



**UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA**

**HUMAN RIGHTS AS A CHALLENGE TO SOUTH AFRICA'S FOREIGN
POLICY**

By

Mansah Dondo Amoah

Student Number: 17055289

Dissertation submitted in partial fulfilment of the requirement for the
degree of

Master of Laws

In the Centre for Human Rights

In the Faculty of Law

Prepared under the supervision of

Mr RD Henwood

at the

UNIVERSITY OF PRETORIA

September 2023

TABLE OF CONTENTS

DECLARATION OF ORIGINALITY	4
ACKNOWLEDGEMENTS	5
SUMMARY	6
LIST OF ACRONYMS	7
CHAPTER 1: INTRODUCTION	8
1.1 Background	8
1.2 Problem Statement	10
1.3 Research Questions	10
1.4 Literature Review	11
1.5 Methodology & Approach	18
1.6 Limitations of Study	18
1.7 Structure	18
CHAPTER 2: HISTORY OF SOUTH AFRICA'S FOREIGN POLICY AND LEGAL POSITION ON HUMAN RIGHTS IN FOREIGN POLICY.....	20
2.1 Introduction	20
2.2 Actors involved in South Africa's foreign policy.....	21
2.3 The Presidents & Foreign policy.....	23
2.3.1 Nelson Mandela (1994 - 1999).....	23
Minister(s) & Foreign Affairs personnel	25
2.3.2 Thabo Mbeki (1999 - 2008).....	26
Minister(s) & Foreign Affairs personnel	28
2.3.3 Jacob Zuma (2009 - 2018).....	30
Minister(s) & Foreign Affairs personnel	31
2.3.4 Cyril Ramaphosa (2018 - Present).....	33
Minister(s) & Foreign Affairs personnel	36
2.4 Conclusion.....	42
CHAPTER 3: SOUTH AFRICA'S VOTING BEHAVIOUR ON HUMAN RIGHTS & DEMOCRACY ISSUES.....	43
3.1 Introduction	43
3.2 The Human Rights Institutions of the UN.....	44
3.2.1 UNSC.....	44
3.2.2 UNHRC.....	45
3.2.3 UNGA	45
3.3 South Africa's Voting Behaviour & Explanation of Voting Behaviour.....	46

Table 1-Voting Action	47
Interpretation & Explanation.....	48
Table 2-Voting Action	51
Interpretation & Explanation.....	51
Table 3-Voting Action	54
Interpretation & Explanation.....	55
Table 4-Voting Action	57
Interpretation & Explanation.....	58
3.4 Conclusion	59
CHAPTER 4: ACCORD OR DISCORD BETWEEN DECLARED FOREIGN POLICY AND VOTING BEHAVIOUR?	60
4.1 Introduction.....	60
4.2 South Africa’s Country-specific votes at UNGA’s Third Committee & Declared foreign policy	60
4.3 South Africa’s Country-specific votes at UNSC & Declared foreign policy.....	60
4.4 South Africa’s Country-specific votes at UNHRC & Declared foreign policy	61
4.5 South Africa on Thematic resolutions	61
4.6 Conclusion	62
5. CHAPTER 5: CONCLUSION	64
6. BIBLIOGRAPHY	69

DECLARATION OF ORIGINALITY

I declare that the mini-dissertation, which I hereby submit for the degree Multidisciplinary Human Rights at the University of Pretoria, is my own work and has not previously been submitted by me for a degree at this or any other tertiary institution.

Signature:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

ACKNOWLEDGEMENTS

I would like to express my heartfelt gratitude to Mr Roland Henwood for graciously taking on the task of mentoring a bright-eyed student transitioning from a purely law background to the Political Sciences realm. His guidance, support, and boundless patience have been instrumental in shaping my understanding of human rights and foreign policy.

I extend my sincere thanks to Ambassador Mutton and his enlightening lectures, which sparked my interest and deepened my understanding in this field.

I am also indebted to my colleagues from the MDHR programme for their invaluable contributions and shared insights, from which I have gained immeasurable knowledge and growth.

Finally, I am profoundly grateful to my family for their unwavering support throughout my pursuit of my LLM. Their encouragement has been a constant source of strength and motivation.

SUMMARY

Once acclaimed as a reliable human rights defender, South Africa's reputation in this regard has witnessed recent deterioration. Criticism has mounted due to its voting behaviour within United Nations (UN) forums, along with a perceived disregard for human rights considerations within its foreign policy framework. The study will analyse resolutions where South Africa voted against or abstained from, shedding light on its stance on key international matters. Subsequently, the study will scrutinise the coherence, or potential dissonance, between the nation's declared foreign policy and its voting patterns. Through this analysis, both commendable initiatives and areas necessitating improvement will be considered. By building on its support for thematic resolutions and taking a more consistent and principled stance, South Africa possesses the opportunity to rekindle its status as a human rights defender and play an instrumental role in advancing global peace and justice, thereby contributing significantly to the international community.

LIST OF ACRONYMS

ACFTA	African Continental Free Trade Area
AMISOM	African Union Mission in Somalia
ANC	African National Congress
AU	African Union
BoR	Bill of Rights
BRICS	Brazil, Russia, India, China South Africa
DFA	Department of Foreign Affairs
DIRCO	Department of International Relations and Cooperation
DoD	Department of Defence
DRC	Democratic Republic of Congo
DTI	Department of Trade and Industry
GEAR	Growth, Employment and Redistribution Programme
IBSA	India, Brazil, South Africa
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
MINURSO	United Nations Mission for the Referendum in Western Sahara
MONUSCO	United Nations Organisation Stabilisation Mission in the DRC
NAP	National Action Plan to Combat Racism, Discrimination, Xenophobia, and Related Intolerances
NEPAD	New Partnership for Africa's Development
OAU	Organisation for African Unity
OHCHR	Office of the High Commissioner for Human Rights (UN)
POLISARIO Front	Popular Front for the Liberation of Saguia el-Hamra and Río de Oro
RDP	Reconstruction and Development Programme
SADC	Southern African Development Community
SANDF	South African National Defence Force
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council
UNSC	United Nations Security Council
WPS	Women, Peace & Security

CHAPTER 1: INTRODUCTION

1.1 Background

During the apartheid era, gross human rights violations took place, prompting global outcry and joint efforts to pressure South Africa to end apartheid. These efforts manifested as sanctions and the adoption of resolutions, primarily within the United Nations General Assembly (UNGA), aimed at condemning these violations. Following this, a pivotal transition occurred, signifying the shift from a racially segregated society to a democratic-constitutional regime.

Under the direction of Nelson Mandela's administration, South Africa set out on a journey to adapt to the rapidly changing international order between 1994 and the early 2000s. The country's focus expanded to encompass not only its own interests but also the interests of Africa as a whole, extending beyond its borders.¹ Mandela emphasised that the cornerstone of South Africa's international relations should rest upon the principles of human rights and adherence to international law.²

South Africa became a signatory of the International Covenant on Economic, Social and Cultural Rights (CESCR) in 1994, while also ratifying the International Covenant on Civil and Political Rights (ICCPR) in 1999. Concurrently, the nation assumed membership in the United Nations Human Rights Council (UNHRC) from 1997 to 1999, underscoring its unwavering commitment to the advancement and safeguarding of human rights.

As a manifestation of South Africa's devotion to human rights, Mandela translated his words into action by *unilaterally* advocating for sanctions against Nigeria during the Abacha regime as a response to the execution of nine activists and his efforts. Notably, these actions were taken independently, devoid of any formal resolutions or discussions at international platforms. South Africa was also able to mediate peace negotiations in the Democratic Republic of Congo (DRC).³

Upon assuming power, Thabo Mbeki ushered in further transformative change for South Africa and the broader African landscape. This was primarily achieved through

¹ C Landsberg 'Towards a post-apartheid South African foreign policy review' in C Landsberg & JA van Wyk (eds) *South African Foreign Policy Review: Volume 1* (2012) 3.

² N Mandela 'South Africa's future foreign policy.' (1993) 72 *Foreign Affairs* 97.

³ E Jordaan 'Fall from grace: South Africa and the changing international order' (2010) 30 *Politics* 86.

the restructuring of the African Union and the establishment of the New Partnership for Africa's Development (NEPAD).⁴ NEPAD is an economic development initiative entrusted with tackling a wide range of challenges confronting Africa, including the issue of poverty. Mbeki pursued an '*African Agenda*' strategy aimed at advancing the development of Africa while fostering peace and security across African nations and the Middle East.⁵

Nonetheless, the tenures of both Mandela and Mbeki are now part of history, and South Africa's international standing as a champion of human rights has declined.⁶ The country's reputation has suffered internationally as a result of its dismal track record of defending and advancing human rights, particularly at the United Nations Security Council (UNSC) and UNHRC.⁷ Domestically, this decline can be attributed to corruption, economic frailty, outbreaks of xenophobic violence, and rising poverty.⁸

In this context, recent attention has been fixated on South Africa's stance in the Russo-Ukrainian conflict, which exposes its '*poor track record*'. Russia's invasion of Ukraine constitutes an act of aggression under international law. Furthermore, allegations of indiscriminate bombing,⁹ assaults on civilians and civilian infrastructure, and the infliction of unwarranted and disproportionate harm have been levied against Russia under international humanitarian law.¹⁰ South Africa decided to abstain from voting on the resolution titled '*Aggression against Ukraine*' at UNGA, which was a resolution condemning Russia.

Similarly, in the 41st session of the UNHRC in 2019, South Africa withheld its support for a resolution denouncing Syria's violations of international humanitarian law and its grave human rights abuses.

⁴ DD Bradlow, E Sidiropoulos & L Mpungose 'Defining a South African foreign policy for the 2020s: Challenges, constraints and opportunities' in DD Bradlow & E Sidiropoulos (eds) *Values, interests and power: South African foreign policy in uncertain times* (2020) 1.

⁵ A Adebajo 'The concentric circles of South Africa's foreign policy' in A Adebajo & K Virk (eds) *Foreign Policy in post-apartheid South Africa: Security, diplomacy and trade* (2017) 10.

⁶ Bradlow, Sidiropoulos & Mpungose (n 4 above) 1.

⁷ As above.

⁸ Bradlow, Sidiropoulos & Mpungose (n 4 above) 2.

⁹ Amnesty International 'Russian military commits indiscriminate attacks during the invasion of Ukraine' <https://www.amnesty.org/en/latest/news/2022/02/russian-military-commits-indiscriminate-attacks-during-the-invasion-of-ukraine/> [Accessed: 2022-07-07].

¹⁰ Human Rights Watch 'Ukraine: Deadly attacks kill, injure civilians, destroy homes' <https://www.hrw.org/news/2022/03/18/ukraine-deadly-attacks-kill-injure-civilians-destroy-homes> [Accessed: 2022-07-07].

Another instance showcasing South Africa's unwillingness to champion human rights occurred during the 38th session of the UNHRC in 2018. South Africa opted to abstain to vote on a resolution condemning the human rights violations such as the ethnic cleansing of the Rohingya people and the indiscriminate killing of fleeing civilians in Myanmar.¹¹

Despite opportunities to demonstrate itself as a firm advocate of human rights in these instances, South Africa's performance has been notably lacklustre. The country's own history has been marked by human rights violations, and one of the reasons why South Africa became a democracy can be attributed to international pressure exerted on the apartheid regime to end apartheid.¹² Hence, it appears rather perplexing that South Africa has not extended similar advocacy for other nations grappling with human rights transgressions.

1.2 Problem Statement

The key question to think about is whether a state's foreign policy should include components like human rights, values, and ethics. South Africa's Constitution unequivocally upholds human rights, and these principles find manifestation in the country's legislative framework. However, a disparity exists between South Africa's stated foreign policy and its voting patterns at the United Nations. Hence, it becomes imperative to examine whether human rights should extend beyond South Africa's borders, encompassing both global diplomatic affairs and foreign policy considerations. Failing to address such disparities allows a state to evade international scrutiny or consequences for violating human rights. Fortunately, South Africa has not escaped international scrutiny and backlash for its stance on the Russo-Ukrainian conflict.

1.3 Research Questions

The **main research inquiry** revolves around the extent to which human rights are evident in South Africa's foreign policy.

¹¹ Z Hussein 'Special session of the Human Rights Council on the human rights situation of the minority Rohingya Muslim population and other minorities in the Rakhine State of Myanmar: Statement to the HRC' 5 Dec 2017, <https://www.ohchr.org/en/statements/2017/12/special-session-human-rights-council-human-rights-situation-minority-rohingya?LangID=E&NewsID=22487> [Accessed: 2022-09-12].

¹² Jordaan (n 3 above) 87.

To aid in addressing this primary query, **two subsidiary questions** must be posed within the South African context:

Firstly, what are the legal guidelines for the inclusion of human rights in foreign policy, domestically and internationally?

Secondly, how well has South Africa's voting behaviour conformed to international norms and its officially stated foreign policy?

1.4 Literature Review

Foreign policy, according to Bariledum and Obianime, can be viewed as a vital tool for realising a state's national interest, achieving specific objectives within the international community, and guiding bilateral and multilateral relations with other states.¹³ A state has the flexibility to prioritise certain objectives over others depending on prevailing circumstances.

Undoubtedly, there is a significant conflict between human rights and foreign policy. Many view these considerations as limitations. Realists contend that human rights should not be taken into account while formulating foreign policy, whilst moralists believe that such factors are legitimate and may be seamlessly included into a country's diplomatic approach.¹⁴ Under international law, every state is obligated to advance '*human rights, democracy, and the rule of law*' in all their actions, thereby encompassing these principles within the sphere of international relations.¹⁵ A state should not be prevented from incorporating human rights concerns into its foreign policy by principles of sovereignty and non-intervention.¹⁶

The inclusion of human rights in international relations only gained traction after World War II with the adoption of the UN Charter (1945) and the Universal Declaration of Human Rights (1948). The United Nations Charter's Articles 55 and 56 declare that all member states shall uphold and advance human rights through social and international partnership. Moreover, states must work together to realise the purpose

¹³ K Bariledum & TT Obianime 'A comparative study of Nigeria and South Africa foreign policies achievements in Africa' (2022) 8 *International Journal of Comparative Studies in International Relations and Development* 20.

¹⁴ R Gropas 'Is a human rights foreign policy possible? The case of the European Union' (1999) In *Conference proceedings of the 16th Annual Graduate Student Conference held in New York. Conducted by the Institute on Western Europe, Columbia University. New York* 2.

¹⁵ As above.

¹⁶ Gropas (n 14 above) 7.

of Article 55. As a result, the extension of human rights outside of a country's borders is necessary.¹⁷

Nevertheless, a challenge in integrating human rights into foreign policy arises from the clash between competing priorities involving political and economic objectives, which can potentially undermine human rights considerations. Cohen posits that valid and substantial '*political and strategic*' justifications are necessary to subordinate human rights to other interests.¹⁸ He further emphasises that the prioritisation of these interests should stem from genuine motives rather than stemming from ignorance or mere reluctance.¹⁹

South Africa has faced a lot of criticism and scrutiny regarding its voting behaviour, specifically in country-specific resolutions, and its lack of inclusion of human rights in its foreign policy. Broadly speaking, Braga contends that South Africa faces an excessive burden in striving for a foreign policy firmly grounded in human rights principles, stemming from its historical involvement in the anti-apartheid movement.²⁰ He goes on to explain that South Africa's relatively *under-emphasised* approach in addressing human rights abuses in other countries can be attributed to the intricate interplay between global dominance and its anti-Western, Pan-Africanist ideology.²¹

In the context of South Africa's voting behaviour, Mbete and Graham have undertaken comprehensive conceptual analyses in their respective doctoral theses. Mbete's study examines whether South Africa can be considered a '*middle power*', drawing evidence from its two terms as a non-permanent member of the UNSC which were from 2007-2008 and 2011-2012.²² On the other hand, Graham presents a meticulous, step-by-step model for understanding a state's voting behaviour.²³ Firstly, Graham examines the state's declared foreign policy, seeking to understand its guiding principles and objectives. Secondly, she analyses the state's voting actions at United Nations forums,

¹⁷ J Donnelly 'Human rights and foreign policy' (1982) 34 *World Politics* 586.

¹⁸ R Cohen 'Integrating human rights in US foreign policy: The history, the challenges, and the criteria for an effective policy' (2008) *The Brookings Institution* 8.

¹⁹ As above.

²⁰ PDRS Braga 'Human rights and the origin of myths of post-apartheid South African foreign policy' (2017) 39 *The Strategic Review for Southern Africa* 27.

²¹ Braga (n 20 above) 30.

²² S Mbete 'The 'Middle Power' debate revisited: South Africa in the United Nations Security Council, 2007-2008 and 2011-2012' unpublished PhD thesis, University of Pretoria, 2018.

²³ S Graham 'South Africa's voting behaviour in the United Nations, 1994-2008' unpublished PhD thesis, University of Johannesburg, 2013; S Graham *Democratic South Africa's Foreign Policy: Voting Behaviour in the United Nations* (2016).

which provide crucial insights into its stances on various global issues. Lastly, Graham interprets the state's voting behaviour by considering both official government statements and observations from external experts and observers. This model will serve as the fundamental framework throughout this dissertation.

Jordaan discusses South Africa's hesitancy to support UNHRC resolutions, indicating a desire to assert its independence from other member states and this divergence highlights a discrepancy in how human rights are considered domestically versus in foreign policy.²⁴ He interprets this conduct as a shift away from a liberal portrayal of South Africa's foreign policy towards a more liberationist stance.²⁵ In this shift, democratic freedoms take a backseat to economic development, and the sovereignty of states is deemed crucial while questioning the international hegemony.²⁶ He references additional literature critiquing South Africa's voting track record and even raises doubts about its worthiness of UNHRC membership.

According to Grant and Hamilton, South Africa is a *strong emerging middle power*, and to achieve this status, economic interests are prioritised over human rights.²⁷ Jordaan offers a detailed analysis of emerging middle powers, describing them as countries with developing economies and significant regional influence, who actively promote their interests in international relations.²⁸ Mbete defines middle powers as '*moderate-sized states that assume particular roles aimed at stabilising and legitimising the prevailing global order*'.²⁹ Their main goal is to ensure the viability and stability of the international structure, thereby establishing a foreseeable framework within which they can pursue their national interests.³⁰ Mbete outlines three main roles that middle powers can assume: mediator, good international citizen, and regional leader.

²⁴ Braga (n 20 above) 31.

²⁵ Jordaan (n 3 above) 82.

²⁶ Jordaan (n 3 above) 82.

²⁷ JA Grant & S Hamilton 'Norm dynamics and international organisations: South Africa in the African Union and International Criminal Court' (2016) 54 *Commonwealth and Comparative Studies* 162.

²⁸ E Jordaan 'The concept of a middle power in international relations: Distinguishing between emerging and traditional middle powers' (2003) 30 *Politikon* 168.

²⁹ Mbete (n 22 above) 45.

³⁰ As above.

A mediator engages in activities like international peace-making, peacekeeping, and peacebuilding, facilitating constructive dialogue between conflicting parties.³¹ A regional leader, typically a developing country, takes on responsibilities for its region and assumes a leadership role, which should be acknowledged and accepted by neighbouring countries.³² Mbete mentions that a good international citizen is someone who champions universal human rights, maintains global security and participates in humanitarian interventions.³³ Graham points out that a state that is prepared to put the welfare of the international community before the continuous pursuit of its national interest is a good international citizen.³⁴

Melber evaluates South Africa's role at the UN and examines whether the country has truly embodied the fundamental principles of human rights promoted by the organisation.³⁵ He highlights the conflict that currently exists between pursuing economic and geostrategic goals and implementing a rights-based policy, and this tension inevitably impacts both domestic and foreign policies of governments which is not exclusive to South Africa; it is a challenge faced universally.³⁶

However, it remains crucial for South Africa to incorporate human rights considerations into its foreign policy and international relations. While the Constitution may lack extraterritorial enforcement, it undoubtedly exerts influence over the formulation and execution of foreign policy, exemplified by the '*duty to protect, promote and fulfil*' the obligations of the Bill of Rights (BoR) in the realm of global affairs.³⁷ Achieving this objective involves endorsing nations that uphold human rights and refraining from supporting those that transgress them.³⁸ Moreover, South Africa should actively back human rights advocates by extending support to activists defending these principles.³⁹

³¹ Mbete (n 22 above) 51.

³² Mbete (n 22 above) 56.

³³ Mbete (n 22 above) 52.

