HUMAN RIGHTS AND THE ORIGIN MYTHS OF POST-*APARTHEID* SOUTH AFRICAN FOREIGN POLICY

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Abstract

The foreign policy narrative of South Africa is strongly grounded in human rights issues, beginning with the transition from a racial segregation regime to a democracy. The worldwide notoriety of the *apartheid* South African case was one factor that overestimated the expectations of the role the country would play in the world after *apartheid*. Global circumstances also fostered this perception, due to the optimistic scenario of the post-Cold War world order. The release of Nelson Mandela and the collapse of *apartheid* became the perfect illustration of the victory of liberal ideas, democracy, and human rights. More than 20 years after the victory of Mandela in the first South African democratic elections, the criticism to the country's foreign policy on human rights is eminently informed by those origin myths, and it generates a variety of analytical distortions. The weight of expectations, coupled with the historical background that led the African National Congress (ANC) to power in South Africa, underestimated the traditional tensions of the relationship between sovereignty and human rights. Post-*apartheid* South Africa presented an iconic image of a new bastion for the defence of human rights in the post-Cold War world. The legacy of the miraculous transition in South Africa, though, seems to have a deeper influence on the role of the country as a mediator in African crises rather than in a liberal-oriented human rights approach. This is more evident in cases where the African agenda clashes with liberal concep-

tions of human rights, especially due to the politicisation of the international human rights regime.

1.   The narrative of South Africa's foreign policy and its origin myths[1)]

The historical specificity of the democratic transition in South Africa created an atmosphere of great optimism in the country and in the world, but the 'South African miracle' of a peaceful transition in a polarised and violent political environment forged a scenario which proved much more complex to achieve in reality. The globally recognised moral leadership of Mandela catalysed the almost naive international perception that South Africa would be the new bastion for the promotion of human rights. However, the legacy of colonial exploitation and racial segregation could not be easily suppressed by an ambitious democratic project. Why was South Africa expected to follow a liberal human rights agenda when defining its alliances in the international arena and voting in multilateral organisations? This article argues that this expectation was (and in a way continues to be) the result of a misreading of the historical peculiarity of the South African transition, a perception fostered largely by the worldwide popularity of the campaign against *apartheid*, a symbol of activism that has spread particularly in the civil societies of liberal democracies. These are the origin myths of South African foreign policy.

The role of the country as a human rights champion was overestimated considering its material limitations and also the geopolitical role of South Africa in the region and in the world. The foundation myths misstate the real historical legacy of the struggle against *apartheid* and the peaceful transition of South Africa. My proposal is to present a reinterpretation of the legacy of the democratic transition in the country's foreign policy.

The legacy of South Africa's transition is latent mainly in the country's role as a mediator and peacekeeper, especially in African crises. To illustrate this, the international acclamation of Nelson Mandela emphasises his role as a great human rights defender, while his ability to negotiate a democratic transition with the Afrikaner regime remains in the background. The active role of South Africa as a mediator and peacekeeper in several African crises, for instance in the Democratic Republic of Congo (DRC), Burundi, the Ivory Coast and Zimbabwe, is associated with the historical example of the negotiated transition and also by the work of the Truth and Reconciliation Commission (TRC).

These arguments will be presented in more detail, starting with a broad analysis of the foreign policy of the 'new South Africa'.

2.   The human rights foreign policy of the 'new South Africa'

The article published by Nelson Mandela in *Foreign Affairs* in 1993 clarifies exactly the basis for the expectations created about South Africa's foreign policy. According to the article, the centrality of human rights in international relations would be one of the pillars of the post-*apartheid* foreign policy. The article points out that:

> South Africa's future foreign relations will be based on our belief that human rights should be the core concern of international relations, and we are ready to play a role in fostering peace and prosperity in the world we share with the community of nations (Mandela 1993: 97).

