeli violations of international law. The Palestinian-Israeli conflict is multi-

dimensional, of which racial prejudice, supremacist ideology, and settler colonialism is an integral element. South Africa has begun to highlight this aspect of the conflict during the Zuma government.

Fourthly, South Africa has justified maintaining diplomatic ties with Israel as a request from Abbas when in fact Abbas's Fatah faction endorsed BDS and Minister Abdullah affirmed this at Mangaung in 2012. Additionally, South Africa has chosen to exclude the legitimately elected Hamas government, which is not deemed a terrorist organisation as was acknowledged by Ambassador Ngombane. By adopting this approach, South Africa is excluding the legitimate voice of Palestinians who have called on it to implement BDS against Israel as a tool to cripple Israel's occupation of Palestine, rendering the occupation unprofitable. But South Africa refrains from taking this significant moral step. In this regard, Israel continues to act with impunity, whilst South Africa focuses on maximising utility over human dignity.

### **5.3 Policy recommendations and future research agenda**

Based on this study and its findings both scholarly and policy recommendations can be made. Concerning policy recommendations, South Africa should immediately issue guidelines and warnings with stringent punitive measures to be imposed on all South African citizens involved in business ventures with companies or organisations in the illegal Israeli settlements. Seventeen European states have already warned their citizens against dealing with the settlements. Secondly, Israeli settlers who seek to enter South Africa should be denied visas and Israeli companies seeking business visas or permits in South Africa must be scrutinised to ensure that they are not linked to any of the illegal settlement companies named by BDS and its partners. International isolation of Israel is the only way to create the conditions for a just peace to be negotiated.

South African citizens who have served or are enlisted in the IDF should be held accountable for participating in a conflict that breaches international and South African law and should thus be subjected to legal prosecution according to South African law. Furthermore, South Africa must heed the call by Amnesty International and the Palestinians to immediately demand for a military embargo on Israel. South Africa must act on the Gaza docket. This involves instituting legal proceedings against those South African individuals named in the docket who participated in Operation Cast Lead in 2009 that led to

the massacre of more than 1400 Palestinians. Considering the demand for justice by the Palestinians, South Africa should assist the Palestinians to seek justice at the ICJ for the crimes they have endured under occupation. It is only when the international community can acknowledge the injustice perpetrated against the Palestinians and when guilty parties are held accountable, will the healing process begin, and violence from both sides will be drastically reduced.

Finally, it is necessary for South Africa to exhibit moral leadership and act in accordance with the wishes of its alliance partners, official Palestinian requests and the demand by civil society organisations such as the Coalition for a Free Palestine to sever economic ties at least with Israel by fully adopting BDS. The implications of severing economic ties with Israel will have a short term, negative, political and economic impact on South Africa. However, this will have to be the price to pay for moral consistency and it will also serve as a repayment of the solidarity support amongst others that the Palestinians showed to the ANC as liberation movement. Although there are other factors that do impact on this foreign policy issue, such as the role of regional actors, the scope of this study was confined to a narrower focus due to the study's length.

At a scholarly level, the research agenda should be extended to include more studies on the Palestinian-Israeli conflict from an African perspective. This would require a multi-disciplinary approach to foreign policy analysis through the lens of race, racial prejudice, white supremacy and settler colonies which is lacking and needs to be given attention. It is also necessary to engage with the reality of those being analysed so that substantive progress can be made in understanding the conflicts in the world. When more people can honestly accept the 'real' reality it would be possible to find real solutions, because as Levy states, "If the truth is radical, then my writings will be radical as well. I think reality is radical".<sup>291</sup> Until then, research and writing only adds weight to the donkey's back.

## 5.4 Conclusion

The South African government, based on historical, practical and moral (human rights) grounds has indicated its committed support for the Palestinian struggle against Israeli apartheid and occupation. Accordingly, South Africa's foreign policy stance on Israel has

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<sup>291</sup> NewsSources "Video: Gideon Levy- Going against the grain" (2013)  
<http://warincontext.org/2013/02/13/video-gideon-levy-going-against-the-grain/> (accessed 7 July 2014)

been consistent since 1994, although until 2008, it offered little in terms of real (punitive or sanctioning) action against Israel that was initiated directly by the state and government. As a foreign policy shift on the Palestinian-Israeli conflict this has started to change during the Zuma government. Factually, this shift is evidenced by the Zuma government's being significantly more vocal and expressing a clear determination by elaborating on the racist nature of the occupation. The racial perspective has to a large extent been ignored by scholars, policy makers and activists in explaining South Africa's foreign policy stance on Israel in relation to the Palestinian question. In addition, and more specifically, the Zuma government has moved from rhetoric to action in censuring Israeli aggression and violence against innocent civilians and the Palestinians. South Africa's recalling of its ambassador to Israel and its delivering of a *demarche* to Israel in 2010 as well as the legislated re-labelling of goods in 2012 is a noteworthy departure from the regular issuing of statements or condemnations by government spokespersons.

Because of these actions there has been a determined effort by domestic lobby groups such as the SAZF and the SAJBD to curb South Africa's stride to a more aggressive stance on Israel, as was evidenced in the impact of the lobbying on the outcome of the CTD and the labelling of goods from the OPT. These moves indicate a contestation between domestic and international Jewish and Zionist lobby and interest groups on the one hand and the Coalition for a Free Palestine (which includes BDS South Africa, various Muslim organisations, the ANC and its alliance partners and a broad grouping of civil society organisations) on the other hand, for South Africa's foreign policy on Israel in relation to the Palestinian question.

Additionally, this contestation is about targeting the solidarity support that South Africa has consistently demonstrated towards the Palestinians with the ultimate aim of preventing South Africa from officially endorsing BDS. The ANC and its alliance partners under the banner of the Coalition for a Free Palestine and official Palestinian representation will have to step up the level and depth of their campaigning in order to get South African decision makers to at least align their actions with those of their European counterparts. More pertinently, this requires the South African government to further pursue the shift currently evident in its policy towards Israel (especially considering the deterioration of the situation in Gaza during July 2014 – albeit not covered by this study). This will also require South Africa to exercise the moral leadership that it expected of the international community during its own liberation struggle by 'going against the grain' and adopting BDS as an

official policy of the South African government. These convictions also need to manifest to sustain the historical progression of South Africa-Israel relations from symbiosis through solidarity to action.

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