³⁴ S Graham 'Gold star or bottom of the class: Is South Africa a good international citizen?' (2008) 15 *South African Journal of International Affairs* 88.

³⁵ H Melber 'Engagement matters: South Africa, the United Nations and a rights-based foreign policy' (2014) 21 *South African Journal of International Affairs* 131.

³⁶ Melber (n 35 above) 135.

³⁷ J Klaaren & D Halim 'Foreign policy under the Constitution of South Africa' in DD Bradlow & E Sidiropoulos (eds) *Values, interests and power: South African foreign policy in uncertain times* (2020) 32.

³⁸ Human Rights Watch 'US: President should set a human rights foreign policy' <https://www.hrw.org/news/2020/11/10/us-president-should-set-human-rights-foreign-policy> [Accessed: 2022-06-19].

³⁹ As above.

At international forums, it is imperative for South Africa to champion resolutions condemning human rights violators while simultaneously proposing reforms such as encouraging other countries to ratify international treaties and instruments that safeguard human rights.⁴⁰

Brysk contends that integrating human rights into foreign policy embodies the concept of being '*global Good Samaritan*'. To explain this, she draws on the biblical analogy of the Good Samaritan, suggesting that a country should align its domestic interests with global concerns by providing aid to the international community and aiding those facing human rights violations.⁴¹ Furthermore, a '*global Good Samaritan*' actively seeks to promote and broaden human rights standards as a safeguard against the misuse of power.⁴²

Significantly, the promotion of human rights forms an essential component of South Africa's national interest, reflecting a '*people-centred*' approach that serves as the cornerstone for the country's prosperity, as well as that of its region and the entire continent.⁴³ This viewpoint was underscored in the 2011 White Paper on South Africa's foreign policy, confirming the incorporation of the principle of *ubuntu* within the nation's international relations. Recent policy discussion papers from the African National Congress (ANC) provide insight into the party's '*strategic approach to policies and their role in shaping and influencing the transformation agenda*', a topic explored in Chapter 2.⁴⁴

Van Nieuwkerk provides a conceptual analysis of South Africa's national interest to determine how certain decisions taken promote and protect it. In South Africa's international relations, its decisions regarding peacekeeping missions, mediation efforts, and relations with human rights-abusing countries are driven by its national interests.⁴⁵ The concept of national interest suggests that foreign and security policies should align with a nation's broad and long-term goals.⁴⁶ Krasner defines national

⁴⁰ As above.

⁴¹ A Brysk *Global good Samaritans: human rights as foreign policy* (2009) 4.

⁴² As above

⁴³ Bradlow, Sidiropoulos & Mpungose (n 4 above) 8.

⁴⁴ ANC Umrabulo Policy Discussion Papers (20 May 2022) (Hereafter 'Policy Discussion Papers').

⁴⁵ A van Nieuwkerk 'South Africa's national interest' (2004) 13 *African Security Studies* 89.

⁴⁶ As above.

interest as the state's sought-after goals, which must be consistent and related to societal objectives over time.⁴⁷

Budget votes can also provide an insight into a country's foreign policy priorities. Government departments and other entities debate over the budgets allocated to them through a parliamentary vote and discuss how they will use the funds allocated to them.⁴⁸

Foreign policy literature has consistently characterised South Africa's foreign policy as ambiguous because of the disconnect between its foreign policy assertions and policy implementation.⁴⁹ Moreover, it has been described as impractical resulting in it being overstretched and losing its effectiveness.⁵⁰ An example of this is Mbeki's relations with Zimbabwe.⁵¹ Mbeki was accused of his '*quiet diplomacy*' towards Zimbabwe for failure to address the economic and political crisis that is still ongoing in Zimbabwe. Quiet diplomacy is a form of diplomacy that remains excessively silent for extended periods, which can eventually lead to complicity.⁵² The complete absence of condemnation for countries accused of human rights abuses and the lack of criticism indicates a lack of care and bias towards other nations with specific interests in the UNSC.⁵³

The South African courts have exhibited hesitance in rendering judgments on issues related to international relations and foreign policy. This stance arises from both judicial deference and the doctrine of separation of powers. A significant aspect of judicial deference entails showing respect for the decisions made by other branches of government while refraining from interference.⁵⁴ The courts' reserve to involve

⁴⁷ SD Krasner *Defending the national interest* (1978); A van Nieuwkerk (n 45 above) 90.

⁴⁸ Parliamentary Monitoring Group 'Budget vote debates' <https://pmg.org.za/page/Budget%20Vote#:~:text=Budget%20vote%20debates%20provides%20an,funded%20through%20a%20parliamentary%20vote> [Accessed: 2023-07-09].

⁴⁹ P Bischoff 'Contrivance with purpose? International relations and the reconstitution of the international' (2010) 32 *Strategic Review for Southern Africa* 125-126.

⁵⁰ As above.

⁵¹ Bischoff (n 49 above) 126.

⁵² Melber (n 35 above) 138.

⁵³ As above.

⁵⁴ *Hunter v Financial Sector Conduct Authority and Others* (2018) ZACC 31.

themselves in such matters stems from the recognition that it is the Executive branch of government tasked with such matters.⁵⁵

Nevertheless, the Constitutional Court in *Law Society of South Africa & Others v President of the Republic of South Africa & Others* showcased a shift in the extent of deference that courts demonstrate towards the Executive.⁵⁶ The case revolved around the involvement of the President of the Republic of South Africa in a decision-making process aimed at suspending and stripping the Southern African Development Community Tribunal (the Tribunal) of its authority.⁵⁷ This action was undertaken through the endorsement of a 2014 Protocol, which decreed that the Tribunal would lack jurisdiction to adjudicate cases involving individuals against member states.⁵⁸ Consequently, this protocol prevented farmers who had experienced land expropriation in Zimbabwe from bringing their grievances before the Tribunal to ascertain the legality of such expropriations.⁵⁹ The Constitutional Court held that the President's conduct was unconstitutional, illegal, and unreasonable due to the fact that these actions contravened South Africa's international legal obligations.⁶⁰

Understanding South Africa's foreign policy is imperative for gaining insights into its conduct and interactions on the global stage. By examining the underlying principles, motivations, and strategies that shape its international engagements, we can unravel the web of decisions that define its relationship with other nations.⁶¹ Within this intricate framework, voting behaviour emerges as an indicator of a state's standpoint on critical issues. When South Africa participates in international organisations and diplomatic forums, its voting choices convey more than just the outcome of a single decision.⁶² These choices capture its alignment with certain values, interests, alliances, and global priorities. They reflect the degree of consensus or disagreement between South Africa and other nations on matters ranging from human rights and trade to security.

⁵⁵ N Fritz 'The courts and foreign relations powers' in DD Bradlow & E Sidiropoulos (eds) *Values, interests and power: South African foreign policy in uncertain times* (2020) 65.

⁵⁶ *Law Society of South Africa & Others v President of the Republic of South Africa & Others* (2018) ZACC 51; (2019) 3 SA 30 (CC) (Hereafter 'the SADC Tribunal case').

⁵⁷ *SADC Tribunal case* para 16.

⁵⁸ *SADC Tribunal case* para 7.

⁵⁹ *SADC Tribunal case* para 11.

⁶⁰ *SADC Tribunal case* para 92.

⁶¹ M Breuning *Foreign policy analysis: A comparative introduction* (2007) 5.

⁶² Graham (n 23 above) 75.

1.5 Methodology & Approach

This study is rooted in qualitative research, employing analytical, comparative, and descriptive approaches. Its goal is to explain and analyse key ideas while looking into the aforementioned issues using both primary and secondary sources. Primary sources encompass laws and treaties, while secondary sources comprise of journal articles, case law, books, online articles, and media reports.

Furthermore, to delve into the history of South Africa's voting behaviour, this study will utilise two databases: the UN Index to Proceedings and the UN Bibliographic Information System.

1.6 Limitations of Study

Considering the research questions, the problem statement, and word constraints, this study acknowledges its limitations. Firstly, it will narrow its focus to explore South Africa's voting history concerning human rights issues. Secondly, while the study primarily centres on Ramaphosa's presidency, it will also delve into the foreign policies of previous presidents to provide necessary context and background. Lastly, the study will analyse resolutions where South Africa voted against or abstained from, shedding light on its stance on key international matters.

Therefore, given the analytical parameters, this research aims to provide an overview of South Africa's foreign policy and assess how the country's voting behaviour aligns with its declared foreign policy at international forums.

1.7 Structure

Chapter 1 provides for the background and overview of the proposed research. Subsequently, it delves into the broader question of whether human rights should be integrated into foreign policy. This exploration encompasses an examination of international law instruments and literature to shed light on this issue.

Chapter 2 discusses the history of South Africa's foreign policy and its legal position on human rights in foreign policy.

Chapter 3 looks at South Africa's voting history from 2018-2022 at the UNSC, UNGA and UNHRC on human rights issues.

Chapter 4 looks at the extent South Africa's voting behaviour has aligned with its declared foreign policy under President Ramaphosa's presidency.

Chapter 5 concludes by synthesising the findings from the previous chapters and subsequently proposes a way forward for South Africa's future foreign policy.

CHAPTER 2: HISTORY OF SOUTH AFRICA'S FOREIGN POLICY AND LEGAL POSITION ON HUMAN RIGHTS IN FOREIGN POLICY.

2.1 Introduction

South Africa's foreign policy is significantly influenced by its interactions with other nations and international organisations. After the end of apartheid in 1994, the country underwent a fundamental shift in its foreign policy, emphasising the promotion of human rights, peace, stability, democracy, and regional integration.⁶³ South Africa's growing importance on the African continent was evident through its active involvement in the formation of the African Union (AU). As each new president took office, the foreign policy priorities adapted accordingly to the prevailing circumstances.⁶⁴ Today, South Africa holds the status of an emerging middle power within Africa, and its role in global affairs is of paramount importance.⁶⁵ This position is attributed to the historical contributions of its past presidents.⁶⁶

South Africa's foreign policy is driven by its national interests, encompassing military, economic, social, and other objectives.⁶⁷ These objectives align with the government's political agenda and are pursued for the betterment of its citizens. Therefore, multilateralism guides the state's foreign policy, ensuring that its actions are in line with its national interest.⁶⁸

South Africa has previously declared its intention to pursue a foreign policy based on human rights at the UNSC and UNHRC.⁶⁹ This strategy entails supporting the values of human rights and justice upheld by the UN institutions and demonstrating a strong commitment to their enhancement.⁷⁰ A rights-based foreign policy is founded on values, aiming to protect and advance human rights, while promoting individual and collective security, as well as fostering the highest possible level of citizen participation

⁶³ M Graham *The crisis of South African foreign policy: Diplomacy, leadership and the role of the African National Congress* (2015) 1.

⁶⁴ J Cilliers 'Life beyond BRICS? South Africa's future foreign policy interests' (2017) *South Africa's Future Foreign Policy Interests* 2.

⁶⁵ JA van Wyk 'South Africa's post-apartheid foreign policy: a constructivist analysis' (2004) 23 *Politeia* 112.

⁶⁶ As above.

⁶⁷ Bradlow, Sidiropoulos & Mpungose (n 4 above) 7.

⁶⁸ As above.

⁶⁹ Melber (n 35 above) 131.

⁷⁰ As above

in their country's affairs.⁷¹ This approach seeks to create an environment free from intimidation and safeguarded from the abuse of power.

Since readmission to the UN in 1994, South Africa has attempted to position itself as an active and engaged member of the organisation, particularly evident in its role within the UNSC.⁷² During South Africa's first term, there was a strong dedication to increasing cooperation between the UNSC and the AU, resulting in an effective partnership which led to the Council unanimously adopting resolution 1809 (2008).⁷³

The purpose of this chapter is to present an overview of South Africa's foreign policy under different presidencies, excluding Kgalema Motlanthe's brief tenure. By doing so, it seeks to shed light on the factors that have played a role in shaping President Ramaphosa's foreign policy. Subsequently, it will concentrate on the primary aspects of South Africa's stated foreign policy during Ramaphosa's tenure, spanning from his election in 2018 to the present. The necessity of defining South Africa's foreign policy and identifying the country's national interest will offer insights into its voting behaviour at UN forums.

2.2 Actors involved in South Africa's foreign policy

Policy development involves creating guidelines and rules for a specific subject through processes like issue identification, research, solution evaluation, and comprehensive document drafting.⁷⁴ Multiple experts, stakeholders, and policymakers provide inputs.⁷⁵

In formulating a country's foreign policy, various individuals and institutions play significant roles, challenging the belief that DIRCO alone is responsible for South Africa's foreign policy.⁷⁶ Instead, multiple actors actively influence and determine the country's foreign policy choices that must be coherent and unified.⁷⁷

⁷¹ As above.

⁷² F Nganje & O Ayodele 'South African foreign policy' *Oxford Research Encyclopedia of International Studies* (2021) 13.

⁷³ C Alden 'South African foreign policy and the UN Security Council: Assessing its impact on the African peace and security architecture' (2015) *SAIIA Policy Insights No 20, June 2015* 3-4.

⁷⁴ C Madimutsa 'The policy formulation process' (2008) 1.

⁷⁵ Madimutsa (n 74 above) 2.

⁷⁶ L Masters 'Opening the 'black box': South African foreign policy making' in C Landsberg & JA van Wyk (eds) *South African foreign policy review: Volume 1* (2012) 20.

⁷⁷ Klaaren & Halim (n 37 above) 30.

The foreign policy framework grants Presidents a central role due to factors like the ANC's nature as a liberation movement, the country's Constitution, the foreign policy bureaucracy capacity, and international dynamics.⁷⁸ However, this approach has led to instances of unilateral decisions, such as Mandela calling for sanctions against the Abacha regime despite objections from advisers and Parliament discussions.⁷⁹

Numerous advisers influence the foreign policy process, including those from politics, international relations, economics, and defence. The Department of Trade and Industry (DTI) guides economic diplomacy while the Department of Defence (DoD) influences peacekeeping decisions, supporting peace diplomacy.⁸⁰ Ratifying treaties, assessing policy documents, and allocating funds to DIRCO are all ways that Parliament gets involved in foreign policy.⁸¹ External input extends to business, academia, NGOs, labour, and civil society.⁸²

During the Mandela and Mbeki presidencies, foreign policy decision-making encountered confusion due to a multitude of actors with varied interests which posed challenges for the Department of Foreign Affairs (DFA) to establish a unified foreign relations strategy.⁸³

Under Mandela, foreign policy inputs came from multiple sources, including the President, Deputy-President Mbeki, the DFA, the DTI, the parliamentary committee on foreign affairs, parliamentarians, and to some extent, civil society members.⁸⁴

During Mbeki's tenure, the Presidency expanded its role in shaping foreign policy, and external players were drawn into the process due to internal DFA challenges, including frequent changes in Director-Generals while aiming for better effectiveness and representation.⁸⁵

Further confusion came with the National Conventional Arms Control Committee, headed by Minister Kader Asmal intervening on international affairs, occasionally

⁷⁸ Masters (n 76 above) 21.

⁷⁹ Masters (n 76 above) 30.

⁸⁰ Masters (n 76 above) 30; Nganje & Ayodele (n 72 above) 4.

⁸¹ Masters (n 76 above) 32.

⁸² Masters (n 76 above) 33.

⁸³ PH Bischoff 'External and domestic sources of foreign policy ambiguity: South African foreign policy and the projection of pluralist middle power' (2003) 30 *Politikon* 186.

⁸⁴ As above.

⁸⁵ Bischoff (n 83 above) 186-187.

putting market access ahead of human rights issues and clashing with the DFA's stance.⁸⁶ Additionally, in a specific instance, the DTI took charge of negotiations with the European Union on a Free Trade Agreement, supporting economic diplomacy.⁸⁷ These diverse inputs caused coordination problems and contributed to ambiguity in South Africa's foreign policy direction.⁸⁸

Hence, a collaborative approach involving multiple stakeholders is vital in foreign policy decision-making to ensure a unified, effective, and coherent engagement in international relations.

2.3 The Presidents & Foreign policy

2.3.1 Nelson Mandela (1994 - 1999)

Mandela, as the first democratic president of South Africa, faced a multitude of significant challenges. He willingly embraced the responsibility, not only for himself but also for the DFA, to pursue a policy of reconciliation with other nations. He also put a lot of effort into making South Africa a valued member of the international community.

In Mandela's published article, he made numerous crucial remarks regarding the principles that will govern South Africa's foreign policy going forward.⁸⁹ Henwood notes that at the start of the Mandela administration, there was no official document on South Africa's foreign policy, making it difficult to determine what it was, one had to examine the speeches delivered by the Minister and Deputy Minister of DFA, particularly those delivered in parliament.⁹⁰ However, the article contributed to ascertain the country's foreign policy. Mbete characterises the article, '*South Africa's future foreign policy*', as the manifesto and blueprint for post-apartheid foreign policy and the country's international relations.⁹¹ The article has also been used to measure whether the post-apartheid governments have fulfilled their commitment to following a human rights-based foreign policy.⁹²

⁸⁶ Bischoff (n 83 above) 187.

⁸⁷ Nganje & Ayodele (n 72 above) 4.

⁸⁸ As above.

⁸⁹ C Williams 'Re-evaluating South African foreign policy decision-making: Archives, architects and the promise of another wave' (2021) 48 *Politikon* 555.

⁹⁰ R Henwood 'South Africa's foreign policy: Principles and problems' (1997) *Fairy godmother, hegemon or partner* 3.

⁹¹ Mbete (n 22 above) 63, 65.

⁹² Williams (n 89 above) 555.

In his article, Mandela asserts that South Africa will take on the role of a responsible global citizen.⁹³ He outlines the foreign policy's foundation, which includes valuing human rights in all international relations, promoting global democracy for enduring solutions to global challenges, upholding justice and international law in our interactions with other nations, and pursuing peace through agreed nonviolent measures, such as arms control.⁹⁴ Additionally, Mandela emphasises the importance of prioritising Africa's concerns and interests when shaping our foreign-policy decisions, while also stressing the significance of economic development through international cooperation.⁹⁵ Mandela highlighted the idea that human rights should be the main focus of international relations and that the country is prepared to contribute to promoting peace and prosperity throughout the international community.⁹⁶

Mandela believed that the concept of national sovereignty should not be abused and should not prohibit states from intervening in other states responsible for tyranny.⁹⁷ He *unilaterally* condemned human rights abuses in other countries, like the killing of the nine activists by the Abacha regime in Nigeria. He described Abacha '*a corrupt dictator in charge of an illegitimate and barbaric regime*'.⁹⁸

Mandela and his government also demonstrated a commitment to South Africa's economic interests with the introduction of the Reconstruction and Development Programme (RDP), a socio-economic policy framework with the goal of providing resources to all South Africans and the adoption of the Growth, Employment and Redistribution Programme (GEAR).⁹⁹

Mandela initiated South Africa's peace diplomacy by intervening in Lesotho in 1998 during a period of civil unrest in the country.¹⁰⁰ Peace diplomacy encompasses

⁹³ Mandela (n 2 above) 86-87.

⁹⁴ Mandela (n 2 above) 87.

⁹⁵ As above.

⁹⁶ Mandela (n 2 above) 97.

⁹⁷ Quoted in E Hutchful 'Understanding the African security crisis' in AF Musah & JK Fayemi (eds) *Mercenaries: An African security dilemma* (2000) 218.

⁹⁸ C Duodu interview with Mandela published in *The Observer* (26 November 1995).

⁹⁹ ANC 'The Reconstruction and Development Programme: A policy framework (1994).

¹⁰⁰ Nganje & Ayodele (n 72 above) 11.

decisions and actions associated with peace-making, peacekeeping, and peacebuilding.¹⁰¹

South Africa adopts the '*universality of foreign policy*' stance, meaning it may befriend countries considered as enemies of the West.¹⁰² Consequently, it aligns with nations like Iran, Cuba, and Libya due to their support during the liberation struggle.¹⁰³ This alignment has drawn criticism from the United States. Despite facing accusations of human rights abuses, South Africa refuses to sever ties with these countries, resulting in inconsistencies in its foreign policy.¹⁰⁴ This approach has also been followed by Mandela's successors.

South Africa was appointed chair of the UN Human Rights Commission in 1998 and played a crucial part in its reform.¹⁰⁵ South Africa's unwavering pledge to upholding human rights in its foreign policy was confirmed by this action.