According to Borer and Mills (2011: 78): "the world expected South Africa to make human rights a priority in foreign policy precisely because South Africa told the world that it would". However, the famous article did not distinguish which principles would guide the country's foreign policy, as Chris Landsberg (2015) and Peter Vale (2015) pointed out in interviews. Vale, who defends Mandela's authorship of the article, stresses that human rights were part of the argument, but not the centrepiece of the article. Then, how do the human rights principles interact with the practice of South African foreign policy? We must analyse the country's foreign policy after the democratic transition to understand this relationship.

The weight of expectations, coupled with the historical background that led the ANC to power in South Africa, underestimated the traditional tensions of the relationship between sovereignty and human rights. Post-*apartheid* South Africa underwent a process of double transformation with democratisation and reintegration of the country, once a pariah, into the international system. The concern to renew its diplomatic credentials and restore its role of regional leadership is evidenced by the adherence to the human rights regimes[2)] and helped to foster the origin myths of South African foreign policy. According to Alden and Le Pere (2004: 294), "by virtue of its 'miraculous' transition, South Africa was expected by the international community to 'punch above its weight', a view that South African officials tended to en-

courage".

The Mandela government realised that South Africa could be a beacon of change for the post-Cold War world, with opportunities to promote the interests of the African continent and the Global South. However, the adoption of unilateral sanctions against Nigeria in 1995 against the regime of General Abacha because of the execution of human rights activists in 1995[3], was rejected by the African leaders at the Organisation of African Unity (OAU). This fact reveals the difficulties encountered in balancing between the guarantee of human rights domestically and protection of human rights worldwide (Maluwa 2000: 223). The criticism by African countries of the sanctions against Nigeria was a watershed in South Africa's relationship with its neighbours, particularly by adopting afterwards a more conciliatory stance rather than condemnatory language (Smith 2015).

In addition to being a prominent event in the discourse of human rights-based foreign policy, the Nigerian activists case confirms the diagnosis by Peter Vale (2015) that there was a division between an idealistic position defended by Mandela and the pragmatic position for the foreign policy elite bureaucracy, heavily influenced by Thabo Mbeki. Mandela was a kind of 'Pope' relatively outside of the foreign policy formulation, which he delegated to Mbeki. The influence of Mbeki in the world view of South Africa was gradually increasing, culminating in what he classified as the 'Africanist Realism' in his government. It explains Mandela's slow withdrawal from 'small politics':

> During the Mandela years, the image of Mandela was a form of soft power, and he was using this as a form of soft power. He was able to project globally because of who he was and where he was. But he was never able to bring along his ANC colleagues. He was above the day-to-day politics (Vale 2015).

Alfredo Hengari (2015) also mentions the case of the Nigerian activists as a watershed between these two currents in the South African foreign policy: an "ethical foreign policy" based on the moral authority of Mandela, who positioned himself as a human rights defender in the African continent; and a "pragmatic foreign policy," marked by an institutional approach in the African context, mainly after Thabo Mbeki's rise in 1999. This emphasis of Mandela's foreign policy on human rights issues is almost consensual in the South African academy. The 'crusade' for human rights gave the keynote for the foreign policy from 1994 to 1998 (Le Pere and Alden 2003; Van Nieuwkerk 2012).

South Africa's reluctance to assume its role as a regional power,

fearing a replay of the historical background of *apartheid* diplomacy, also explains an idealistic foreign policy. But experience has forced the country to understand the limitations of its idealism and to moderate its assertiveness, which could stimulate rivalry with other regional powers, such as Nigeria (Zondi 2012: 106). The response of the African countries also served as an alert on the limits of Mandela's moral authority. More radical currents of African movements and parties that supported the struggle against *apartheid*, aligned with ANC cadres, were critical of Mandela's concessions to the National Party (NP) in the post-*apartheid* transition.

Yet, in the government of Thabo Mbeki (1999-2008), the principles of foreign policy were virtually the same as those of 1994 (Nathan 2005: 362), emphasising the commitment to democracy and human rights (Geldenhuys 2008: 8). However, his strategy for defending these core values was distinct because they relied on an international vision committed to the 'African Renaissance'. The 'African Renaissance' was the driving force of Mbeki's international strategy, a movement of African pride and self-esteem that reclaims the ideals of the African liberation movements and Pan-Africanism of the 20th century (Zondi 2012: 98). Mbeki set on the road for South Africa to go through what Mandela called the 'African destiny', establishing the 'African Renaissance' as a central element of foreign policy (Zondi 2012: 104). Head of the Presidency Cabinet during the Mbeki era, Frank Chikane (2015), says that everything about the South African foreign policy was defined by the African agenda, a fact symbolically expressed in Thabo Mbeki's historic speech "I am an African"[4] to Parliament in 1996.

The government's view on the continental role, initially imbued with notions of human rights activism was tempered by the conditions of the African reality (Van Nieuwkerk 2011: 97). Hengari (2015) points out that Mbeki did not choose human rights as a central pillar of foreign policy because of tensions between the Western and African conceptions of human rights. The African perspective emphasises "racial nativism".

The African agenda fostered partnerships with the Global South through multilateralism (Le Pere 2002: 20), and South-South cooperation was strengthened. Frictions between human rights and strategic national interests become more latent in the defence of relations with the South. In this regard we can detect the relevant criticisms of the idea of Human Rights Foreign Policy (HRFP). South Africa deepened relations with countries that have a history of human rights violations because they supported the anti-*apartheid* struggle led by the ANC,

countries such as Cuba and Libya. Following this criticism, Borer and Mills (2011: 77) describe the HRFP of the country as paradoxical, especially because the country sought to reconcile the commitment to democracy and human rights with a Pan-African and anti-imperialist agenda. These paradoxes are remarkable in some decisions, as South Africa's support for the President of Zimbabwe, Robert Mugabe, even in the face of a growing humanitarian crisis in that country; and in the defence of countries like human rights violating Myanmar and East Timor in its voting decisions in the United Nations (UN) Security Council (Borer and Mills 2011: 77).

The centrality of the African agenda to South Africa marks Zuma's continuity with its predecessors, and also creates a number of challenges and contradictions for South African diplomacy (Zondi 2010: 113). Recent controversies on South Africa's UN Security Council votes on crises in Zimbabwe, Swaziland, Madagascar, the DRC and Burundi demonstrate, to critics, the abandonment of a foreign policy based on human rights (Landsberg 2012: 4). The votes in multilateral organisations and its regional alliances in the wake of the Pan-African and South-South coalitions are a source of tension with the HRFP and the next section will discuss it.

3.   The voting record of South Africa

The difficulty of South Africa to take a more assertive stance on human rights violations in other countries emerges mainly as a product of tensions between international action guidelines and the affirmation of regional leadership based on a Pan-Africanist ideology that seeks the support of some of the very governments accused of human rights violations in consolidating this leadership position. The selectivity and bias of the international human rights regime is criticised mainly because African states are targeted more frequently in the resolutions of the General Assembly and the Human Rights Council (HRC) against human rights violations. The problems of double standards and selectivity reinforce the need for leadership in Africa to be more sensitive to the historical and cultural features of the region and simultaneously to respond in a consistent fashion within these international bodies. The problem is the absence of consistency in voting behaviour, as seen for example when Zuma is reluctant to condemn abuses committed by President Bashar al-Assad in Syria, yet supports the African Union's (AU) decision to suspend Egypt after abuses by the military in that country.

Jordaan (2014) identifies three analytical perspectives on human rights foreign policy in analysing South African votes in the HRC. The first sets the country as an example of good international citizen, a former pariah that became an assiduous defender of human rights. A second approach would be the middle ground, which identifies the dilemmas inherent in political interests and human rights standards and realises that South Africa as a country may become ambiguous on the subject as is any other democracy. And the last perspective argues that South Africa is worse than other democracies and constantly supports countries with deplorable human rights record.