Minister(s) & Foreign Affairs personnel

Alfred Nzo was the first Department of Foreign Affairs Minister of the newly democratic South Africa from 1994-1999. He supported a human rights-based foreign policy and the need to promote freedom and democracy at a global scale.¹⁰⁶ However, the Minister and the Department was criticised for not following through with their foreign policy declarations and the secrecy in which decisions are made with no explanation.¹⁰⁷ This was why Nzo was labelled as an '*ineffectual foreign minister*'.¹⁰⁸

Mandela's foreign policy approach was also criticised, for being overly ambitious and perceived as '*all over the place*' due to South Africa being a young democracy grappling with numerous challenges, including limited financial resources, capacity

¹⁰¹ A van Nieuwkerk 'A review of South Africa's peace diplomacy since 1994' in C Landsberg & JA van Wyk (eds) *South African Foreign Policy Review: Volume 1* (2012) 84.

¹⁰² Henwood (n 90 above) 15-16.

¹⁰³ A Otavio 'The Ramaphosa administration and the return to South Africa's protagonism: Trends and challenges to foreign policy' (2021) 6 *Brazilian Journal of African Studies* 89.

¹⁰⁴ Henwood (n 90 above) 15.

¹⁰⁵ D Mashabane 'South Africa and the United Nations' in A Adebajo & K Virk (eds) *Foreign Policy in post-apartheid South Africa: Security, diplomacy and trade* (2017) 406.

¹⁰⁶ Henwood (n 90 above) 6.

¹⁰⁷ Staff Reporter 'Foreign Affairs department under fire' 9 Jun 1995, <https://mg.co.za/article/1995-06-09-foreign-affairs-department-under-fire/> [Accessed: 2023-08-22].

¹⁰⁸ M Muller 'South African diplomacy and security complex theory' (1999) 88 *The Round Table* 587.

building, and the complexities of the political landscape.¹⁰⁹ Moreover, the presence of strategic ambiguities and incoherent policy approaches further compounded these issues.¹¹⁰

Ultimately, Mandela and the Department's devotion to democracy, human rights, and peace served as the foundation for his foreign policy toward South Africa. His initiatives provided the basis for South Africa's ongoing involvement in international issues and helped to make the country a respected member of the international community.

2.3.2 Thabo Mbeki (1999 - 2008)

Under Mbeki's presidency, South Africa took a different approach to its foreign policy. He had to follow a more mature approach to foreign policy rather than an idealistic one.¹¹¹ He first identified five key objectives that should be of prime concern in South Africa's foreign policy. These include rearranging the OAU/AU and SADC; revamping regional and global institutions like the UN; hosting important international summits; advancing peace and security in Africa and the Middle East; and solidifying ties with the Global South.¹¹²

Mbeki displayed his dedication to preserving peace and security in Africa by actively participating in numerous peacekeeping operations, including those carried out in Lesotho, Burundi, Zimbabwe, and Sudan.¹¹³

As a mediator, he played a crucial role in facilitating a peace accord in the DRC by 2002 and the withdrawal of Rwandan troops from the country.¹¹⁴ South Africa consistently supported the adoption of resolutions extending UN Organisation Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO) mandate, such as resolution 1856 (2008). The international community was also urged by South

¹⁰⁹ G Mills 'Leaning all over the place? The not-so new South Africa's foreign policy' in H Solomon (ed) *Fairy Godmother, Hegemon or Partner: In Search of a South African Foreign Policy* (1997) 19-34; G Le Pere 'Critical themes in South Africa's foreign policy: An overview' (2014) 36 *The Strategic Review for Southern Africa* 34.

¹¹⁰ Le Pere (n 109 above) 38.

¹¹¹ Henwood (n 90 above) 6.

¹¹² Adebajo (n 5 above) 9.

¹¹³ Adebajo (n 5 above) 10; J Siko 'The right place at the right time, or the right person in the right place? Determinants of South African Defence Minister influence on foreign policy' (2012) 21 *African Security Review* 83.

¹¹⁴ Adebajo (n 5 above) 10.

Africa to give military, economic, and humanitarian resources to aid in the discussions.¹¹⁵

Mbeki faced criticism for his handling of the crisis in Zimbabwe, where the country struggled with economic turmoil and violence towards the opposition under the guise of an '*electoral democracy*' and this approach was often referred to as '*quiet diplomacy*', and many perceived it as complicit behaviour towards the situation in Zimbabwe.¹¹⁶ As a consequence, there was an influx of Zimbabwean refugees into South Africa, which subsequently resulted in an increase in xenophobia among the local population. This situation also had a negative impact on South Africa's reputation as a good international citizen.¹¹⁷ Mbeki justified his decision by emphasising his recognition of Zimbabwe as a sovereign state.¹¹⁸

Mbeki chose to adopt an '*Afrocentric approach*' rooted in Pan-Africanism for his foreign policy. This approach revolved around placing the African person at its core, fostering African unity, and tackling the challenges faced by the continent.¹¹⁹ It materialised through the introduction of the African Agenda, aimed at enhancing representation at global institutions and driving economic transformation within the continent.¹²⁰ Additionally, he played a crucial role in establishing the African Renaissance Cooperation Fund, facilitating South Africa's entry into the development cooperation arena.¹²¹

Since becoming a member of the UNHRC, South Africa has actively contributed to shaping the international human rights agenda with the DFA emphasising its dedication to the advancement of human rights and democracy.¹²²

¹¹⁵ Mbete (n 22 above) 170.

¹¹⁶ C Alden & G Le Pere 'South Africa in Africa: Bound to lead?' (2009) 36 *Politikon* 164-165.

¹¹⁷ E Sidiropoulos 'South African foreign policy in the post-Mbeki period' (2008) 15 *South African Journal of International Affairs* 110.

¹¹⁸ Van Wyk (n 65 above) 117.

¹¹⁹ MK Asante 'The Afrocentric idea in education' (1991) 60 *The Journal of Negro Education* (2) 171.

¹²⁰ Nganje & Ayodele (n 72 above) 12.

¹²¹ As above.

¹²² South African Government 'N Dlamini Zuma: Foreign Affairs Dept Budget Vote 2007/08' 29 May 2007, <https://www.gov.za/n-dlamini-zuma-foreign-affairs-dept-budget-vote-200708> [Accessed: 2023-07-09]; DFA 'Strategic Plan: 2005-2008' (2008) 18.

Minister(s) & Foreign Affairs personnel

Dr Nkosazana Dlamini-Zuma, who held the position of Minister of DFA, served from 1999 to 2009. In 2001, she was elected President of the World Conference Against Racism.¹²³ Anti-racism stands as a significant priority for South Africa, demonstrating its commitment at international forums by consistently voting in favour of resolutions addressing this matter.

In a budget vote by Dlamini-Zuma, she highlighted South Africa's active involvement in post-conflict reconstruction and development in the Democratic Republic of Congo (DRC).¹²⁴ Additionally, she emphasised the country's support for the UN Peace Building Commission's initiatives in other conflict-affected nations. Dlamini-Zuma also advocated for the need for the UN to strengthen ties with the AU to assist in promotion of regional capacity such as assisting with financing.¹²⁵

Dumisani Kumalo served as South Africa's ambassador and permanent representative to the UN. He was an anti-apartheid activist and educated the American people of the injustices of apartheid and calling for America to divest in South Africa.¹²⁶ In an interview, Kumalo mentioned the importance of getting support from the international community for African issues.¹²⁷ At the UN, Kumalo often opposed resolutions brought on by powerful states such as America and mentioned not wanting to use human rights as a tool.¹²⁸

During South Africa's first term in the UNSC from 2007 to 2008, it voted against imposing UN sanctions on authoritarian regimes such as Iran and Zimbabwe, aligning itself with China and Russia.¹²⁹ The argument made was that these circumstances did not constitute a threat to global peace and security, warranting action from the

¹²³ UN 'Nkosazana Dlamini Zuma elected president of World Conference Against Racism' 31 Aug 2001, <https://www.ohchr.org/en/press-releases/2009/10/nkosazana-dlamini-zuma-elected-president-world-conference-against-racism> [Accessed: 2023-08-23].

¹²⁴ South African Government (n 122 above).

¹²⁵ UN 'Security Council underscores importance of supporting African Union's efforts to improve regional peacekeeping capacity' 18 Mar 2009, <https://press.un.org/en/2009/sc9615.doc.htm> [Accessed: 2023-08-23].

¹²⁶ N Genzlinger 'Dumisani Kumalo dead at 71; helped turn tide against apartheid' 30 Jan 2019, <https://www.nytimes.com/2019/01/30/obituaries/dumisani-kumalo-dead.html> [Accessed: 2023-08-25].

¹²⁷ D Goodman interview with Dumisani Shadrack Kumalo at New York, USA (31 Jan 2005).

¹²⁸ Genzlinger (n 126 above).

¹²⁹ P Fraioli (ed) 'South Africa's foreign policy under Ramaphosa' (2021) 27 *Strategic Comments* viii.

UNSC, and should instead be handled by the UNHRC.¹³⁰ Consistent with this reasoning, Kumalo opposed a resolution that called on the Myanmar government to cease military attacks on ethnic minorities and condemned these human rights abuses.

The justification for South Africa's decision to vote against a resolution condemning human rights violations in Myanmar was that it did not fall under the UNSC's scope and should have been handled by the UNHRC instead. Supporting such a resolution would have undermined the roles and purposes of other UN institutions and could have set a precedent. Therefore, each branch is limited by its mandate and can only address matters within its designated scope. Graham characterises this approach as employing '*procedural manipulation*' to justify their voting behaviour.¹³¹

South Africa's first vote on the Women, Peace & Security (WPS) agenda was on resolution 1325 (2000), highlighting the vital involvement of women in the prevention of conflict resolution, conflict prevention and the promotion of peace.¹³² Kumalo reiterated the council's dedication to carrying out resolution 1325 and highlighted South Africa's efforts aimed at guaranteeing that women occupy senior positions in the government, corporate sector, and civil society within the country.¹³³ However, South Africa was accused of attempting to appear as a good international citizen by supporting women's rights while failing to condemn countries engaged in human rights abuses.

The escalating issue of piracy in Somalia prompted frequent meetings at the UNSC. South Africa advocated for stronger support for the African Union Mission in Somalia (AMISOM) and the UN peacekeeping mission. An unanimously adopted draft resolution authorized AMISOM's involvement in Somalia. Kumalo emphasised that this demonstrated the international community's concern for the struggles faced by the people of Somalia.¹³⁴ South Africa played a crucial role as a regional leader and mediator, working towards promoting peace and security in Somalia.¹³⁵

¹³⁰ Nganje & Ayodele (n 72 above) 6.

¹³¹ Graham (n 23 above) 110.

¹³² S/RES/1325.

¹³³ UNSC 'S/PV.5766' (2007) 24.

¹³⁴ UNSC 'S/PV.5633' (2007) 3.

¹³⁵ Mbete (n 22 above) 174.

Western Sahara has experienced a struggle for independence and self-determination led by the liberation movement Polisario Front. The UN intervened by establishing the UN Mission for the Referendum in Western Sahara (MINURSO) with a mandate to facilitate peace negotiations between Morocco and Polisario. In a resolution addressing the situation in Western Sahara, Kumalo reiterated South Africa's support for the country but criticised the wording of the resolution. Despite its reservations, South Africa still voted in favour of the resolution to ensure the creation of a negotiation platform between the parties.¹³⁶ This diplomatic approach toward Western Sahara contradicts South Africa's usual stance on 'procedural manipulation'.¹³⁷

Certainly, Mbeki's foreign policy, together with Dlamini-Zuma and Kumalo, was marked by a strong commitment to fostering African unity, tackling the continent's challenges, and positioning South Africa as a significant player in global affairs. This failure to condemn human rights abuses as with the case of Zimbabwe and Myanmar at the UNSC, has shown an avoidance to the continuation of Mandela's rights-based foreign policy. Some have accused South Africa of being a regional economic hegemony due to its dominant position in trade and investment.¹³⁸ Unfortunately, this focus on economic interests seemed to have overshadowed the priority given to human rights during Mbeki's tenure.

2.3.3 Jacob Zuma (2009 - 2018)

Under Zuma's presidency, South Africa's foreign policy underwent significant changes. Fritz refers to the beginning of Zuma's presidency as the '*post, post-apartheid period*' since South Africa went from an outcast to a fully-fledged democracy.¹³⁹ Zuma built his foreign policy on the foundation laid by his predecessors.

Zuma also continued Mbeki's 'African Agenda' approach to African Unity, which was part of his foreign policy goals, with efforts such as strengthening economic ties with neighbouring countries, as South Africa was seen as '*open for business*'.¹⁴⁰ Furthermore, the promotion of greater political cooperation through institutions such

¹³⁶ UNSC 'S/PV.5669' (2007) 3.

¹³⁷ Mbete (n 22 above) 128.

¹³⁸ Sidiropoulos (n 117 above) 114.

¹³⁹ Sidiropoulos (n 117 above) 107.

¹⁴⁰ C Landsberg 'The concentric circles of South Africa's foreign policy under Jacob Zuma' (2014) 70 *India Quarterly* 160.

as the SADC and the AU.¹⁴¹ In line with Mbeki's multilateral strategy for Africa, Zuma established a strategic ally with Angola which became one of South Africa's key trading partners.¹⁴²

Zuma's administration committed to promoting peace, security and stability by participating in peacekeeping missions in African countries experiencing deadly wars and conflict.¹⁴³

South Africa was also involved in South-South cooperation which included partnerships such as the New Asia-Africa Strategic Partnership to combat poverty, underdevelopment, and marginalisation of the South.¹⁴⁴ Additionally, within BRICS, Zuma highlighted positive initiatives, particularly in exporting, and noted the '*encouraging progress*' achieved through the BRICS New Development Bank.¹⁴⁵

Minister(s) & Foreign Affairs personnel

The DFA underwent a name change to the Department of International Relations and Cooperation (DIRCO), aiming to provide clarity on its mission.¹⁴⁶ Maite Nkoana-Mashabane, the Minister of International Relations and Cooperation, held office from 2009 to 2018. Interestingly, her master's thesis examined how South Africa's emerging middle power status influences its approach to foreign policy and human rights, prioritising the African Agenda.¹⁴⁷ Within the thesis, she maintains that specific stances adopted by South Africa do not inherently signify a disregard for human rights within their foreign policy.¹⁴⁸

Nkoana-Mashabane introduced the concept of South Africa's national interest, vaguely suggesting that it would revolve around cooperation and partnership. She underscored the significance of balancing expectations from both domestic and international observers. Furthermore, she reiterated South Africa's commitment to

¹⁴¹ Landsberg (n 140 above) 158-159;162

¹⁴² Adebajo (n 5 above) 13.

¹⁴³ Landsberg (n 140 above) 159.

¹⁴⁴ Landsberg (n 140 above) 164.

¹⁴⁵ J Zuma 'State of the Nation Address to a Joint Sitting of Parliament' 14 Feb 2013, <https://www.parliament.gov.za/state-nation-address-jacob-g-zuma-president> [Accessed: 2023-07-04].

¹⁴⁶ Landsberg (n 140 above) 157.

¹⁴⁷ ME Nkoana-Mashabane 'South Africa foreign policy: Human rights, the African Agenda and middle powermanship' unpublished Master of Arts thesis, University of Pretoria, 2018.

¹⁴⁸ Nkoana-Mashabane (n 147 above) 44.

upholding Mandela's vision for its foreign policy, while emphasising the necessity for enhanced communication among international relations personnel.¹⁴⁹

South Africa's second term on the UNSC occurred during the Zuma administration. Nkoana-Mashabane emphasised South Africa's commitment to advancing the African Agenda, which aims to achieve peace, security, development, and human rights.¹⁵⁰ This statement reflects the Zuma administration's intention to address previous criticisms of lack of human rights advancement whilst continuing aspects of the previous administrations.¹⁵¹

Ambassador Baso Sangqu served as South Africa's permanent representative at the UN from 2009. He also presided as the President of the UNSC in 2012.

During two meetings held to discuss the extension of the MINURSO mandate at the UNSC, South Africa demonstrated solidarity by supporting these resolutions and advocating for human rights. Sangqu referenced Nelson Mandela by stating that without other people's freedom and self-determination, our freedom is insufficient.¹⁵²

South Africa continued its advocacy for women in peace processes, peacekeeping, and peacebuilding. Sangqu highlighted the country's domestic implementation of the WPS agenda, including the promotion of women's leadership in international relations and their inclusion in command positions and peacekeeping missions.¹⁵³

DIRCO Deputy Minister, Mr Ebrahim Ebrahim served from 2009 to 2014 and was an anti-apartheid activist. He affirmed that South Africa remains dedicated to actively participating in the UN, ensuring that UN mandates faithfully represent the interests of

¹⁴⁹ Mbete (n 22 above) 218.

¹⁵⁰ DIRCO 'South Africa assumes its seat in the United Nations Security Council as a non-permanent member for 2011 and 2012' 30 Dec 2010, https://www.southafrica-usa.net/consulate/speech_foreign_policy.html [Accessed: 2023-07-17].

¹⁵¹ Mbete (n 22 above) 215.

¹⁵² UNSC 'S/PV.6523' (2011) 2.

¹⁵³ UNSC 'S/PV.6642' (2011) 11.

its member states.¹⁵⁴ He further emphasised that there will be a '*greater emphasis on human rights*' while pursuing the country's national interest.¹⁵⁵

Following Ebrahim's term, Mr Luwellyn Landers assumed the role of Deputy Minister of DIRCO, serving from 2014 to 2019. He declared that South Africa has been at the forefront of UN initiatives aimed at promoting and safeguarding human rights.¹⁵⁶ Landers highlighted South Africa's unwavering commitment to bolstering the AU and providing support to its institutions, including the Pan African Parliament.

Critics argue that Zuma's and his foreign affairs personnel's foreign policy was primarily driven by interest-based considerations, prioritising strategic partnerships and economic imperatives, while showing reduced interest in peacebuilding.¹⁵⁷ Additionally, it has been described as '*corruption, factionalism, the use of politics as a means of accumulation, all of which have become emblematic of the ANC*'.¹⁵⁸ This approach deviated from the principles of *ubuntu* diplomacy and the promotion of human rights.¹⁵⁹

Upon close reflection, the Zuma administration's foreign policy provided a lack of clarity on what its '*national interest*' was or its stance on human rights, which was conveniently left out.

2.3.4 Cyril Ramaphosa (2018 - Present)

Cyril Ramaphosa assumed office as the President of South Africa in February 2018, bringing with him a unique background as a businessman, setting him apart from his predecessors. He embraced this leadership role at a time when South Africa was grappling with a significant socio-economic crisis. His ascendancy to power led to speculation and scrutiny about the potential divergence of his foreign policy and other

¹⁵⁴ DIRCO "'Celebrating 19 years of South Africa's Foreign Policy'" 4 July 2013, <https://www.gov.za/celebrating-19-years-south-africa%E2%80%99s-foreign-policy-public-lecture-deputy-minister-international> [Accessed: 2023-07-03].

¹⁵⁵ ANC Parliament 'Reply to the budget vote by Deputy Minister of International Relations and Cooperation, Ebrahim Ismail Ebrahim, to the National Assembly' 18 Jun 2009, <https://www.ancparliament.org.za/content/reply-budget-vote-deputy-minister-international-relations-and-cooperation-ebrahim-ismail> [Accessed: 2023-08-23].

¹⁵⁶ South African Government 'Deputy Minister Luwellyn Landers: International Relations and Cooperation Dept Budget Vote 2017/18' <https://www.gov.za/speeches/deputy-minister-luwellyn-landers-international-relations-and-cooperation-dept-budget-vote> [Accessed: 2023-07-09].

¹⁵⁷ Nganje & Ayodele (n 72 above) 14.

¹⁵⁸ P Mashele & M Qobo *The fall of the ANC: What next?* (2014) 14.