Jordaan (2014: 122) believes that the country falls into the latter profile. South Africa acted as an obstacle to limit the capabilities of the HRC to act independently of its member states. When it comes to human rights there is a detachment between domestic commitments and foreign policy, since the country is undoubtedly serious in respecting human rights internally. According to Jordaan (2014: 92):

> admittedly, a focus on South Africa's role in the HRC does not offer a complete picture of the country's commitment to human rights — it leaves out what happens in bilateral and other multilateral settings — but there is little evidence to suggest that South Africa's behavior at the HRC is out of step with its actions elsewhere.

The South African government defends its position by explaining that international pressure and the practice of 'naming and shaming' is counterproductive, yet the country explicitly participated enthusiastically in applying international pressure on Israel and voted repeatedly in favour of condemning the country in all 23 resolutions regarding violations by the Jewish State in the HRC (Jordaan 2014: 100). On the other hand, in three resolutions against North Korea, South Africa abstained; and the country worked to weaken the mandate of the HRC resolutions on crises in Sri Lanka, Darfur and the DRC. In addition, in partnership with the 'African Group'[5], South Africa sought to limit the peer review mechanism, Universal Periodic Review (UPR), established in 2006 in order to overcome the problems of the selectivity in the HRC (Jordaan 2014: 119-120).

Graham (2015) analyses the country's votes in its two terms as a non-permanent member of the UN Security Council, with President Mbeki from 2007 to 2008, and with President Zuma from 2011 to 2012. She develops a three-step mode of analysis: an analysis of the official foreign policy position stated in documents and documents; the vote exercised in a UN Security Council resolution; and a qualitative inter-

pretation of the vote.

The debate over the country's role in the human rights field reached its peak during the first term of South Africa in the UN Security Council (2007-2008). For some critics, its votes suggested a move away from a foreign policy based on human rights, because the country would be ignoring violations in countries like Belarus, Myanmar, North Korea and Zimbabwe (Zondi 2012: 5-6).

In the 2007-2008 mandate, despite supporting 120 of the 121 approved resolutions, two votes in vetoed resolutions were controversial: in draft resolution S/2007/14[6] supported by the United States (US) and the United Kingdom (UK) on the situation in Myanmar, South Africa joined China and Russia and voted against condemning the military regime of Myanmar for human rights violations. Second, in draft resolution S/2008/447,[7] supported by the UK, which proposed sanctions against the Mugabe government in Zimbabwe, South Africa again voted against the resolution.

South Africa justified the veto in the Myanmar case by arguing that the UN Security Council was not the appropriate body to discuss human rights violations in the Association of Southeast Asian Nations (ASEAN) region. This stance was inconsistent with the country's position on resolution 1745 on East Timor calling for the extension of the United Nations Integrated Mission in Timor-Leste (UNMIT)[8] mandate (Graham 2015: 79). Had the draft resolution prescribed sanctions against Myanmar, the South African vote would have made sense, given its often declared opposition to the use of sanctions in attempts to resolve conflicts. However, the resolution condemned the conduct of the Myanmar government and called for the good offices of the UN and the participation of international humanitarian organisations in the field. These measures would be consistent with the country's position on peace operations and conflict mediation, to be analysed in the next topic. The Myanmar vote was an incoherent vote, as argued by Graham (2015). Archbishop Desmond Tutu was emphatic in condemning the South African vote, saying: "I am deeply disappointed by our vote. It is a betrayal of our own noble past. Many in the international community can hardly believe it. It is inexplicable …The tyrannical military government is gloating, and we sided with them" (quoted in Zondi, 2011: 5-6).