¹⁵⁹ As above.

diplomatic strategies from that of his predecessors, Mbeki and Zuma. Their approach had been characterised by an anti-Western and Pan-Africanist stance, favouring support for China and Russia.¹⁶⁰

Ramaphosa pledged to prioritise economic reform and implement anti-corruption campaigns. However, South Africa confronted its unique challenges dealing with the COVID-19 pandemic, exposing its limited preparedness, alongside an ongoing economic crisis.¹⁶¹ Resolving these pressing domestic issues rightfully took precedence over international objectives.¹⁶² In the pursuit of economic renewal, Ramaphosa underscored the significance of an investment drive to boost business confidence, consumer trust, and investor sentiment within South Africa. This approach aimed at fostering a conducive environment for economic growth and development.¹⁶³

The recent ANC Discussion Papers provide insight into the party's strategic approach to policy, emphasising its transformation agenda and specific policy goals.¹⁶⁴ A focal point in Chapter 5 is South Africa's foreign policy, centred on the concept of '*progressive internationalism*', which envisions global solidarity, social justice, and human security.¹⁶⁵ This approach seeks a just world order with values such as gender equality, non-racialism, and global governance restructuring.¹⁶⁶ The ANC aims to align its policies with this vision, considering the evolving global landscape, and it has released a national interest document to guide its international decisions.¹⁶⁷

The ANC recognises the significance of the African continent in its foreign policy, yet also acknowledges the necessity of assessing its capacity and diplomatic resources for effective pursuit of its goals.¹⁶⁸ Committed to the African Union Agenda 2063, the

¹⁶⁰ Fraioli (n 129 above) viii.

¹⁶¹ As above.

¹⁶² As above.

¹⁶³ The Presidency 'President Ramaphosa tells Parliament and the nation, SA is on a path to economic renewal' 8 May 2018, <https://www.thepresidency.gov.za/press-statements/president-ramaphosa-tells-parliament-and-nation%2C-sa-path-economic-renewal> [Accessed: 2023-07-22].

¹⁶⁴ Policy Discussion Papers (n 44 above) 3.

¹⁶⁵ Policy Discussion Papers (n 44 above) 73.

¹⁶⁶ As Above.

¹⁶⁷ Policy Discussion Papers (n 44 above) 78.

¹⁶⁸ Policy Discussion Papers (n 44 above) 74.

party strives for the adherence to the rule of law, human rights, good governance, and Justice.¹⁶⁹

The party also faces the challenge of developing policies in line with the changing global order, contemplating the reintroduction of the 2011 White Paper on South Africa's foreign policy.¹⁷⁰ This paper emphasises the *Diplomacy of Ubuntu* and key principles regarding the national interest, intertwining South Africa's interests with African unity and stability, addressing domestic concerns such as unemployment and inequality,¹⁷¹ prioritising citizen well-being,¹⁷² and aspiring for a just and equitable global order.¹⁷³ *Ubuntu*, emphasising community, empathy, and solidarity among African nations.¹⁷⁴ This philosophy has shaped South Africa's foreign policy, particularly in promoting peace, development, and human rights across the continent.¹⁷⁵

The Policy Discussion Papers reveal the ANC's firm commitment to fostering a better world and prioritising Africa as crucial objectives of its foreign policy. Consequently, all endeavours should be aimed at advancing '*progressive internationalism*'.¹⁷⁶ However, it is essential to note that these Discussion Papers is specific to the ANC and not the official government policy document, as other entities also contribute to shaping South Africa's foreign policy. The Discussion Papers emphasises the growing overlap between the ANC and the state, clearly demonstrating the active involvement of the ANC in shaping the country's international relations.¹⁷⁷ The party has faced criticism regarding its inflexible international outlook on the changing world order.¹⁷⁸ Putting itself as the primary source of foreign policy has sometimes led to ambiguity and

¹⁶⁹ AU 'Framework document of the African Agenda 2063: The Africa we want' (2015) 12; See https://au.int/sites/default/files/documents/33126-doc-framework_document_book.pdf.

¹⁷⁰ Policy Discussion Papers (n 44 above) 87.

¹⁷¹ 2011 White Paper 18.

¹⁷² 2011 White Paper 10.

¹⁷³ 2011 White Paper 11.

¹⁷⁴ D Madise & C Isike. 'Ubuntu diplomacy: Broadening soft power in an African context' (2020) 20 *Journal of Public Affairs* 6.

¹⁷⁵ M Qobo & N Nyathi 'Ubuntu, foreign policy and radical uncertainty in South Africa and the world' 20 Sept 2017, <https://www.africaportal.org/features/ubuntu-foreign-policy-and-radical-uncertainty-south-africa-and-world/> [Accessed: 2023-03-28].

¹⁷⁶ Policy Discussion Papers (n 44 above) 89.

¹⁷⁷ Masters (n 76 above) 26.

¹⁷⁸ Nganje & Ayodele (n 72 above) 7.

confusion in its implementation and the internal politics happening, affect South Africa's foreign policy.¹⁷⁹

South Africa was elected as a non-permanent member at the UNSC from 2019-2020. President Ramaphosa emphasised the nation's primary objective as a Council member, which is to '*build bridges and forge consensus with other states*', thus reclaiming its role as a responsible global citizen influenced by Mandela's principles and legacy.¹⁸⁰ Additionally, South Africa is committed to resolving African conflicts and empowering African influence, recognising the multitude of challenges the continent confronts.¹⁸¹

South Africa has pledged unwavering support for peace, human rights, and the fundamental principles of the UN Charter as an active member of the UNHRC. The nation remains committed to fostering peace initiatives in various regions, extending their support to conflict-ridden areas such as Israel and Palestine, Western Sahara, South Sudan, Mali, Libya, and Chad. Notably, South Africa has also taken the initiative to mediate peace talks in Ethiopia. Embracing the legacy of Nelson Mandela, South Africa envisions a decade of peace spanning from 2019 to 2028, where they aim to serve as global ambassadors for peace, not only within Africa but throughout the world.¹⁸²

Similar to the Mbeki administration, the Ramaphosa administration refrained from addressing the crises in Zimbabwe, thus adhering to the tradition of '*quiet diplomacy*'.¹⁸³

Minister(s) & Foreign Affairs personnel

DIRCO Deputy Minister Candith Mashego-Dlamini assumed office in 2019. In 2022, she stated that over the past year, the workload of DIRCO has experienced a substantial increase due to the rising significance of economic diplomacy in achieving domestic objectives and fostering economic growth.¹⁸⁴ She also highlighted that

¹⁷⁹ Nganje & Ayodele (n 72 above) 8.

¹⁸⁰ Fraioli (n 129 above) viii.

¹⁸¹ As above.

¹⁸² As above

¹⁸³ Nganje & Ayodele (n 72 above) 20.

¹⁸⁴ DIRCO 'International Relations and Cooperation, Budget Vote Speech, Deputy Minister Candith Mashego-Dlamini' 12 May 2022, <https://www.dirco.gov.za/2022/05/12/international-relations-and-cooperation-budget-vote-speech-deputy-minister-candith-mashego-dlamini-12-may-2022/> [Accessed: 2023-07-05].

approximately 58 percent of DIRCO's budget is devoted to bilateral and multilateral activities.¹⁸⁵

Minister of DIRCO, Dr Naledi Pandor assumed office from 2019, previously it was Lindiwe Sisulu who served from 2018 to 2019. She highlighted South Africa's commitment to international relations following the principles of Nelson Mandela, seeking peace, justice, and equality worldwide.¹⁸⁶ Despite challenges, the Department focused on strengthening bilateral relations, playing a role in multilateral institutions, and supporting citizens abroad to achieve inclusive growth, peace, and development in South Africa, Africa, and beyond. Significant progress was made in economic diplomacy to attract foreign direct investment into South Africa, with many companies showing interest in the country. South Africa also actively engaged in peace and security efforts, supporting missions in Mozambique and Eswatini, concluding the SADC facilitation process in Lesotho, and promoting human rights initiatives.¹⁸⁷

South Africa has demonstrated its commitment to conflict resolution by supporting resolutions on Syria, Somalia, Yemen, and the struggle for self-determination in Western Sahara.¹⁸⁸ This aligns with Pandor's statement that South Africa will always champion prosperity and peace in the African continent, and the commitment to '*silencing the guns*' on the continent as a form of preventative diplomacy.¹⁸⁹

To showcase the country's commitment to economic diplomacy and growth, South Africa has undertaken significant initiatives. Notably, the launch of the African Continental Free Trade Area (ACfTA) and plans to establish a tripartite free trade area involving the Common Market for Eastern and Southern Africa, the East African Community, and SADC, reflect the alignment with South Africa's foreign policy focused

¹⁸⁵ As above.

¹⁸⁶ South African Government 'Minister Naledi Pandor: International Relations and Cooperation Dept Budget Vote 2023/24' 10 May 2023, <https://www.gov.za/speeches/minister-naledi-pandor-international-relations-and-cooperation-dept-budget-vote-202324-10> [Accessed: 2023-07-05].

¹⁸⁷ As above.

¹⁸⁸ Otavio (n 103 above) 97.

¹⁸⁹ DIRCO 'Media Statement by the Minister of International Relations and Cooperation, Dr Naledi Pandor, on the occasion of the Budget Vote Speech' 11 July 2019, <https://www.dirco.gov.za/2019/07/11/media-statement-by-the-minister-of-international-relations-and-cooperation-dr-naledi-pandor-on-the-occasion-of-the-budget-vote-speech-11-july-2019-imbizo-media-centre-parliament-cape-town/> [Accessed: 2023-07-15].

on economic advancement.¹⁹⁰ As a result, these initiatives are expected to receive high priority.

BRICS is a group that consists of five regional economies: Brazil, Russia, India, China, and South Africa, with the purpose of enhancing these countries' economies at an international scale.¹⁹¹ At the 2023 BRICS Summit, six new members (Argentina, Egypt, Ethiopia, Iran, Saudi Arabia and the United Arab Emirates) joined the group of emerging economies who will begin their membership in January 2024.¹⁹² This expansion, according to Ramaphosa, will allow for the Global South to be able to have significant influence in global institutions and open further doors for trade and investment.¹⁹³

In DIRCO's Strategic Plan, Pandor mentioned that their work is primarily guided by several key documents such as *'the Constitution of South Africa; the vision set out in the National Development Plan: Vision 2030; the AU's Agenda 2063; the UN 2030 Agenda for Sustainable Development Goals'* as well as important international treaties and agreements.¹⁹⁴ Pandor also mentioned that South Africa will work towards achieving peace and security throughout the country and at the UNSC.¹⁹⁵

On 1 August 2022, Pandor hosted a symposium on the Framework Document on South Africa's National Interest and its advancement in a Global Environment.¹⁹⁶ This marked the first public unveiling of the nation's national interest framework, aiming to define core values, principles, and objectives guiding its foreign policy.¹⁹⁷ She further elaborated that the national interest will include the importance of protecting

¹⁹⁰ Nganje & Ayodele (n 72 above)19.

¹⁹¹ F Dijkhuizen & M Onderco 'Sponsorship behaviour of the BRICS in the United Nations General Assembly' (2019) 40 *Third World Quarterly* 2035.

¹⁹² S Ismail "A wall of BRICS": The significance of adding six new members to the bloc' 24 Aug 2023, <https://www.aljazeera.com/news/2023/8/24/analysis-wall-of-brics-the-significance-of-adding-six-new-members> [Accessed: 2023-08-24].

¹⁹³ DIRCO 'BRICS chair President Cyril Ramaphosa's media briefing remarks announcing the outcomes of the XV BRICS Summit' 24 Aug 2023, <https://www.dirco.gov.za/brics-chair-president-cyril-ramaphosas-media-briefing-remarks-announcing-the-outcomes-of-the-xv-brics-summit-24-august-2023/> [Accessed: 2023-08-24].

¹⁹⁴ DIRCO 'Strategic Plan 2020-2025' (2020) 4.

¹⁹⁵ DIRCO (n 194 above) 6.

¹⁹⁶ DIRCO 'Framework Document on South Africa's National Interest and its advancement in a Global Environment' (Hereafter called 'the Framework Document').

¹⁹⁷ DIRCO 'Address by Dr GNM Pandor, Minister of International Relations and Cooperation at the Symposium on the Framework Document on South Africa's National Interest and its advancement in a Global Environment' 1 Aug 2022, <https://www.gov.za/speeches/minister-naledi-pandor-symposium-framework-document-south-africa%E2%80%99s-national-interest-1-aug> [Accessed: 2023-03-28].

constitutional order, ensuring citizen safety and well-being, fostering economic prosperity, and contributing positively to Africa and the wider world. With the emergence of global challenges like terrorism, pandemics, and climate change, establishing a clear national interest framework becomes essential to enhance comprehension behind governmental foreign policy decisions.

Derived from sources including the country's constitution, global agreements such as the UN Charter, and the National Development Plan 2030, South Africa's national interests in both domestic and international areas are further outlined in the Framework Document.¹⁹⁸ Among the key objectives outlined in the National Development Plan is the aspiration to assume a prominent position in continental development, economic integration, and the promotion of human rights.¹⁹⁹ The Framework document refers to the principles of *Ubuntu* as set out in the 2011 White Paper.

Nuechterlein's four-element approach to national interest is considered, with some modifications to fit South Africa's historical development.²⁰⁰ These interests include economic, global order, defence and ideological. The Framework Document considers this approach with a few changes and offers a historical development of South Africa's National Interest as it will help define what it is.

In concise terms, South Africa's national interest can be summed up as preserving and advancing its national sovereignty and constitutional order, maintaining the welfare, security, and prosperity of its people, and contributing to the betterment of Africa and the world.²⁰¹

To effectively pursue its national interest in the global context, South Africa relies on diplomacy and its influential role in organizations like G20, BRICS, and its strategic partnership with the European Union.²⁰² The country prioritises advancing African

¹⁹⁸ National Planning Commission 'National Development Plan 2030: Our Future-make it work' (2011) (Hereafter 'National Development Plan').

¹⁹⁹ National Development Plan (n 198 above) 34.

²⁰⁰ D Neuchterlein 'National interests and foreign policy: A conceptual framework for analysis and decision-making' (1976) 2 *British Journal of International Studies* 246-266.

²⁰¹ The Framework Document (n 196 above) 9.

²⁰² The Framework Document (n 196 above) 14.

interests and adhering to the values of its Constitution, grounded in overcoming apartheid.

To implement its national interest, the President, and the Executive branch, specifically DIRCO, play crucial roles. DIRCO is responsible for coordinating and managing South Africa's foreign policy and international relations, aligned with national values and aspirations, including the African Renaissance. These powers are conferred on them by the Foreign Service Act.

The practicality of pursuing the national interest involves striking a balance among its various elements without compromising fundamental values.²⁰³ Certain elements may take priority in specific situations, but this does not create a hierarchical structure among them.²⁰⁴

The Framework Document provides a test to determine whether a balance of interests pursued is required based on an objective enquiry.²⁰⁵ It involves objectively examining whether South Africa's national interest conflicts with another country's national interest, or if advancing one element would prejudice another.²⁰⁶ If these scenarios do not apply, balancing is not required. Additionally, certain factors can aid in achieving this balance.²⁰⁷

In conclusion, the Framework Document serves as a model for guiding South Africa's pursuit of national interests globally, ensuring a people-centred, Pan-Africanist, and multilateral approach that upholds core principles. The document acknowledges the need for compromise in cases of conflicting interests while maintaining the country's commitment to tackling future global challenges effectively.

Crucially, this represents DIRCO's interpretation of South Africa's national interest. Van Nieuwkerk points out that the South African government and critics have varying definitions of national interest and national security, leading to divergent perspectives on what it truly entails.²⁰⁸ He further mentions that under a democracy, the majority decides on the national interest through discussions and debates in a representative

²⁰³ The Framework Document (n 196 above) 27.

²⁰⁴ The Framework Document (n 196 above) 28.

²⁰⁵ As above

²⁰⁶ As above.

²⁰⁷ The Framework Document (n 196 above) 29-30.

²⁰⁸ Van Nieuwkerk (n 45 above) 92.

parliament and represents the valid long-term shared interests of the people.²⁰⁹ Lastly, that people of the country should have the opportunity to provide assistance and guidance on what the country's national interest is.²¹⁰

National security lacks a clear definition and policy, as indicated by Shelton.²¹¹ He emphasises the need for the South African National Defence Force (SANDF) to reevaluate its role and missions and to enhance Africa's security such as strengthening the regional and continental security regime.²¹²

Holsti's conceptualisation of foreign policy objectives, can be used to outline South Africa's official foreign policy. According to Holsti, all states prioritise core interests and values, primarily focused on preserving their existence, which is a short-range objective.²¹³ The utmost goal of any foreign policy deals with safeguarding the sovereignty, independence, and specific political, social, and economic structure within its borders.²¹⁴

Holsti further identifies three middle-range objectives: promoting private business interests abroad, enhancing a state's standing in the international system (including military competence, degree of development, and technological capabilities), and expanding their influence and power in different ways.²¹⁵ Lastly, long-range goals encompass dreams or plans about how country wants the international system to be organised politically and ideologically in the future.²¹⁶

By applying Holsti's hierarchy and offering examples, South Africa's core interests encompass economic welfare, territorial integrity, and national security.²¹⁷ Middle-range interests involve supporting trade opportunities and fostering regional and

²⁰⁹ Van Nieuwkerk (n 45 above) 96.

²¹⁰ As above.

²¹¹ G Shelton *The South African National Defence Force (SANDF) and President Mbeki's peace and security agenda: New roles and mission* (2004).

²¹² As above.

²¹³ K Holsti *International politics: A framework for analysis* (1977); Van Nieuwkerk (n 45 above) 95.

²¹⁴ As above.

²¹⁵ As above.

²¹⁶ As above.

²¹⁷ Van Nieuwkerk (n 45 above) 95.

continental prosperity.²¹⁸ In the long term, South Africa's goals include promoting the African Renaissance and advocating for the reform of international organisations.²¹⁹

2.4 Conclusion

After the democratic transition in 1994, South Africa's foreign policies evolved, driven by changing national interests and global challenges. Mandela's foreign policy prioritised human rights, national reconciliation, and international recognition and integration. Despite facing challenges and criticisms for its ambitious and sometimes inconsistent approach, Mandela's foreign policy initiatives laid the groundwork for South Africa's ongoing involvement in international issues. Mbeki's foreign policy marked a period of significant change and evolution for South Africa. While it successfully promoted African unity and regional engagement, it faced challenges in balancing economic interests with human rights concerns. South Africa's foreign policy experienced both consistency and change during the Zuma administration. While it continued aspects of previous administrations, such as the African Agenda and engagement in peacekeeping operations, the lack of clarity on national interest and human rights concerns sparked criticism and raised questions about the administration's priorities and values.

These past administrations set the foundation for Ramaphosa's foreign policy. Under Ramaphosa, the foreign policy continued with economic diplomacy and furthering African unity. However, the rapidly changing global landscape demands a clear definition of South Africa's national interest and a well-structured and coherent foreign policy to address the new challenges effectively. Holsti's hierarchy can aid in determining what South Africa's national interest is, thus setting out the country's foreign policy objectives.

Therefore, these observations help to comprehend the reasoning behind certain decisions that South Africa will make in its international relations. They will serve as a litmus test to test whether these decisions align with South Africa's stated foreign policy.

²¹⁸ As above.

²¹⁹ As above.

CHAPTER 3: SOUTH AFRICA'S VOTING BEHAVIOUR ON HUMAN RIGHTS & DEMOCRACY ISSUES

3.1 Introduction

This chapter looks at South Africa's voting history on human rights issues at the UNSC, UNHRC and UNGA from 2018 to the present. It also examines whether South Africa has exhibited consistent voting behaviour under President Ramaphosa.

Recently, the country has attracted media attention because of its country-specific resolutions, particularly its abstention on a resolution condemning Russia's invasion of Ukraine. A resolution is a '*formal expression [...] of the opinion or will of [a] UN organ [...]*'.²²⁰ The voting system in the UN forums are carried out by member States, which have one vote when it comes to passing resolutions.²²¹ Voting is symbolic because it helps determine a state's foreign policy behaviour is at international forums and establishes its stance on an issue under discussion.²²² Therefore, the media, other states, human rights observers and civilians, will know where a state has aligned itself.²²³ A state can vote yes (Y), no (N) or abstain (A). Abstention means that a member state refrains from voting.²²⁴ A state may abstain because it takes a neutral position on the issue in question, does not understand the content of the resolution, does not want to damage diplomatic relations or as a form of political strategy.²²⁵ There are also resolutions that are adopted unanimously and do not require states to vote.

As we delve into human rights institutions, it becomes crucial to grasp the significance of human rights. States that have ratified the Universal Declaration of Human Rights (UDHR) commit to universally respecting, protecting, and upholding the human rights and fundamental freedoms of their people.²²⁶

²²⁰ UN 'Resolutions & decisions' <https://research.un.org/en/docs/resolutions> [Accessed: 2023-05-27].

²²¹ Article 21(1) of the United Nations Charter.

²²² S Graham 'A review of South Africa's terms in the United Nations Security Council' (2022) *International Peacekeeping* 4.

²²³ S Graham 'South Africa's UN General Assembly voting record from 2003 to 2008: Comparing India, Brazil and South Africa' (2011) 38 *Politikon* 410.

²²⁴ GM Hayden 'Abstention: the unexpected power of withholding your vote' (2010) 43 *Connecticut Law Review* 588.

²²⁵ FindLaw 'What does abstention from voting mean?' 18 Mar 2020, <https://www.findlaw.com/voting/my-voting-guide/what-does-abstention-from-voting-mean-.html> [Accessed: 2023-05-27].

²²⁶ United Nations *Preamble of the Universal Declaration of Human Rights* (1948).

There are two types of country-specific resolutions according to Jordaan. The first provides technical support or capacity building to a country that agrees to it, by the Office of the UN High Commissioner for Human Rights (OHCHR).²²⁷ The other deals with human rights situations that require the Council's intervention.²²⁸ He further mentions that not all resolutions adopted by the UNHRC advance human rights. Some are concerned with improving 'international cooperation', which he says means not pressuring states accused of human rights violations.²²⁹ This chapter focuses on resolutions that specifically condemn human rights violations in various states (country-specific resolutions), as well as resolutions that address civil and political rights and social, economic, and cultural rights (thematic resolutions).

3.2 The Human Rights Institutions of the UN

The UN consists of various human rights institutions. As mentioned earlier, the chosen ones are the UNSC, UNHRC, and UNGA (specifically its Third Committee). To gain a deeper comprehension of the discussions and potential resolutions, each of these human rights institutions necessitates closer examination and analysis.

3.2.1 UNSC

The UNSC is tasked with maintaining peace and security, punishing those who commit atrocities by establishing international tribunals, and regulating war through such measures as it deems appropriate.²³⁰ Previously, the UNSC had a narrow mandate that dealt only with issues of peace and security, but it has been accepted that the protection of human rights is linked to the fulfilment of the UNSC's mandate.²³¹

South Africa has served three terms at the UNSC as a non-permanent member: 2007–2008, 2011–2012, and 2019–2020.²³² The focus will be on its third term which was under President Cyril Ramaphosa.

²²⁷ E Jordaan 'Worthy of membership? Rwanda and South Africa on the United Nations Human Rights Council' (2021) 21 *African Human Rights Law Journal* 913.

²²⁸ As above.

²²⁹ E Jordaan 'African States at the UN Human Rights Council in 2019' (2021) *South African Institute of International Affairs: Special Report December 2021* 25.

²³⁰ CB Walling 'The United Nations Security Council and Human Rights' (2020) 26 *Global Governance: A Review of Multilateralism and International Organizations* 292.

²³¹ Walling (n 230 above) 291.

²³² UNSC 'Countries elected members' <https://www.un.org/securitycouncil/content/countries-elected-members> [Accessed: 2023-05-28].

3.2.2 UNHRC

The UNHRC is the main body of the UN, entrusted with human rights issues at the global level.²³³ It replaced the UN Commission on Human rights in 2006, taking on the mission of preventing and combatting human rights abuses as well as facilitating the advancement and harmonisation of human rights throughout the UN system.²³⁴ Membership spans a three-year duration and encompasses representatives from diverse geographical regions.²³⁵ The terms that will be focused on that South Africa served at this forum, will be its 2017-2019 and the beginning of its 2023-2025 term.

South Africa has been elected to serve on the UNHRC for a three-year term that started on the 1 January 2023.²³⁶ Previously, South Africa held a position on the Council from 2014-2019. The HRC is of particular importance due to South Africa's deeply rooted value in the institution itself and its duty of overseeing human rights.²³⁷ Additionally, South Africa has diligently asserted, via its voting stance in other UN bodies, that the HRC stands as the most suitable entity for addressing matters related to human rights.²³⁸

The data so far from 52nd session of the UNHRC from 27 February 2023 to 4 April 2023 has not yet been '*processed, translated and released in all six official languages of the United Nations*'.²³⁹

3.2.3 UNGA

The UNGA is the main body of the UN that deals with policymaking and offering member states a platform for engaging in multilateral discussions concerning.²⁴⁰ These issues are turned into agenda points that are later adopted as resolutions. The UNGA is further divided into six committees, each dedicated to addressing human

²³³ L Blanchfield & MA Weber 'The United Nations Human Rights Council: Background and policy issues' (2020) *Congressional Research Services* 1.

²³⁴ Blanchfield & Weber (n 233 above) 2.

²³⁵ Blanchfield & Weber (n 233 above) 3.

²³⁶ C Williams 'South Africa elected to UN Human Rights Council' 12 Oct 2022, <https://www.iol.co.za/news/south-africa/south-africa-elected-to-un-human-rights-council-c0727cf8-868e-4da1-8e26-b5d96b89dc7f> [Accessed: 2023-05-28].

²³⁷ E Jordaan 'South Africa and the United Nations Human Rights Council' (2014) 36 *Human Rights Quarterly* 92.

²³⁸ As above.

²³⁹ OHCHR '52nd regular session of the Human Rights Council: Resolutions, decisions and President's statements' <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session52/res-dec-stat> [Accessed: 2023-05-28].

²⁴⁰ UN 'Workings of the General Assembly' <https://www.un.org/en/ga/> [Accessed: 2023-05-28].

rights, humanitarian issues and social matters globally.²⁴¹ The Third Committee focuses on a range of subjects, including the '*empowerment of women, safeguarding the welfare of children, addressing indigenous concerns, handling refugee matters, promoting basic freedoms by eradicating racism and racial discrimination, and upholding the principle of self-determination*'.²⁴² In summary, thematic resolutions encompass socio-economic and cultural rights, civil and political rights, the right to development, as well as issues related to peace and stability.²⁴³

3.3 South Africa's Voting Behaviour & Explanation of Voting Behaviour

This section examines South Africa's voting behaviour and interprets it by utilising insights from human rights monitors and statements made by staff of the DIRCO under the Ramaphosa government, as well as statements made by Ramaphosa himself.

Consistency in a state's voting behaviour is crucial as it confirms the coherence and legitimacy of its foreign policy. According to O'Brien, achieving complete consistency is challenging for many countries because the reality often differs from their perceptions, making total consistency an illusion.²⁴⁴ Various domestic and political factors can also influence a country's consistency in its international relations.²⁴⁵ Graham defines consistency as '*the recurring patterns that illustrate a connection between foreign policy statements and foreign policy actions*'.²⁴⁶ Therefore, this section scrutinises whether South Africa has maintained consistency in its voting behaviour over the years.

²⁴¹ UN 'Third Committee' <https://www.un.org/en/ga/third/> [Accessed: 2023-05-28].

²⁴² As above.

²⁴³ G Ezra 'The UN Security Council and the saga of 'global legislation'' (2022) 99 *International Law Studies* 132-133.

²⁴⁴ T O'Brien 'New Zealand foreign policy: striving for consistency' (2007) 32 *New Zealand International Review* 14-18.

²⁴⁵ Graham (n 222 above) 5.

²⁴⁶ Graham (n 222 above) 6-7.

Table 1-Voting Action

South Africa's Country-specific votes at UNGA's Third Committee (2018-2021)	
<u>Resolution Title</u>	<u>South Africa's Vote</u>
Situation of human rights in the Islamic Republic of Iran	<ul style="list-style-type: none"> • (2018) N²⁴⁷ • (2019) A²⁴⁸ • (2020) A²⁴⁹ • (2021) A²⁵⁰
Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine	<ul style="list-style-type: none"> • (2018) N²⁵¹ • (2019) A²⁵² • (2020) A²⁵³ • (2021) A²⁵⁴
Situation of human rights in the Syrian Arab Republic	<ul style="list-style-type: none"> • (2018) A²⁵⁵ • (2019) A²⁵⁶ • (2020) A²⁵⁷ • (2021) A²⁵⁸
Situation of human rights in Myanmar & Situation of human rights of the Rohingya Muslims and other minorities in Myanmar	<ul style="list-style-type: none"> • (2018) A²⁵⁹ • (2019) Y²⁶⁰ • (2020) Y²⁶¹

²⁴⁷ A/C.3/73/L.42.
²⁴⁸ A/C.3/74/L.27.
²⁴⁹ A/C.3/75/L.31/Rev.1.
²⁵⁰ A/C.3/76/L.28.
²⁵¹ A/C.3/73/L.48.
²⁵² A/C.3/74/L.28.
²⁵³ A/C.3/75/L.32.
²⁵⁴ A/C.3/76/L.29.
²⁵⁵ A/C.3/73/L.50.
²⁵⁶ A/C.3/74/L.30/Rev.1.
²⁵⁷ A/C.3/75/L.33.
²⁵⁸ A/C.3/76/L.31/Rev.1.
²⁵⁹ A/C.3/73/L.51.
²⁶⁰ A/C.3/74/L.29.
²⁶¹ A/C.3/75/L.34.

Interpretation & Explanation

Country-specific votes at the UNGA's Third Committee demonstrated a poor performance by South Africa, maintaining its preferred voting behaviour of abstaining.

The resolutions on Iran express concern about the alarmingly frequent use of the death penalty, including against minors, for drug-related crimes, as well as for individuals belonging to marginalised groups or due to their political affiliation.²⁶² Long before South Africa became a democratic state, the two countries had bilateral relations.²⁶³ In 2016, Zuma travelled to Iran to elevate bilateral and economic relations.²⁶⁴ And in 2021, DIRCO Minister Dr Naledi Pandor, met with Iranian foreign minister Hossein Amirabdollahian to discuss Iran and South Africa's 'good' bilateral and economic relations.²⁶⁵ So much so, Iran will assume membership of BRICS in 2024. Therefore, due to the relationship between the two countries, abstaining seemed to be a preferred option.

Unsurprisingly, South Africa opted for non-alignment and taking no sides despite the violation of the territorial integrity of a sovereign state in resolutions condemning Russia's occupation of the Republic of Crimea and the city of Sevastopol in Ukraine.²⁶⁶ Observers believe that this non-alignment is due to South Africa's relations with Russia, stemming from the strong historical bonds between the ANC-led South Africa and Russia.²⁶⁷ The foundation of this relationship lies in the historical solidarity with the Soviet Union, which provided support for the liberation struggle against the apartheid regime.²⁶⁸

²⁶² UN 'Third Committee approves 6 drafts on human rights in Iran, Syria, Ukraine amid separate calls to abolish country-specific texts, uphold rule of law' 17 Nov 2021, <https://press.un.org/en/2021/gashc4339.doc.htm> [Accessed: 2023-07-15].

²⁶³ M Onderco 'A battle of principles: South Africa's relations with Iran' (2016) 54 *Commonwealth & Comparative Politics* 252.

²⁶⁴ The Presidency 'President Zuma to lead a high-level delegation on a state visit to Iran' 21 April 2016, <https://www.thepresidency.gov.za/press-statements/president-zuma-lead-high-level-delegation-state-visit-iran> [Accessed: 2023-07-15].

²⁶⁵ Ministry of Foreign Affairs of the Islamic Republic of Iran 'Iran FM meets with South African counterpart on UNGA sidelines' 25 Sept 2021, <https://en.mfa.ir/portal/newsview/653230/Iran-FM-Meets-with-South-African-Counterpart-on-UNGA-Sidelines> [Accessed: 2023-07-15].

²⁶⁶ VM Nkuna 'Russia-South Africa relations within the context of the Ukraine invasion' (2023) 10 *Journal of African Foreign Affairs* 72.

²⁶⁷ As above.

²⁶⁸ As above.

In this context, the UNGA held emergency special sessions dealing with Ukraine, the aggression there, the humanitarian consequences and territorial integrity.²⁶⁹ Another session dealt with the suspension of Russia's membership of the UNHRC. South Africa abstained from voting on all resolutions. South African representatives expressed criticism of the resolutions, arguing that they were unlikely to create a suitable atmosphere for mediation and had the potential to aggravate the divisions between the parties involved and that there should be '*open and transparent process in the negotiations*'.²⁷⁰ Observers believe that neutrality is a farce, given the remarks by Ramaphosa, who described Russian aggression against Ukraine as a '*military operation*', and by Minister Naledi Pandor, who said that they had '*made it clear that Russia is a friend*'.²⁷¹ It is thus evident that South Africa has, through its conduct, chosen a side.

South Africa had abstained from voting on resolutions dealing with human rights violations in the Syrian Arab Republic in previous years with Ambassador Jerry Matjila expressing concern for what was happening in the country, however, he mentioned that that negotiations and '*constructive dialogue*' are the only ways to find a solution to the Syrian crisis.²⁷²

A change was experienced when it came to voting on resolutions on Myanmar. South Africa chose to abstain in 2018 and neither Ramaphosa or the then DIRCO Minister, Lindiwe Sisulu commented on the suffering of the Rohingya in Myanmar.²⁷³ This was

²⁶⁹ UN 'United Nations resolutions adopted by the General Assembly - Emergency special sessions' <https://research.un.org/en/docs/ga/quick/emergency> [Accessed: 2023-05-30].

²⁷⁰ UNGA 'General Assembly overwhelmingly adopts resolution demanding Russian Federation immediately end illegal use of force in Ukraine, withdraw all troops' 2 Mar 2022, <https://press.un.org/en/2022/ga12407.doc.htm> [Accessed: 2023-06-01].

²⁷¹ Q Hunter "'We've made it clear that Russia is a friend": Pandor doubles down on SA's Ukraine stance' 30 Mar 2023, <https://www.news24.com/news24/politics/government/weve-made-it-clear-that-russia-is-a-friend-pandor-doubles-down-on-sas-ukraine-stance-20230330> [Accessed: 2023-06-01]; J Hamil 'South Africa has clearly chosen a side on the war in Ukraine' 16 Mar 2022, <https://www.worldpoliticsreview.com/south-africa-has-chosen-a-side-on-ukraine-invasion-by-russia/?one-time-read-code=65875168615469179456> [Accessed: 2023-06-01].

²⁷² DIRCO 'Statement by the Permanent Mission of South Africa to the United Nations, during the United Nations Security Council video teleconference meeting on the humanitarian situation in Syria' 29 June 2020, <https://www.dirco.gov.za/2020/01/31/statement-by-the-permanent-mission-of-south-africa-to-the-united-nations-during-the-united-nations-security-council-video-teleconference-meeting-on-the-humanitarian-situation-in-syria-29-june-2020/> [Accessed: 2023-05-30].

²⁷³ P Fabricius & Z Donnenfeld 'SA prepares for a historic about-turn on human rights foreign policy' 23 Nov 2018, <https://issafrica.org/iss-today/sa-prepares-for-a-historic-about-turn-on-human-rights-foreign-policy> [Accessed: 2023-06-01].

because South Africa invoked arguments such as the principle of sovereignty and non-interference.²⁷⁴ However, regret seemed to bring about change and from 2019, South Africa changed its voting behaviour to 'yes' to resolutions dealing with Myanmar. This was a result of Sisulu expressing concern for the situation in the country and sympathy to the Rohingya and mentioned she will issue a voting directive to the South African delegation attending UNGA.²⁷⁵

As a result of the disappointment, South Africa, has consistently maintained a majority abstention over the years, except for the Myanmar resolutions.

²⁷⁴ Graham (n 222 above) 10.

²⁷⁵ South African Government News Agency 'SA concerned about human rights violations in Myanmar' 23 Nov 2018, <https://www.sanews.gov.za/south-africa/sa-concerned-about-human-rights-violations-myanmar> [Accessed: 2023-06-01].

Table 2-Voting Action

South Africa's Country-specific votes at UNSC (2019-2020)	
<u>Resolution Title</u>	<u>South Africa's Vote</u>
The situation concerning the Democratic Republic of Congo (DRC)	• Y ²⁷⁶
The situation in Somalia	• Y ²⁷⁷
The situation in Mali	• Y ²⁷⁸
The situation concerning Western Sahara	• A ²⁷⁹
The situation in Cyprus	• Y ²⁸⁰
The situation in Iraq	• Y ²⁸¹
The situation in Bosnia and Herzegovina	• Y ²⁸²

Interpretation & Explanation

Most resolutions, such as those addressing issues in Mali and the DRC at the UNSC, pertain to conflicts occurring on the African continent. South Africa has demonstrated its steadfast commitment to advancing peace and security in the region while urging the international community to extend political and financial assistance to African

²⁷⁶ S/RES/2502 (2019); S/RES/2556 (2020).

²⁷⁷ S/RES/2472(2019); S/RES/2554 (2020).

²⁷⁸ S/RES/2484 (2019); S/RES/2541 (2020).

²⁷⁹ S/RES/2494 (2019); S/RES/2548 (2020).

²⁸⁰ S/RES/2483(2019); S/RES/2537 (2020).

²⁸¹ S/RES/2470 (2019); S/RES/2522 (2020).

²⁸² S/RES/2496 (2019); S/RES/2549 (2020).

nations grappling with conflict.²⁸³ South Africa has also been an avid supporter of extending the terms of peacekeeping missions in countries that have experienced conflict.

Sisulu mentioned that promotion and maintenance of international peace and security, as well as support for peaceful dispute settlements and inclusive dialogue will be the features of South Africa's term at the UNSC.²⁸⁴ Ramaphosa elaborated on this by stating that South Africa would utilise its term to advance African interests and settle global and regional conflict.²⁸⁵

In his State of the Nation Address on 16 February 2018, Ramaphosa introduced the term *New Dawn* for South African diplomacy with the aim of realising Mandela's vision of a just, equitable and democratic South Africa.²⁸⁶ In further State of the Nation Addresses, Ramaphosa continually reflected on Mandela's legacy and keeping his vision alive. Accordingly, South Africa supported 105 of 109 resolutions during its tenure on the UNSC.²⁸⁷

In light of resolution 2472 (2019) that condemned the Al Shabaab attacks in Somalia and beyond and called on the renewal of the African Union Mission in Somalia (AMISOM), Ambassador Jerry Matjila endorsed the extension of AMISOM deployment in order to achieve peace and stability in Somalia and called on the UN and key partners to provide assistance to the Mission.²⁸⁸

In terms of the issue in the Democratic Republic of the Congo (DRC), South Africa actively participated in the extending of the mandate for the UN Stabilisation Mission in the DRC (MONUSCO) with Ambassador Xolisa Mabongo welcoming and supporting such an extension.²⁸⁹ The country has also deployed peacekeeping troops

²⁸³ Alden (n 73 above) 1.

²⁸⁴ DIRCO 'Foreign policy journal: Reflecting on 2018' (2019) 36. Available from: <https://www.dirco.gov.za/foreign-policy-journal-2018/> [Accessed: 2023-05-30].

²⁸⁵ The Presidency 'Statement by President Ramaphosa following the UN Security Council elections' 08 June 2018, <https://www.thepresidency.gov.za/press-statements/statement-president-ramaphosa-following-un-security-council-elections> [Accessed: 2023-07-15].

²⁸⁶ C Ramaphosa 'State of the Nation Address' 16 Feb 2018, <http://www.thepresidency.gov.za/speeches/state-nation-address-presidentrepublic-south-africa%2C-mr-cyril-ramaphosa> [Accessed: 2023-06-01].

²⁸⁷ Graham (n 221 above) 14.

²⁸⁸ UNSC 'S/PV.8537' (2019) 2.

²⁸⁹ P Singh & G de Carvalho 'Looking back, looking forward' (2020) 22 *Institute for Security Studies: Africa Report 8*; African Union 'A3 Media Stakeout on the situation in Sudan' 6 June

to the DRC.²⁹⁰ South Africa actively condemned attacks on civilians and expressed gratitude to the UN for its efforts in maintaining peace, security, and peacebuilding.²⁹¹ Recently, Ramaphosa travelled to DRC for the DRC-South Africa Bi-National Commission to strengthen existing bilateral trade and political relations.²⁹²

Similarly, the resolution on Mali resembled the one on the DRC, this time addressing the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). Ambassador Matjila expressed sympathy towards the Mali people for loss of lives due to the situation happening in the country and supported MINUSMA, thus supporting the resolution.²⁹³

South Africa chose to abstain from voting on the issue of Western Sahara due to disagreements with certain aspects of the resolutions in 2019 and 2020. These resolutions focused on recognising the UN Mission for the Referendum in Western Sahara (MINURSO) and its crucial role in peacekeeping, as well as fully implementing its mandate.²⁹⁴ In 2019, Ambassador Matjila explained South Africa's abstention, citing reasons such as the unbalanced text that failed to differentiate between the two parties involved, Morocco and the Sahrawi Arab Democratic Republic, and the use of certain terms.²⁹⁵

However, South Africa supported resolutions on Cyprus, Iraq, and Bosnia and Herzegovina as they addressed peacekeeping, peacebuilding and conflict resolution.