In its 2011-2012 term in the UN Security Council, with Zuma in office, South Africa voted in favour of the vast majority of the 119 resolutions debated in the Council, but was again involved in controversial votes regarding Libya and Syria (Graham 2015: 85). In UN Resolution

1973, which authorised the no-fly zone over Libyan airspace, South Africa voted in favour of the resolution, in clear support for the position of the League of Arab States (LAS) and the P3 (US, France and the UK), despite the coordinated abstention of the other BRICS (Brazil, Russia, India, China and South Africa) countries. The subsequent result of the North Atlantic Treaty Organisation (NATO) bombing and regime change strategy was a source of much criticism of the South African vote. The Director General of the Department of International Relations and Cooperation (DIRCO), Jerry Matjila, pointed out that the country's diplomacy had good faith but regretted its naive decision (Graham 2015: 86).

The South African abstention in draft resolution S/2011/612, which condemned human rights violations in Syria, was justified on the basis of what happened in Libya: the resolution, sponsored by the UK, would be hiding a "regime change strategy" (Landsberg 2012 and Graham 2015: 87). Graham concludes that the two mandates in the UN Security Council provided important lessons for South African foreign policy but that the perception was that the country invested in an agenda against the P3 and in support of a UN Security Council reform.

The studies by Graham (2015) and Jordaan (2014) highlight important questions about the HRFP of South Africa, and both are very critical of the South African voting record in the human rights field. Some authors state that the inconsistency of South Africa's position with regard to human rights in the international sphere can undermine its reputation. Karen Smith (2012) explains that the country should base its foreign policy on soft power for strategic reasons, given the historical specificities that imposed on South Africa a special role in defending human rights. In the same line of argument, Melber (2014) believes that social capital is essential for the foreign policy objectives of the country and that Realpolitik might not be an appropriate guide for South African diplomacy. According to Melber (2014: 136):

> Those in charge over political power who are not afraid to articulate their own rights-based policy in international affairs among peers in pursuance of justice enhance the positive image of their country — and the continent — and in the process create social capital.

In addition to losing the strategic dimension of its soft power, Smith believes that South Africa is perceived today as a country that weakens the global defence of human rights. The reports of international non-governmental organisations (NGOs) that monitor states' compliance of human rights, such as Human Rights Watch (HRW)[9] and Amnesty In-

ternational (AI)[10], corroborate this analysis. The reports castigate the country's image as a defender of human rights violators. The anti-*apartheid* struggle clearly influences this perception: the role of NGOs in the global awareness of human rights violations committed by the racist regime created in the NGO world the expectation that the ANC would act as a herald of the human rights anywhere in the world.

It should be noted, however, that the analysis of South African foreign policy in this research is not considering exclusively the votes in international organisations, but also the geopolitical issues that are in the background of these votes, the country's political economy and the tensions between economic interests and human rights (common to all countries), as well as the domestic dynamics of foreign policy formulation. The international human rights regime involves all these issues, which are broader than the policy of resolutions in multilateral bodies.

In a less institutionalist overview, it can be noted that the efforts to build regional consensus can explain the inconsistencies in the manner in which South Africa uses its votes in the HRC and the UN Security Council. South Africa seeks to consolidate its regional leadership and, together with Algeria and Egypt, acts to limit the powers of the HRC precisely because African countries have socio-political realities much more susceptible to the HRC investigations.

South Africa faces the challenge of reconciling the Pan-African agenda with a commitment to the international human rights regime. Accordingly, its foreign policy priorities in concentric circles cover both issues, that is: Africa is the first circle; South-South relations the second; and North-South relations the third (Masters 2012: 20). Van der Westhuizen (2016: 9) explains the tension between human rights and regional geopolitics thus:

> As a result, the norm of African solidarity, particularly vis-a-vis human rights, is much 'thicker' in the African context, fundamentally restricting the parameters within which South Africa can provide leadership or diplomatic innovation especially where issues of human rights are concerned.