Therefore, South Africa has consistently voted in favour of resolutions for its two years at UNSC, except for Western Sahara resolutions.

2019, <https://www.africanunion-un.org/post/a3-media-stakeout-on-the-situation-in-sudan> [Accessed: 2023-05-30]; UNSC 'S/PV.8692' (2019) 3.

290 Graham (n 221 above) 11.

291 DIRCO 'International Relations and Cooperation on Security Council briefing on the situation in Somalia' <https://www.gov.za/speeches/a3-1-joint-statement-delivered-ambassador-jerry-matjila-permanent-mission-south-africa> [Accessed: 2023-06-01].

292 The Presidency 'President Ramaphosa concludes visit to the Democratic Republic of Congo' 06 July 2023, <https://www.thepresidency.gov.za/press-statements/president-ramaphosa-concludes-visit-democratic-republic-congo> [Accessed: 2023-07-15]

293 UNSC 'S/PV.8547' (2019) 8-9.

294 Graham (n 221 above) 16.

295 UNSC 'S/PV.8651' (2019) 7-8.

Table 3-Voting Action

South Africa's Country-specific votes at UNHRC (2018-2019)	
<u>Resolution Title</u>	<u>South Africa's Vote</u>
Situation of human rights in the Islamic Republic of Iran	<ul style="list-style-type: none"> • A²⁹⁶
Human rights in the occupied Syrian Golan	<ul style="list-style-type: none"> • Y²⁹⁷
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	<ul style="list-style-type: none"> • Y²⁹⁸
Situation of human rights in Myanmar	<ul style="list-style-type: none"> • A (2018)²⁹⁹ • Y (2019)³⁰⁰
Situation of human rights of Rohingya Muslims and other minorities in Myanmar	<ul style="list-style-type: none"> • A (2018)³⁰¹ • Y (2019)³⁰²
Human rights situation in Yemen	<ul style="list-style-type: none"> • A (2018)³⁰³ • Y (2019)³⁰⁴
Situation of human rights in Belarus	<ul style="list-style-type: none"> • A³⁰⁵
Situation of human rights in Burundi	<ul style="list-style-type: none"> • A³⁰⁶
Situation of human rights in Eritrea	<ul style="list-style-type: none"> • A (2019)³⁰⁷

²⁹⁶ A/HRC/RES/37/30 (2018); A/HRC/RES/40/18 (2019).

²⁹⁷ A/HRC/RES/37/33 (2018); A/HRC/RES/40/21 (2019).

²⁹⁸ A/HRC/RES/37/36 (2018); A/HRC/RES/40/24 (2019).

²⁹⁹ A/HRC/RES/37/32.

³⁰⁰ A/HRC/RES/40/29.

³⁰¹ A/HRC/RES/39/2.

³⁰² A/HRC/RES/42/3.

³⁰³ A/HRC/RES/39/16.

³⁰⁴ A/HRC/RES/42/2.

³⁰⁵ A/HRC/RES/38/14 (2018); A/HRC/RES/41/22 (2019).

³⁰⁶ A/HRC/RES/39/14 (2018); A/HRC/RES/42/26 (2019).

³⁰⁷ A/HRC/RES/41/1.

Interpretation & Explanation

South Africa's voting record at the UNHRC appears to be marked by contradictions, ambiguity, and inconsistency. In some instances, the country abstains from voting on a specific country resolution, only to support such a resolution the following year. Whilst in other cases, South Africa consistently opts for abstention in both years.

South Africa chooses to abstain on resolutions dealing with Iran, which may be related to the discussion in Table 1.

Consistently, South Africa cast its vote in favour of resolutions addressing human rights violations in the Golan Heights in Syria by the Israeli military. These resolutions urged Israel to cease its military occupation of the Golan Heights and to facilitate the establishment of peace within that region. Additionally, South Africa has voiced its critique of Israel's occupation of other Palestinian territories and has consistently demonstrated solidarity with the Palestinian people, endorsing resolutions that denounce Israel's actions.³⁰⁸ During the Mbeki administration, South Africa participated in a mediation initiative between Israeli and Palestinian officials in 2007, aiming to facilitate an agreement.

Interestingly, South Africa first chose not to vote on resolutions dealing with human rights abuses in Myanmar and Yemen in 2018, but in 2019, it shifted its stance and supported these resolutions. South Africa called for peaceful and inclusive dialogue to resolve the political differences in Myanmar, a position it also reiterated at the UNGA. Additionally, the country provided conflict resolution and negotiation expertise to the Yemeni government.³⁰⁹

The resolution regarding Belarus was passed, and it extended the mandate of the Special Rapporteur on human rights in Belarus. The Special Rapporteur examines

³⁰⁸ DIRCO 'South Africa has maintained a consistent position on the Israel – Palestine question' 27 Jan 2022, <https://www.dirco.gov.za/2022/01/27/south-africa-has-maintained-a-consistent-position-on-the-israel-palestine-question/> [Accessed: 2023-06-01].

³⁰⁹ DIRCO 'South Africa calls for cessation of violence and restoration of peace and rule of law in Myanmar' 03 Feb 2022, <https://www.dirco.gov.za/2022/02/03/south-africa-calls-for-cessation-of-violence-and-restoration-of-peace-and-rule-of-law-in-myanmar/> [Accessed: 2023-06-04]; DIRCO 'Media statement on the virtual meeting between the Minister of International Relations and Cooperation, Dr Naledi Pandor and the Minister of Foreign Affairs and Immigrant Affairs of the Republic of Yemen, Dr Ahmed Bin Mubarak' 16 Mar 2021, <https://www.dirco.gov.za/2021/03/16/media-statement-on-the-virtual-meeting-between-the-minister-of-international-relations-and-cooperation-dr-naledi-pandor-and-the-minister-of-foreign-affairs-and-immigrant-affairs-of-the-republic-of-ye/> [Accessed: 2023-06-04].

ongoing political repression, increasing restrictions on freedom of expression, and the rising number of unjust arrests based on political motives in Belarus, which has been renewed every year since 2012.³¹⁰ Nearly all African states, including South Africa, have routinely refrained from voting on the extension of this mandate.³¹¹

In both years, South Africa abstained on resolutions that would have extended the Commission of Inquiry's mandate to investigate human rights concerns in Burundi. The country has diplomatic relations and a historic friendship with Burundi dating back to 1995, leading South Africa to have '*sound and cordial*' relations with Burundi.³¹² There are also regular peace and stability efforts that South Africa has made in Burundi.³¹³ In a jointly issued communiqué by Ambassador Albert Shingiro of Burundi and DIRCO Minister Naledi Pandor, both foreign ministers reiterated key principles outlined in the UN Charter such as non-interference and respecting the national sovereignty of UN member states.³¹⁴ This can serve as an indicator on South Africa's stance regarding resolutions dealing with Burundi.

On the issue of Eritrea, South Africa abstained on a resolution to extend a mandate for a special procedure calling on Eritrea to comply with the mandate holder.³¹⁵ This is because of South Africa's bilateral relations with Eritrea, which were described as '*cordial and excellent*' by Eritrean Ambassador Salih Omar Abdu.³¹⁶

³¹⁰ Report of the Special Rapporteur on the situation of human rights in Belarus, UN Doc A/HRC/50/58 (04 May 2023) 2.

³¹¹ Jordaan (n 227 above) 915.

³¹² A de Presse Africaine 'South Africa, Burundi explore ways to deepen co-operation' 4 Nov 2022, <https://www.iol.co.za/news/africa/south-africa-burundi-explore-ways-to-deepen-co-operation-5980e085-ea55-542e-9dee-56a8202475d9> [Accessed: 2023-06-03].

³¹³ DIRCO 'Joint Communiqué issued by the Honourable Ministers Ambassador Albert Shingiro and Dr Naledi Pandor at the Inaugural Session of the Burundi' 04 Nov 2022, <https://www.dirco.gov.za/2022/11/04/joint-communication-issued-by-the-honourable-ministers-ambassador-albert-shingiro-and-dr-naledi-pandor-at-the-inaugural-session-of-the-burundi-south-africa-joint-commission-for-cooperation-jcc/> [Accessed: 2023-06-04].

³¹⁴ As above.

³¹⁵ Jordaan (n 227 above) 924; A/HRC/RES/41/1.

³¹⁶ Embassy Direct 'H.E. Salih Omar Abdu Eritrean ambassador to South Africa' 23 Apr 2020, <https://www.embassydirect.co.za/2020/04/23/h-e-salih-omar-abdu-eritrean-ambassador-to-south-africa/> [Accessed: 2023-06-04].

Table 4-Voting Action

South Africa's thematic votes at UNGA & UNHRC	
<u>Resolution Title</u>	<u>South Africa's Vote</u>
The right to development	• Y ³¹⁷
The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	• Y ³¹⁸
Intensification of efforts to prevent and eliminate all forms of violence against women and girls	• Y ³¹⁹
A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action	• Y ³²⁰
Ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic	• Y ³²¹
Promotion of peace as a vital requirement for the full enjoyment of all human rights by all	• Y ³²²
Promotion of the right to peace	• Y ³²³
The question of the death penalty	• Y ³²⁴

³¹⁷ A/C.3/73/L.31/Rev.1; A/HRC/42/L.36.

³¹⁸ A/C.3/74/L.36.

³¹⁹ A/C.3/75/L.19/Rev.1.

³²⁰ A/C.3/76/L.61/Rev.1.

³²¹ A/C.3/76/L.55/Rev.1.

³²² A/C.3/75/L.23.

³²³ A/HRC/41/L.2.

³²⁴ A/HRC/42/L.37.

Interpretation & Explanation

Support for thematic resolutions differs significantly from that for country-specific resolutions, with South Africa being more inclined to support such thematic resolutions, voting consistently.

As noted earlier, South Africa is committed to promoting the WPS agenda, which emphasises the importance of including women in peacekeeping, peacebuilding, conflict prevention, and resolution.³²⁵ Additionally, the country works to promote African interests in UN forums and drawing attention to economic rights at such forums.

South Africa has directed attention towards the global challenge of racism and played host to the World Conference against Racism, Xenophobia, and Other Intolerances in August and September 2001.³²⁶ This conference resulted in the endorsement of the Durban Declaration, which recognised that racism and racial discrimination are still major issues in the 21st century, although in new forms.³²⁷ In 2019, the current government reinforced this commitment by launching the National Action Plan to Combat Racism, Discrimination, Xenophobia, and Related Intolerances (NAP).³²⁸ The NAP focuses on goals such as protecting human rights and developing anti-racism and anti-discrimination programs, particularly in education.³²⁹ Regarding the resolution, Ambassador Mabhongo emphasised the importance of the international community taking actions to promote tolerance, embrace diversity, tackle shared challenges, and combat racism and racial discrimination, in alignment with the principles outlined in the Declaration.³³⁰

A draft legally binding instrument on the right to development was supported by the nation, especially in cases where it could help with disaster risk reduction.³³¹

Therefore, South Africa has consistently supported resolutions that address the right to development, peace and stability, the abolition of the death penalty (as South Africa

³²⁵ DIRCO 'National Action Plan on women, peace and security - 2020 to 2025' (2020) 3.

³²⁶ Mashabane (n 105 above) 406.

³²⁷ As above.

³²⁸ Otavio (n 103 above) 100.

³²⁹ As above.

³³⁰ UNGA 'A/C.3/74/SR.38' (2020) 11.

³³¹ UNGA 'A/C.3/74/SR.22' (2020) 4.

has abolished it domestically), violence against women and girls, and the elimination of racism, racial discrimination, xenophobia, and related intolerance.

3.4 Conclusion

This chapter looked at South Africa's voting record at the UNGA's Third Committee, UNSC and UNHRC on both country-specific and thematic resolutions. The purpose of examining country-specific and thematic resolutions was to show whether South Africa opposes or supports international human rights.³³²

The research indicates that South Africa consistently adhered to its preferred voting behaviour by abstaining from voting in the UNGA's Third Committee throughout Ramaphosa's tenure. While this abstention may be viewed negatively, it demonstrated a consistent pattern. However, South Africa routinely voted in favour of resolutions, having a better voting record at the UNSC. At the UNHRC, South Africa voted inconsistently. Comparing country-specific voting behaviour with thematic voting behaviour, South Africa is more inclined to support such resolutions, which is in line with its stated foreign policy.

Despite the ratification of international human rights instruments, South Africa's adherence to and acknowledgement of its human rights commitments remains inadequate, as evidenced by its voting record.

³³² Jordaan (n 227 above) 909.

CHAPTER 4: ACCORD OR DISCORD BETWEEN DECLARED FOREIGN POLICY AND VOTING BEHAVIOUR?

4.1 Introduction

The voting patterns of South Africa at the UNGA'S Third Committee and other relevant bodies has been a subject of both praise and criticism. This chapter delves into South Africa's country-specific voting behaviour at the Third Committee, the UNSC, and the UNHRC, and assesses how it aligns with the country's stated foreign policy. While South Africa has shown positive strides in supporting thematic resolutions addressing crucial human rights issues, there have also been instances of inconsistency and reluctance to confront states accused of human rights abuses. This analysis delves into the complexities of South Africa's foreign policy approach, highlighting both commendable actions and areas that warrant improvement.

4.2 South Africa's Country-specific votes at UNGA's Third Committee & Declared foreign policy

South Africa's voting behaviour at the UNGA's Third Committee can only be described as disappointing and against its role as a good international citizen.

The country's voting behaviour demonstrated a resemblance to the Mbeki administration. This was because South Africa chose preserving its bilateral relations and economic interests.

A substantial shift in South Africa's foreign policy was shown by the change in the vote regarding Myanmar. Previously South Africa played their usual cards of '*procedural manipulation*' and/or the need for '*constructive dialogue*'. The abstention happened in both the UNSC and UNHRC in 2018.

4.3 South Africa's Country-specific votes at UNSC & Declared foreign policy

South Africa has consistently voted in favour of these resolutions during its two terms. South Africa has stood out as an African nation with a solid track record on human rights compared to previous years.³³³ Moreover, the country appears to have followed through on its foreign policy priorities.

³³³ Jordaan (n 229 above) 48.

South Africa has firmly embraced the cause of having peace and security in Africa, in accordance with its fundamental foreign policy principles of the 'African Agenda'. As articulated in the Strategic Plan of the Presidency, South Africa has taken an active role in upholding global peace and security by participating in mediation, conflict resolution initiatives, and by dispatching peacekeeping troops to missions conducted by both the UN and AU.³³⁴ Additionally, South Africa has assumed crucial positions within the Peace and Security Council of the AU and the UNSC.³³⁵

Therefore, there has been consensus on South Africa's stated foreign policy and voting behaviour, showing the nation as a good international citizen and its role as a mediator, except for the resolutions dealing with the situation with Western Sahara.

4.4 South Africa's Country-specific votes at UNHRC & Declared foreign policy

Through the picking and choosing which resolutions to support and which ones to abstain from, South Africa demonstrated how inconsistent and directionless its foreign policy is when dealing with human rights issues.

South Africa's voting patterns also reflects the universality of its foreign policy considering the relationship the country has with the states that are the subject of the resolutions.

The change in vote regarding Myanmar as in UNGA's Third Committee, showed that South Africa has the potential to act on human rights abuses, yet chose not to.

A commendable vote relates to Israeli settlements in the occupied Palestinian territory, including East Jerusalem, and Golan Heights in Syria. Through South Africa assuming the role of a mediator between the two countries and aiding the UNSC, South Africa has demonstrated its commitment to acting as a responsible international actor, both as a humanitarian and a negotiator.³³⁶

4.5 South Africa on thematic resolutions

South Africa's voting behaviour and stated foreign policy indicate a notable alignment when it comes to thematic resolutions. Several of the thematic resolutions show how consistently South Africa votes in accordance with its declared foreign policy. The

³³⁴ The Presidency 'Strategic Plan: 2020-2025' (2020) 9.

³³⁵ As above.

³³⁶ Mbete (n 22 above) 145.

country exhibits a greater inclination to support resolutions addressing critical issues such as xenophobia, sexism, racism, and sexual violence.

Jordaan mentions that South Africa is more willing to advocate for victims of past and present abuses when the matter is organised under a theme.³³⁷

With such resolutions, South Africa has assumed the role of a good international citizen. While South Africa's endorsement of these thematic matters is commendable, it must not overshadow the importance of addressing actions that demand accountability from governments accused of human rights abuses.³³⁸

4.6 Conclusion

After examining South Africa's voting behaviour and stated foreign policy, one can deduce that the country protects regimes accused of human rights concerns and sees human rights as an obstacle to maintain bilateral relationships and strategic economic partnerships.

South Africa's approach to country-specific votes at the UNGA's Third Committee, UNSC, and UNHRC has been marked by a mix of encouraging progress and concerning inconsistencies. South Africa has shown support for human rights by approving thematic resolutions, however the country tends to favour what is beneficial to it and supports its interests, dismissing what they view as an inconvenience.³³⁹ The recent shift in South Africa's foreign policy, particularly the change in vote on Myanmar, shows the country's ability to act on human rights abuses when driven by conviction.

It is indeed commendable that South Africa has championed peace and security throughout the African continent, a stance consistent with its declared foreign policy priorities. However, there is still room for improvement in terms of addressing actions that demand accountability from governments accused of human rights violations. Striking a balance between pursuing economic interests and standing up for human rights remains a challenge, but it is essential for South Africa to maintain its role as a good international citizen.

³³⁷ Jordaan (n 227 above) 925.

³³⁸ Melber (n 35 above) 136.

³³⁹ Melber (n 35 above) 135.

Thus, South Africa's voting behaviour at the UN reflects a dynamic foreign policy with both strengths and areas for growth. By building on its support for thematic resolutions and taking a more consistent and principled stance on country-specific votes, South Africa can further enhance its reputation as a champion of human rights, continuing the legacy of Mandela and contributing significantly to promoting global peace and justice.

CHAPTER 5: CONCLUSION

The research aimed to investigate the extent to which human rights are prioritised in Ramaphosa's foreign policy this was done through adopting Graham's approach outlined in Chapter 1 and addressing the subsidiary research questions.

Human rights should constitute an integral component of a country's foreign policy. This assertion derives from the fact that when a country both signs and ratifies international instruments such as the UDHR, it thereby assumes the corresponding obligations and responsibilities. These include the protection and advancement of human rights. The incorporation of human rights within South Africa's foreign policy framework is evident in various aspects. The BoR entrenched within its Constitution, the 2011 White Paper, the National Development Plan, the country's national interest as well as declarations made by Foreign Affairs officials (e.g., Mashego-Dlamini and Pandor) and presidents, collectively exemplify this commitment.

A state's foreign policy is strongly influenced by its Constitution. In the case of South Africa, its Constitution establishes the framework for the norms and values that must govern foreign policy decisions, as well as the constraints that may impact choices in international affairs.³⁴⁰ The Constitution's importance lies in empowering South Africa to take advantage of its status as an emerging middle power and a good global citizen, by promoting democratic principles, social justice, and basic human rights.³⁴¹ This commitment is exemplified through the country's voting record in forums such as the UNSC and UNHRC.

Given that the study established the inclusion of human rights within South Africa's declared foreign policy, a pivotal aspect comes to the forefront: the actual implementation of this foreign policy. This necessitates an assessment of the country's participation in international relations and its stance on global issues, as reflected in its foreign policy framework and voting behaviour.³⁴² A nation's foreign policy outlines its goals, principles, and strategies in dealing with other countries and international

³⁴⁰ Klaaren & Halim (n 37 above) 31.

³⁴¹ D Bradlow, E Sidiropoulos, & A Bizos 'Lessons learned and the path forward' in DD Bradlow & E Sidiropoulos (eds) *Values, interests and power: South African foreign policy in uncertain times* (2020) 265.

³⁴² Bariledum & Obianime (n 13 above) 20.

organisations. On the other hand, voting behaviour refers to how a country votes on various resolutions and issues presented in international forums like the UN.

Countries often align their voting behaviour with their declared foreign policy priorities, as it reflects their values and interests on the global stage. When a country's voting behaviour is consistent with its foreign policy, it reinforces its credibility and reputation as a reliable and good international citizen.³⁴³

Once hailed as the '*darling*' of the international community due to its commendable transition to a liberal democracy and positive contributions to international forums, South Africa's picture-perfect image began to crack during the Mbeki Administration.³⁴⁴

The study has shown that South Africa's voting behaviour does not conform to the international standards and its declared foreign policy. The country's inconsistent voting patterns at UN forums raised concerns and tarnished its once-pristine reputation throughout the Ramaphosa administration.

South Africa's strategy of emphasising the significance of state sovereignty and non-interference within UN forums, coupled with its advocacy for enhanced constructive dialogue and mediation with concerned states, could be seen as opting for the path of least resistance and the easiest. This approach appears to be less confrontational and punitive, which works in favour of the perpetrators.

The country has been more focused on pursuing other interests rather than condemning human rights abuses, despite their own experiences of living under such regimes.³⁴⁵ These interests include trade and investment, strengthening bilateral relationships and boosting the economies of the Global South i.e., BRICS.³⁴⁶

³⁴³ Melber (n 35 above) 132.

³⁴⁴ Sidiropoulos (n 117 above) 108.

³⁴⁵ K Roth & P Hicks 'Encouraging stronger engagement by emerging powers on human rights' 20 June 2013, <https://www.opendemocracy.net/en/openglobalrights-openpage/encouraging-stronger-engagement-by-emerging-powers-on-huma/> [Accessed: 2023-07-03].

³⁴⁶ DIRCO 'Remarks by the Minister of International Relations and Cooperation, Dr Naledi Pandor, on the occasion of the end-of-the-year Media Briefing on South Africa's foreign policy milestones' 12 Dec 2022, <https://www.dirco.gov.za/2022/12/12/remarks-by-the-minister-of-international-relations-and-cooperation-dr-naledi-pandor-on-the-occasion-of-the-end-of-the-year-media-briefing-on-south-africas-foreign-policy-milestones-12-dece/> [Accessed: 2023-06-15].

From its experience with apartheid to its transition to a democratic country, conflict resolution and mediation have been a part of South Africa's diplomacy.³⁴⁷ For this South Africa has taken positive strides with carrying out its declared foreign policy commitments through its voting behaviour.

South Africa's role as a mediator is closely intertwined with the promotion of human rights. The country proactively facilitates discussions between conflicting parties, fostering constructive dialogues aimed at achieving peaceful resolutions. This approach effectively mitigates the risk of additional human rights violations and safeguards the well-being of citizens.

The connection between South Africa's role as a regional leader and human rights becomes evident through its efforts to advance Africa's interests on the global stage. An illustrative example is the nation's advocacy for peacekeeping missions in Africa, which serves to prevent further human rights abuses in times of conflict.

In essence, this role underscores the country's commitment to being a good international citizen. It entails fulfilling international obligations, advocating for the rights of others, and actively engaging in activities that benefit the global community.

Several reasons have led to South Africa holding a diminished view of human rights within its foreign policy and global interactions. These include the absence of a unified foreign policy centred on human rights, an insufficient understanding of the role and significance of human rights in international relations; and putting human rights on the back burner because trade and political interests are seen as more important.³⁴⁸

South Africa has neglected to adequately communicate to human rights observers and the public the rationale behind its departure from prioritising human rights, as outlined in its stated foreign policy.³⁴⁹ Because of this lack of transparency, the country has come under fire because it seems indifferent and acts erratically in the face of violations of human rights.

³⁴⁷ Le Pere (n 109 above) 45.

³⁴⁸ T Thipanyane 'South Africa's foreign policy under the Zuma government. A human rights-based policy or a pragmatic approach based on political and economic considerations.' (2011) *Africa Institute of South Africa: Briefing* 64 5.

³⁴⁹ S Graham 'Yea or nay? Democratic South Africa's voting behaviour in an intergovernmental organisation' (2016) 79 *The Journal of the Helen Suzman Foundation* 36.

The misalignment between the declared foreign policy and its voting behaviour carries significant implications that undermine South Africa's credibility and reliability as an ally. This disconnect raises doubts about the nation's genuine intentions and dedication to its stated principles, which could potentially undermine diplomatic relationships. Such a scenario risks affecting South Africa's influence and leadership role, as other nations might question the country's seriousness in addressing global concerns. Additionally, this discrepancy could have ramifications for South Africa's soft power, a concept articulated by Nye, denoting a state's capacity to sway others through appeal rather than coercion or economic means.³⁵⁰ Essentially, it involves the ability to persuade, and lead based on ideas and values. Clearly, this inconsistency in South Africa's approach will cast a shadow over its international reputation and its efficiency in advocating for its interests and values.

The difference between stated foreign policy and actions introduces an element of unpredictability. Behavioural expectations are important for a stable international order.³⁵¹ In the context of foreign policy, predictability pertains to the extent to which a country's conduct can be foreseen by other nations, stakeholders, and observers.³⁵² A predictable foreign policy implies that a nation's intentions, objectives, and reactions remain relatively steady and transparent, thereby facilitating comprehension and interaction within the international community.³⁵³

Further research needs to be done regarding the implications of what it means when a state goes against its declared foreign policy.

Therefore, in addressing the primary research question, the study reveals that the integration of human rights in South Africa's foreign policy is somewhat contingent. This is evident when resolutions specifically address global peace and stability or when South Africa seeks to project itself as a good international citizen through its voting patterns on thematic resolutions. Additionally, the prioritisation of economic

³⁵⁰ JS Nye *Soft power: The means to success in world politics* (2004) 5.

³⁵¹ J Quero & A Dessi 'Unpredictability in US foreign policy and the regional order in the Middle East: Reacting vis-à-vis a volatile external security-provider' (2021) 48 *British Journal of Middle Eastern Studies* 312.

³⁵² As above.

³⁵³ L Aggestam 'Role identity and the Europeanisation of foreign policy: A political-cultural approach' in B Tonra & T Christiansen (eds) *Rethinking European Union foreign policy* (2004) 91.

interests and the enhancement of bilateral ties take precedence over human rights considerations in the country's foreign policy approach.

As a way forward for South Africa's '*glitched up*' foreign policy, Bradlow, Sidiropoulos, and Bizos propose a coherent framework for shaping it. Firstly, they emphasise the significance of identifying the country's foreign policy priorities and establishing a clear definition of the national interest.³⁵⁴ Secondly, they underscore the importance of adeptly navigating the evolving regional and global power dynamics.³⁵⁵ Thirdly, they stress the need to effectively engage with emerging actors in international relations that may influence the country's foreign policy priorities.³⁵⁶ Lastly, the authors call for a comprehensive review of the government's foreign policy formulation and implementation process, as well as the identification of relevant actors involved in shaping this policy direction.³⁵⁷

South Africa must reclaim its position as a human rights defender and a good international citizen by prioritising democracy and human rights within its foreign policy framework.³⁵⁸ Additionally, the country needs to allocate adequate resources to bolster its role as a mediator and to contribute effectively to the promotion of peace, security, and reconstruction efforts across the continent.³⁵⁹ The multiple stakeholders in the decision-making process of foreign policy must collaborate harmoniously to formulate a coherent and effective foreign policy.

³⁵⁴ Bradlow, Sidiropoulos, & Bizos (n 341 above) 262-263.

³⁵⁵ Bradlow, Sidiropoulos, & Bizos (n 341 above) 266.

³⁵⁶ Bradlow, Sidiropoulos, & Bizos (n 341 above) 267.

³⁵⁷ As above.

³⁵⁸ Sidiropoulos (n 117 above) 117.

³⁵⁹ As above.

6. BIBLIOGRAPHY

BOOKS

- Adebajo, A & Virk, K (eds) *Foreign Policy in post-apartheid South Africa: Security, diplomacy and trade* (2017) London: I.B. Tauris & Co. Ltd.
- Bradlow, DD & Sidiropoulos, E (eds) *Values, interests and power: South African foreign policy in uncertain times* (2020) Pretoria: Pretoria University Law Press.
- Breuning, M *Foreign policy analysis: A comparative introduction* (2007) New York: Palgrave Macmillan.
- Brysk, A *Global good Samaritans: human rights as foreign policy* (2009) Oxford: Oxford University Press.
- Donnelly, J. & Whelan, DJ *International human rights*. (5th ed) (2018) Oxford: Routledge.
- Graham, M *The crisis of South African foreign policy: Diplomacy, leadership and the role of the African National Congress* (2015) London: Bloomsbury Publishing.
- Graham, S *Democratic South Africa's foreign policy: Voting behaviour in the United Nations* (2016) London: Palgrave Macmillan.
- Holsti, K *International politics: A framework for analysis* (1977) New Jersey: Prentice Hall.
- Krasner, SD *Defending the national interest* (1978) New Jersey: Princeton University Press.
- Landsberg, C & Van Wyk, JA (eds) *South African foreign policy review: Volume 1* (2012) Oxford: African Books Collective.
- Mashele, P & Qobo, M *The fall of the ANC: What next?* (2014) Johannesburg: Picador Africa.
- Musah, AF & Fayemi, JK (eds) *Mercenaries: An African security dilemma* (2000) London: Pluto Press.
- Nye, JS *Soft power: The means to success in world politics* (2004) New York: Public Affairs.

Shelton, G *The South African National Defence Force (SANDF) and President Mbeki's peace and security agenda: New roles and mission* (2004) Institute for Global Dialogue.

Solomon, H (ed) *Fairy godmother, hegemon or partner: In search of a South African foreign policy* (1997) Pretoria: Institute for Security Studies Monograph Series 13.

Tonra, B & Christiansen, T *Rethinking European union foreign policy* (2004) Manchester: Manchester University Press.

CASE LAW

Hunter v Financial Sector Conduct Authority and Others (2018) ZACC 31.

Law Society of South Africa & Others v President of the Republic of South Africa & Others (2018) ZACC 51; (2019) 3 SA 30 (CC).

JOURNAL ARTICLES

Alden, C 'South African foreign policy and the UN Security Council: Assessing its impact on the African peace and security architecture' (2015) *SAIIA Policy Insights No 20* 1-8.

Alden, C & Le Pere, G 'South Africa in Africa: Bound to lead?' (2009) 36 *Politikon* 145-169.

Asante, MK 'The Afrocentric idea in education' (1991) 60 *The Journal of Negro Education* 170-180.

Bariledum, K & Obianime, TT 'A comparative study of Nigeria and South Africa foreign policies achievements in Africa' (2022) 8 *International Journal of Comparative Studies in International Relations and Development* 19-35.

Bischoff, PH 'Contrivance with purpose? International relations and the reconstitution of the international' (2010) 32 *Strategic Review for Southern Africa* 121-133.

- Bischoff, PH 'External and domestic sources of foreign policy ambiguity: South African foreign policy and the projection of pluralist middle power' (2003) 30 *Politikon* 183-201.
- Blanchfield, L & Weber, MA 'The United Nations Human Rights Council: Background and policy issues' (2020) *Congressional Research Services* 1-17.
- Braga, PDRS 'Human rights and the origin of myths of post-apartheid South African foreign policy' (2017) 39 *The Strategic Review for Southern Africa* 25-49.
- Cilliers, J 'Life beyond BRICS? South Africa's future foreign policy interests' (2017) 1 *South Africa's Future Foreign Policy Interests* 1-20.
- Cohen, R 'Integrating human rights in US foreign policy: The history, the challenges, and the criteria for an effective policy' (2008) *The Brookings Institution* 1-11.
- Dijkhuizen, F & Onderco, M 'Sponsorship behaviour of the BRICS in the United Nations General Assembly' (2019) 40 *Third World Quarterly* 2035-2051.
- Donnelly, J 'Human rights and foreign policy' (1982) 34 *World Politics* 574-595.
- Fraioli, P (ed) 'South Africa's foreign policy under Ramaphosa' (2021) 27 *Strategic Comments* vii-ix.
- Graham, S 'A review of South Africa's terms in the United Nations Security Council' (2022) *International Peacekeeping* 1-25.
- Graham, S 'Gold star or bottom of the class: Is South Africa a good international citizen?' (2008) 15 *South African Journal of International Affairs* 87-97.
- Graham, S 'South Africa's UN General Assembly voting record from 2003 to 2008: Comparing India, Brazil and South Africa' (2011) 38 *Politikon* 409-432.
- Graham, S 'Yea or nay? Democratic South Africa's voting behaviour in an intergovernmental organisation' (2016) 79 *The Journal of the Helen Suzman Foundation* 35-41.
- Grant, JA & Hamilton, S 'Norm dynamics and international organisations: South Africa in the African Union and International Criminal Court' 54 (2016) *Commonwealth and Comparative Studies* 161-185.

- Gropas, R 'Is a human rights foreign policy possible? The case of the European Union.' (1999) *In Conference proceedings of the 16th Annual Graduate Student Conference held in New York. Conducted by the Institute on Western Europe, Columbia University. New York* 1-28.
- Hayden, GM 'Abstention: The unexpected power of withholding your vote' (2010) 43 *Connecticut Law Review* 585-615.
- Henwood, R 'South Africa's foreign policy: Principles and problems' (1997) *Fairy godmother, hegemon or partner* 3-15.
- Jordaan, E 'African States at the UN Human Rights Council in 2019' (2021) *South African Institute of International Affairs: Special Report December 2021* 1-71.
- Jordaan, E 'Fall from grace: South Africa and the changing international order.' (2010) 30 *Politics* 82-90.
- Jordaan, E 'South Africa and the United Nations Human Rights Council' (2014) 36 *Human Rights Quarterly* 90-122.
- Jordaan, E 'The concept of a middle power in international relations: Distinguishing between emerging and traditional middle powers' (2003) 30 *Politikon* 165-181.
- Jordaan, E 'Worthy of membership? Rwanda and South Africa on the United Nations Human Rights Council' (2021) 21 *African Human Rights Law Journal* 907-937.
- Landsberg, C 'The concentric circles of South Africa's foreign policy under Jacob Zuma' (2014) 70 *India Quarterly* 153-172.
- Le Pere, G 'Critical themes in South Africa's foreign policy: An overview' (2014) 36 *The Strategic Review for Southern Africa* 31-56.
- Madimutsa, C 'The policy formulation process' (2008) 1-11.
- Madise, D & Isike, C 'Ubuntu diplomacy: Broadening soft power in an African context' (2020) 20 *Journal of Public Affairs* 1-10.
- Mandela, N 'South Africa's future foreign policy' (1993) 72 *Foreign Affairs* 86-97.
- Melber, H 'Engagement matters: South Africa, the United Nations and a rights-based foreign policy' (2014) 21 *South African Journal of International Affairs* 131-145.

- Muller, M 'South African diplomacy and security complex theory' (1999) 88 *The Round Table* 585-620.
- Muvumba Sellström, A & Graham, S 'South Africa and Sweden in the UN Security Council' (2023) 94 *The Thinker* 53-63.
- Neuchterlein, D 'National interests and foreign policy: A conceptual framework for analysis and decision-making' (1976) 2 *British Journal of International Studies* 246-266.
- Nganje, F & Ayodele, O 'South African foreign policy' *Oxford Research Encyclopedia of International Studies* (2021) 1-29.
- Nkuna, VM 'Russia-South Africa relations within the context of the Ukraine invasion' (2023) 10 *Journal of African Foreign Affairs* 71-88.
- O'Brien, T 'New Zealand foreign policy: striving for consistency' (2007) 32 *New Zealand International Review* 14-18.
- Onderco, M 'A battle of principles: South Africa's relations with Iran' (2016) 54 *Commonwealth & Comparative Politics* 252-267.
- Otavio, A 'The Ramaphosa administration and the return to South Africa's protagonism: Trends and challenges to foreign policy' (2021) 6 *Brazilian Journal of African Studies* 87-107.
- Quero, J & Dessì, A 'Unpredictability in US foreign policy and the regional order in the Middle East: Reacting vis-à-vis a volatile external security-provider' (2021) 48 *British Journal of Middle Eastern Studies* 311-330.
- Sidiropoulos, E 'South African foreign policy in the post-Mbeki period' (2008) 15 *South African Journal of International Affairs* 107-120.
- Siko, J 'The right place at the right time, or the right person in the right place? Determinants of South African Defence Minister influence on foreign policy' (2012) 21 *African Security Review* 74-87.
- Singh, P & De Carvalho, G 'Looking back, looking forward' (2020) 22 *Institute for Security Studies: Africa Report* 1-23.

- Thipanyane, T 'South Africa's foreign policy under the Zuma government. A human rights-based policy or a pragmatic approach based on political and economic considerations.' (2011) *Africa Institute of South Africa: Briefing 64* 1-8.
- Tladi, D 'The Constitutional Court's judgment in the SADC Tribunal case: international law continues to befuddle' (2020) 10 *Constitutional Court Review* 129-153.
- Van Nieuwkerk, A 'South Africa's national interest' (2004) 13 *African Security Studies* 89-101.
- Van Wyk, JA 'South Africa's post-apartheid foreign policy: A constructivist analysis' (2004) 23 *Politeia* 103-36.
- Walling, CB 'The United Nations Security Council and Human Rights' (2020) 26 *Global Governance: A Review of Multilateralism and International Organizations* 291-306.
- Williams, C 'Re-evaluating South African foreign policy decision-making: Archives, architects and the promise of another wave' (2021) 48 *Politikon* 547-571.

LEGISLATION, INTERNATIONAL LAW INSTRUMENTS AND OTHER DOCUMENTS

- ANC 'The Reconstruction and Development Programme: A policy framework' (1994) Umanyano Publications.
- ANC 'Umrabulo Policy Discussion Papers' (2022).
- AU 'Framework document of the African Agenda 2063: The Africa we want' (2015).
- Charter of the United Nations, 1945.
- Constitution of the Republic of South Africa, 1996.
- Department of Foreign Affairs 'Strategic Plan: 2005-2008' (2008).
- Duodu, C interview with Mandela published in *The Observer* (26 Nov 1995).
- Goodman, D interview with Dumisani Shadrack Kumalo at New York, USA (31 Jan 2005). Available from: https://www.sahistory.org.za/sites/default/files/archive-files/dumisani_shadrack_kumalo_interview.pdf.

Government of South Africa 'White Paper on South Africa's foreign policy: Building a better world: The diplomacy of Ubuntu' (2011).

National Planning Commission 'National Development Plan 2030: Our future-make it work' (2011).

SADC Protocol, 2014.

The Presidency 'Strategic Plan: 2020-2025' (2020).

MEETING RECORDS

UNSC 'S/PV.8537' (2019).

UNSC 'S/PV.8547' (2019).

UNSC 'S/PV.8651' (2019).

UNSC 'S/PV.5669' (2007).

UNSC 'S/PV.6523' (2011).

UNSC 'S/PV.6642' (2011).

UNGA 'A/C.3/74/SR.22' (2020).

UNGA 'A/C.3/74/SR.38' (2020).

RESOLUTIONS

Human Rights Council Resolution 'Human rights in the occupied Syrian Golan' UN Doc A/HRC/RES/37/33 (06 April 2018); A/HRC/RES/40/21 (17 April 2019).

Human Rights Council Resolution 'Human rights situation in Yemen' UN Doc A/HRC/RES/39/16 (05 Oct 2018); A/HRC/RES/42/2 (02 Oct 2019).

Human Rights Council Resolution 'Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan' UN Doc A/HRC/RES/37/36 (06 April 2018); A/HRC/RES/40/24 (16 April 2019).

Human Rights Council Resolution 'Promotion of the right to peace' UN Doc A/HRC/41/L.2 (05 July 2019).

Human Rights Council Resolution 'Situation of human rights in Belarus' UN Doc A/HRC/RES/38/14 (16 July 2018); A/HRC/RES/41/22 (23 July 2019).

Human Rights Council Resolution 'Situation of human rights in Burundi' UN Doc A/HRC/RES/39/14 (05 Oct 2018); A/HRC/RES/42/26 (08 Oct 2019).

Human Rights Council Resolution 'Situation of human rights in Eritrea' UN Doc A/HRC/RES/41/1 (17 July 2019).

Human Rights Council Resolution 'Situation of human rights in Eritrea' UN Doc A/HRC/RES/41/1 (05 July 2019).

Human Rights Council Resolution 'Situation of human rights in Myanmar' UN Doc A/HRC/RES/37/32 (09 April 2018); A/HRC/RES/40/29 (11 April 2019).