Another factor to be take into account is the politicisation and selectivity of UN mechanisms with regard to the treatment of human rights. The importance of global governance represented by the UN is irrefutable, but the organisation also reflects the power relations in the international system. Ndemeni (2015) uses as an example of this politicisation the influence that the largest donors of the Office of the United Nations High Commissioner for Human Rights (OHCHR) have on the thematic

agenda of the HRC. For this diplomat, the pressure on South Africa to be vocal against violations can isolate the country. There are other ways to contain violations by engagement. All countries face some challenges in the area of human rights, but the way in which issues are conducted in the HRC places pressure on developing countries. Human rights violations in developed countries, such as xenophobia and the refugee crisis in Europe, for instance, are not placed on the agenda (Ndemeni 2015). In fact, the scaling-up of South African foreign policy, with its participation in the Security Council and in the HRC, increased the possibility of contradictions and tensions in the formulation and implementation of foreign policy.

According to Kornegay (2015), "[t]he notion of South African exceptionalism was very naive". In the same vein, Deon Geldenhuys (2015) believes the question must be looked at within the logic of states, and all countries pursue a wide range of conflicting foreign policy agendas. Discursively, no country opposes human rights, but human rights are reduced to a secondary position when interests are confronted. And this is no different with South Africa. In the real world of states, it is virtually impossible for any state to be 100 per cent consistent because of a conflict of interests. The moral authority of South Africa, which through its miraculous transition entered into a 'honeymoon' period with the international community post-1994, was a foundational myth (Geldenhuys 2015). Mandela and his speeches fostered this belief. However, we cannot expect states to take the same stance as NGOs. This approach does not mean an automatic defence of the South African diplomacy in the most important institution on human rights, but rather to understand that its actions are limited by a series of geopolitical issues that portray the reality of global power cartography. As Frank Chikane (2015) affirms, countries which today condemn human rights violations are the same ones that supported *apartheid*.

The studies on human rights are prone to legalistic approaches. In foreign policy, this trend can be translated as an understanding of human rights foreign policy in a *stricto sensu* perspective. This is evident in the analysis of the country's votes in international organisations. This emphasis on the legal aspects, prevalent in the academic discussions on human rights, creates an analytical filter on foreign policy issues. The analysis of the votes in international organisations is certainly an important element for understanding the foreign policy on human rights, but alone it can provide an incomplete picture that fails to factor in relevant political aspects in the formulation of a HRFP. For the South Africa case study, this is another aspect that overestimates the

expectations created about the country's role as a global defender of human rights, since much of the criticism of the country's foreign policy stems from the votes.

These criticisms are relevant, but may reproduce the origin myths of South African foreign policy. The expectation of South Africa acting as a champion of human rights is one of the main sources of contestation of the country's foreign policy. This is a challenge that South African diplomacy must answer urgently because, fair or not, the criticisms erode the political capital that the country built after the democratic transition. The legacy of the transition should be further elucidated by the South African government to make clear the difference between the expectations created on the HRFP and the country profile, especially as an important mediator of regional crises and its wide participation in UN and AU peace operations.

4.   An African peacemaker?

Peace diplomacy is a concept that involves activities related to peace-making, peacekeeping and peacebuilding operations (Van Nieuwkerk 2012: 84). The peace diplomacy of South Africa is linked to the country's reputation as an actor capable of negotiating to end conflicts. In addition to countering all expectations about an almost inevitable South African civil war, the absence of international mediation in this emblematic transition also revealed the high capacity of conflict resolution by local actors (Saunders 2014).

The South African transition model received worldwide admiration. The "exporting of the South African miracle" stands out in the country's diplomacy and became one of the main legitimating factors of the role of South Africa in conflict mediation and peaceful transition. Yet one of its earliest forays into conflict resolution in the region turned out to hold several hard lessons to the country, despite the iconic status of Mandela as national reconciler and the notion of the country owing a historical debt to its neighbours for their support — and suffering — during the liberation struggle.