Human Rights Council Resolution 'Situation of human rights in the Islamic Republic of Iran' UN Doc A/HRC/RES/37/30 (13 April 2018); A/HRC/RES/40/18 (08 April 2019).

Human Rights Council Resolution 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar, UN Doc A/HRC/RES/39/2 (03 Oct 2018); A/HRC/RES/42/3 (03 Oct 2019).

Human Rights Council Resolution 'The question of the death penalty' UN Doc A/HRC/42/L.37 (23 Sept 2019).

Human Rights Council Resolution 'The right to development' UN Doc A/HRC/42/L.36 (20 Sept 2019).

Report of the Special Rapporteur on the situation of human rights in Belarus, UN Doc A/HRC/50/58 (4 May 2023).

Security Council Resolution 'Resolution 2470 (2019)' UN Doc S/RES/2470 (21 May 2019).

Security Council Resolution 'The situation concerning the Democratic Republic of Congo (DRC)' UN Doc S/RES/2502 (15 Dec 2019); S/RES/2556 (18 Dec 2020).

Security Council Resolution 'The situation concerning Western Sahara' UN Doc S/RES/2494 (30 Oct 2019); S/RES/2548 (30 Oct 2020).

Security Council Resolution 'The situation in Bosnia and Herzegovina' UN Doc S/RES/2496 (05 Nov 2019); S/RES/2549 (05 Nov 2020).

Security Council Resolution 'The situation in Cyprus' UN Doc S/RES/2483(25 July 2019); S/RES/2537 (28 July 2020).

Security Council Resolution 'The situation in Iraq' UN Doc S/RES/2470 (21 May 2019); S/RES/2522 (29 May 2020).

Security Council Resolution 'The situation in Mali' UN Doc S/RES/2484 (29 Aug 2019); S/RES/2541 (31 Aug 2020).

Security Council Resolution 'The situation in Somalia' UN Doc S/RES/2472(31 May 2019); S/RES/2554 (04 Dec 2020).

Security Council Resolution 'United Nations Security Council Resolution 1325' UN Doc S/RES/1325 (31 Oct 2000).

Third Committee Resolution 'A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action' UN Doc A/C.3/76/L.61/Rev.1 (10 Nov 2021).

Third Committee Resolution 'Ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic' UN Doc A/C.3/76/L.55/Rev.1 (11 Nov 2021).

Third Committee Resolution 'Intensification of efforts to prevent and eliminate all forms of violence against women and girls' UN Doc A/C.3/75/L.19/Rev.1 (11 Nov 2020).

Third Committee Resolution 'Promotion of peace as a vital requirement for the full enjoyment of all human rights by all' UN Doc A/C.3/75/L.23 (17 Nov 2020).

Third Committee Resolution 'Situation of human rights in Myanmar' UN Doc A/C.3/73/L.51 (16 Nov 2018).

Third Committee Resolution 'Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine' UN Doc A/C.3/73/L.48 (31 Oct 2018).

Third Committee Resolution 'Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine' UN Doc A/C.3/74/L.28 (31 Oct 2019).

Third Committee Resolution 'Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine' UN Doc A/C.3/75/L.32 (18 Nov 2020).

Third Committee Resolution 'Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine' UN Doc A/C.3/76/L.29 (28 Oct 2021).

Third Committee Resolution 'Situation of human rights in the Islamic Republic of Iran' UN Doc A/C.3/73/L.42 (15 Nov 2018).

Third Committee Resolution 'Situation of human rights in the Islamic Republic of Iran' UN Doc A/C.3/74/L.27 (14 Nov 2019).

Third Committee Resolution 'Situation of human rights in the Islamic Republic of Iran' UN Doc A/C.3/75/L.31/Rev.1 (12 Nov 2020).

Third Committee Resolution 'Situation of human rights in the Islamic Republic of Iran' UN Doc A/C.3/76/L.28 (16 Dec 2021).

Third Committee Resolution 'Situation of human rights in the Syrian Arab Republic' UN Doc A/C.3/74/L.30/Rev.1 (08 Nov 2019).

Third Committee Resolution 'Situation of human rights in the Syrian Arab Republic' UN Doc A/C.3/75/L.33 (30 Oct 2020).

Third Committee Resolution 'Situation of human rights in the Syrian Arab Republic' UN Doc A/C.3/76/L.31/Rev.1 (10 Nov 2021).

Third Committee Resolution 'Situation of human rights in the Syrian Arab Republic' UN Doc A/C.3/73/L.50 (31 Oct 2018).

Third Committee Resolution 'The right to development' UN Doc A/C.3/73/L.31/Rev.1 (16 Nov 2018).

Third Committee Resolution 'The Situation of human rights of the Rohingya Muslims and other minorities in Myanmar' UN Doc A/C.3/74/L.29 (14 Nov 2019).

Third Committee Resolution 'The Situation of human rights of the Rohingya Muslims and other minorities in Myanmar' UN Doc A/C.3/75/L.34 (18 Nov 2020).

Third Committee Resolution 'The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination' UN Doc A/C.3/74/L.36 (30 Oct 2019).

THESES AND DISSERTATIONS

Graham, S 'South Africa's voting behaviour in the United Nations, 1994-2008' unpublished PhD thesis, University of Johannesburg, 2013.

Mbete, S 'The 'Middle Power' debate revisited: South Africa in the United Nations Security Council, 2007-2008 and 2011-2012' unpublished PhD thesis, University of Pretoria, 2018.

Nkoana-Mashabane, ME 'South Africa foreign policy: Human rights, the African Agenda and middle powermanship' unpublished Master of Arts thesis, University of Pretoria, 2018.

WEBSITES

A de Presse Africaine 'South Africa, Burundi explore ways to deepen co-operation' 4 Nov 2022, <https://www.iol.co.za/news/africa/south-africa-burundi-explore-ways-to-deepen-co-operation-5980e085-ea55-542e-9dee-56a8202475d9> [Accessed: 2023-06-03].

Amnesty International 'Russian military commits indiscriminate attacks during the invasion of Ukraine', 25 February 2022, <https://www.amnesty.org/en/latest/news/2022/02/russian-military-commits-indiscriminate-attacks-during-the-invasion-of-ukraine/> [Accessed: 2022-07-07].

ANC Parliament 'Reply to the budget vote by Deputy Minister of International Relations and Cooperation, Ebrahim Ismail Ebrahim, to the National Assembly' 18 Jun 2009, <https://www.ancparliament.org.za/content/reply-budget-vote-deputy-minister-international-relations-and-cooperation-ebrahim-ismail> [Accessed: 2023-08-23].

AU 'A3 Media Stakeout on the situation in Sudan' 06 June 2019, <https://www.africanunion-un.org/post/a3-media-stakeout-on-the-situation-in-sudan> [Accessed: 2023-05-30].

DIRCO "Celebrating 19 years of South Africa's Foreign Policy", Public Lecture by Deputy Minister of International relations and Cooperation, H. E. Mr Ebrahim I Ebrahim, South African Institute of International Affairs (SAIIA) 4 July 2013, <https://www.gov.za/celebrating-19-years-south-africa%E2%80%99s-foreign-policy-public-lecture-deputy-minister-international> [Accessed: 2023-07-03].

DIRCO 'Address by Dr GNM Pandor, Minister of International Relations and Cooperation at the Symposium on the Framework Document on South Africa's National Interest and its advancement in a Global Environment, Monday, 1 August 2022 from 09:00 to 13:00 at the DIRCO Conference Centre, Pretoria' 1 Aug 2022, <https://www.gov.za/speeches/ministe-naledi-pandor-symposium-framework-document-south-africa%E2%80%99s-national-interest-1-aug> [Accessed: 2023-03-28].

DIRCO 'BRICS chair President Cyril Ramaphosa's media briefing remarks announcing the outcomes of the XV BRICS Summit' 24 Aug 2023, <https://www.dirco.gov.za/brics-chair-president-cyril-ramaphosas-media-briefing-remarks-announcing-the-outcomes-of-the-xv-brics-summit-24-august-2023/> [Accessed: 2023-08-24].

DIRCO 'Foreign policy journal: Reflecting on 2018' (2019). Available from: <https://www.dirco.gov.za/foreign-policy-journal-2018/> [Accessed: 2023-05-30].

DIRCO 'International Relations and Cooperation on Security Council briefing on the situation in Somalia' <https://www.gov.za/speeches/a3-1-joint-statement-delivered-ambassador-jerry-matijila-permanent-mission-south-africa> [Accessed: 2023-06-01].

DIRCO 'International Relations and Cooperation, Budget Vote Speech, Deputy Minister Candith Mashego-Dlamini' 12 May 2022, <https://www.dirco.gov.za/2022/05/12/international-relations-and-cooperation-budget-vote-speech-deputy-minister-candith-mashego-dlamini-12-may-2022/> [Accessed: 2023-07-05].

DIRCO 'Joint Communiqué issued by the Honourable Ministers Ambassador Albert Shingiro and Dr Naledi Pandor at the Inaugural Session of the Burundi – South Africa Joint Commission for Cooperation (JCC), held on 4 November 2022, Bujumbura' <https://www.dirco.gov.za/2022/11/04/joint-communicue-issued-by-the-honourable-ministers-ambassador-albert-shingiro-and-dr-naledi-pandor-at-the-inaugural-session-of-the-burundi-south-africa-joint-commission-for-cooperation-jcc/> [Accessed: 2023-06-04].

DIRCO 'Media Statement by the Minister of International Relations and Cooperation, Dr Naledi Pandor, on the occasion of the Budget Vote Speech' 11 July 2019, <https://www.dirco.gov.za/2019/07/11/media-statement-by-the-minister-of-international-relations-and-cooperation-dr-naledi-pandor-on-the-occasion-of-the-budget-vote-speech-11-july-2019-imbizo-media-centre-parliament-cape-town/> [Accessed: 2023-07-15].

DIRCO 'Media statement on the virtual meeting between the Minister of International Relations and Cooperation, Dr Naledi Pandor and the Minister of Foreign Affairs and Immigrant Affairs of the Republic of Yemen, Dr Ahmed Bin Mubarak' 16 Mar 2021, <https://www.dirco.gov.za/2021/03/16/media-statement-on-the-virtual-meeting-between-the-minister-of-international-relations-and-cooperation-dr-naledi-pandor-and-the-minister-of-foreign-affairs-and-immigrant-affairs-of-the-republic-of-ye/> [Accessed: 2023-06-04].

DIRCO 'Minister Naledi Pandor hosts Symposium on South Africa's National Interest Framework Document and its advancement in a Global Environment, 1 Aug' 27 Jul 2022, <https://www.gov.za/speeches/minister-naledi-pandor%C2%A0hosts%C2%A0symposium-south-africa%E2%80%99s-national-interest-framework-document> [Accessed: 2023-03-28].

DIRCO 'National Action Plan on women, peace and security – 2020 to 2025' (2020). Available from: <https://www.dirco.gov.za/national-action-plan-on-women-peace-and-security/> [Accessed: 2023-05-30].

DIRCO 'Remarks by the Minister of International Relations and Cooperation, Dr Naledi Pandor, on the occasion of the end-of-the-year Media Briefing on South Africa's foreign policy milestones' 12 Dec 2022, <https://www.dirco.gov.za/2022/12/12/remarks-by-the-minister-of-international-relations-and-cooperation-dr-naledi-pandor-on-the-occasion-of-the-end-of-the-year-media-briefing-on-south-africas-foreign-policy-milestones-12-dece/> [Accessed: 2023-06-15].

DIRCO 'South Africa calls for cessation of violence and restoration of peace and rule of law in Myanmar' 3 Feb 2022, <https://www.dirco.gov.za/2022/02/03/south-africa-calls-for-cessation-of-violence-and-restoration-of-peace-and-rule-of-law-in-myanmar/> [Accessed: 2023-06-04]

DIRCO 'South Africa has maintained a consistent position on the Israel – Palestine question' 27 Jan 2022, <https://www.dirco.gov.za/2022/01/27/south-africa-has-maintained-a-consistent-position-on-the-israel-palestine-question/> [Accessed: 2023-06-01].

DIRCO 'Statement by the Permanent Mission of South Africa to the United Nations, during the United Nations Security Council video teleconference meeting on the humanitarian situation in Syria 29 June 2020' <https://www.dirco.gov.za/2020/01/31/statement-by-the-permanent-mission-of-south-africa-to-the-united-nations-during-the-united-nations-security-council-video-teleconference-meeting-on-the-humanitarian-situation-in-syria-29-june-2020/> [Accessed: 2023-05-30].

Embassy Direct 'H.E. Salih Omar Abdu Eritrean ambassador to South Africa' 23 Apr 2020, <https://www.embassydirect.co.za/2020/04/23/h-e-salih-omar-abdu-eritrean-ambassador-to-south-africa/> [Accessed: 2023-06-04].

Fabricius, P & Donnerfeld, Z 'SA prepares for a historic about-turn on human rights foreign policy' 23 Nov 2018, <https://issafrica.org/iss-today/sa-prepares-for-a-historic-about-turn-on-human-rights-foreign-policy> [Accessed: 2023-06-01].

- FindLaw 'What does abstention from voting mean?' 18 Mar 2020, <https://www.findlaw.com/voting/my-voting-guide/what-does-abstention-from-voting-mean-.html> [Accessed: 2023-05-27].
- Genzlinger, N 'Dumisani Kumalo dead at 71; helped turn tide against apartheid' 30 Jan 2019, <https://www.nytimes.com/2019/01/30/obituaries/dumisani-kumalo-dead.html> [Accessed: 2023-08-25].
- Hamil, J 'South Africa has clearly chosen a side on the war in Ukraine' 16 Mar 2022, <https://www.worldpoliticsreview.com/south-africa-has-chosen-a-side-on-ukraine-invasion-by-russia/?one-time-read-code=65875168615469179456> [Accessed: 2023-06-01].
- Human Rights Watch 'Ukraine: Deadly attacks kill, injure civilians, destroy homes', 18 March 2022, <https://www.hrw.org/news/2022/03/18/ukraine-deadly-attacks-kill-injure-civilians-destroy-homes> [Accessed: 2022-07-07].
- Human Rights Watch 'US: President should set a human rights foreign policy', 10 Nov 2020 <https://www.hrw.org/news/2020/11/10/us-president-should-set-human-rights-foreign-policy> [Accessed: 2022-06-19].
- Hunter, Q "We've made it clear that Russia is a friend": Pandor doubles down on SA's Ukraine stance' 30 Mar 2023, <https://www.news24.com/news24/politics/government/weve-made-it-clear-that-russia-is-a-friend-pandor-doubles-down-on-sas-ukraine-stance-20230330> [Accessed: 2023-06-01].
- Hussein, Z 'Special session of the Human Rights Council on the Human Rights situation of the minority Rohingya Muslim population and other minorities in the Rakhine State of Myanmar: Statement to the HRC' 5 Dec 2017 <https://www.ohchr.org/en/statements/2017/12/special-session-human-rights-council-human-rights-situation-minority-rohingya?LangID=E&NewsID=22487> [Accessed: 2022-09-12].
- Ismail, S "A wall of BRICS": The significance of adding six new members to the bloc' 24 Aug 2023, <https://www.aljazeera.com/news/2023/8/24/analysis-wall-of-brics-the-significance-of-adding-six-new-members> [Accessed: 2023-08-24].

Mbanyele, S & Moffat, C 'South Africa foreign policy: Ambiguous or misunderstood?' 13 June 2022 <https://gga.org/south-africas-foreign-policy-decisions-ambiguous-or-misunderstood/> [Accessed: 2022-08-31].

Ministry of Foreign Affairs of the Islamic Republic of Iran 'Iran FM meets with South African counterpart on UNGA sidelines' 25 Sept 2021, <https://en.mfa.ir/portal/newsview/653230/Iran-FM-Meets-with-South-African-Counterpart-on-UNGA-Sidelines> [Accessed: 2023-07-15].

OHCHR '52nd regular session of the Human Rights Council: Resolutions, decisions and President's statements' <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session52/res-dec-stat> [Accessed: 2023-05-28].

Parliamentary Monitoring Group 'Budget vote debates' <https://pmg.org.za/page/Budget%20Vote#:~:text=Budget%20vote%20debates%20provides%20an,funded%20through%20a%20parliamentary%20vote> [Accessed: 2023-07-09].

Qobo, M & Nyathi, N 'Ubuntu, foreign policy and radical uncertainty in South Africa and the world' 20 Sept 2017, <https://www.africaportal.org/features/ubuntu-foreign-policy-and-radical-uncertainty-south-africa-and-world/> [Accessed: 2023-03-28].

Ramaphosa, C 'State of the Nation Address' 16 Feb 2018, <http://www.thepresidency.gov.za/speeches/state-nation-address-presidentrepublic-south-africa%2C-mr-cyril-ramaphosa> [Accessed: 2023-06-01].

Roth, K & Hicks, P 'Encouraging stronger engagement by emerging powers on human rights' 20 June 2013, <https://www.opendemocracy.net/en/openglobalrights-openpage/encouraging-stronger-engagement-by-emerging-powers-on-huma/> [Accessed: 2023-07-03].

South African Government 'Deputy Minister Luwellyn Landers: International Relations and Cooperation Dept Budget Vote 2017/18' <https://www.gov.za/speeches/deputy-minister-luwellyn-landers-international-relations-and-cooperation-dept-budget-vote> [Accessed: 2023-07-09].

South African Government 'N Dlamini Zuma: Foreign Affairs Dept Budget Vote 2007/08' 29 May 2007, <https://www.gov.za/n-dlamini-zuma-foreign-affairs-dept-budget-vote-200708> [Accessed: 2023-07-09].

South African Government News Agency 'SA concerned about human rights violations in Myanmar' 23 Nov 2018, <https://www.sanews.gov.za/south-africa/sa-concerned-about-human-rights-violations-myanmar> [Accessed: 2023-06-01].

Staff Reporter 'Foreign Affairs department under fire' 9 Jun 1995, <https://mg.co.za/article/1995-06-09-foreign-affairs-department-under-fire/> [Accessed: 2023-08-22]

The Presidency 'President Ramaphosa tells Parliament and the nation, SA is on a path to economic renewal' 8 May 2018, <https://www.thepresidency.gov.za/press-statements/president-ramaphosa-tells-parliament-and-nation%2C-sa-path-economic-renewal> [Accessed: 2023-07-22].

UN 'Nkosazana Dlamini Zuma elected president of World Conference Against Racism' 31 Aug 2001, <https://www.ohchr.org/en/press-releases/2009/10/nkosazana-dlamini-zuma-elected-president-world-conference-against-racism> [Accessed: 2023-08-23].

UN 'Resolutions & decisions' <https://research.un.org/en/docs/resolutions> [Accessed: 2023-05-27].

UN 'Security Council underscores importance of supporting African Union's efforts to improve regional peacekeeping capacity' 18 Mar 2009, <https://press.un.org/en/2009/sc9615.doc.htm> [Accessed: 2023-08-23].

UN 'Third Committee approves 6 drafts on human rights in Iran, Syria, Ukraine amid separate calls to abolish country-specific texts, uphold rule of law' 17 Nov 2021, <https://press.un.org/en/2021/gashc4339.doc.htm> [Accessed: 2023-07-15].

UN 'Third Committee' <https://www.un.org/en/ga/third/> [Accessed: 2023-05-28].

UN 'United Nations resolutions adopted by the General Assembly - Emergency special sessions' <https://research.un.org/en/docs/ga/quick/emergency> [Accessed: 2023-05-30].

UN 'Workings of the General Assembly' <https://www.un.org/en/ga/> [Accessed: 2023-05-28].

UNGA 'General Assembly overwhelmingly adopts resolution demanding Russian Federation immediately end illegal use of force in Ukraine, withdraw all troops' 2 Mar 2022, <https://press.un.org/en/2022/ga12407.doc.htm> [Accessed: 2023-06-01].

UNSC 'Countries elected members' <https://www.un.org/securitycouncil/content/countries-elected-members> [Accessed: 2023-05-28].

Williams, C 'South Africa elected to UN Human Rights Council' 12 Oct 2022, <https://www.iol.co.za/news/south-africa/south-africa-elected-to-un-human-rights-council-c0727cf8-868e-4da1-8e26-b5d96b89dc7f> [Accessed: 2023-05-28].

Zuma, J 'State of the Nation Address to a Joint Sitting of Parliament' 14 Feb 2013, <https://www.parliament.gov.za/state-nation-address-jacob-g-zuma-president> [Accessed: 2023-07-04].