In the general elections held in May 1998, Lesotho's ruling party, Lesotho Congress for Democracy (LCD), won 78 of 80 seats in the National Assembly, and elected Pakalitha Bethuel Mosisili as Prime Minister. The result of the election was contested by the opposition, who alleged fraud. After the escalation of events in the following months, in September South Africa authorised its first military intervention after *apartheid*. South Africa sent 600 soldiers to the country, and Botswana, sent 200

soldiers, in a Southern African Development Community (SADC) joint force to ensure Lesotho's constitutional order. The death of 11 soldiers of the South African National Defence Force (SANDF) in Lesotho resulted in heavy criticism about the military operation (Siko 2014: 35).

As in the Nigerian case, the negative repercussions of the intervention in Lesotho led South Africa to enhance regional mechanisms for crises mediation. With the inception of the Mbeki government in 1999, South Africa took a central role in conflict mediation and reconstruction processes, operating in 17 countries in Africa, mostly through regional institutions, especially the reformed AU and SADC (Van Nieuwkerk 2012: 86).

The military intervention in Lesotho to restore constitutional order revived the ghosts of *apartheid* militarism (Southall 2006: 4). Ultimately, the ability of South Africa to use its power in defence of liberal internationalism on human rights was limited by the suspicions of its ambitions as a regional hegemon implementing a Western agenda (Southall 2006: 6). The Pan-Africanist multilateralism of Mbeki enabled the affirmation of South Africa as a regional power, and simultaneously opened more challenges and debate about the place of human rights in the country's foreign policy.

Some conflicts deserve special attention in order to understand the performance of South African mediation, starting with the case of the DRC, which is one of the longest international commitments of South Africa in peacemaking (Tonheim and Swart 2015: 1).

The participation of South Africa in the DRC conflict began in 1997, when the country was still 'Zaire'. The attempt to mediate between the two main leaders, Mobutu and Kabila (snr), from the Alliance for Democratic Forces for the Liberation of Congo-Zaire (ADFL), was widely criticized for not considering the imminent defeat and fall of Mobutu. Kabila had the support of Rwanda, Uganda and Burundi when he took power in DRC. Soon the new government was challenged at home because of the military presence of Rwandan troops to ensure security in the country and conflicts involving several African countries started again (Miti 2012). After the assassination of Laurent Kabila on 16 January 2001, his successor, Joseph Kabila, accepted the presence of the UN mission (MONUC) and facilitated the work of the AU and the Inter-Congolese Dialogue[11]. In this context, South Africa again assumed the role of mediator, represented by Mbeki (Miti 2012). South Africa paved the way for the Pretoria Agreements of 2002 (Van Nieuwkerk 2012: 93), which led to the withdrawal of Rwandan troops from Congolese territory. South African support to the implementation of the

agreements was significant, including the contribution of troops for the UN peacekeeping mission[12] (Tonheim and Swart 2015: 3).

Another conflict in which South African mediated in the Great Lakes region was in Burundi. After the civil war between Hutus and Tutsis started in 1993, several attempts of mediation by UN representatives, the European Union (EU), the US and OAU failed. Nelson Mandela started to mediate the process in January 2000, a few months after his term as president ended. The 2000 Arusha agreements were made possible largely by the respect of the negotiators for Nelson Mandela (ICG 2000).[13] South Africa engaged in the provision of troops to ensure a peaceful transition and also financed the implementation of the cease-fire agreement between the government and armed groups (Miti 2012).

African countries favoured South Africa as the main mediator in conflicts, and the South African government accepted this role, legitimised by its historical transition and by recognised leaders such as Mandela and Mbeki. However, there is no consensus on the extent of South African success in these complex conflict mediation processes. If the cases of Burundi and the Congo represent relative successes of the South African peace diplomacy, the results of 'quiet diplomacy' in Zimbabwe are much more questionable.

In Zimbabwe[14], the victory of the Movement for Democratic Change (MDC), in the referendum on constitutional reform in 2000 (the proposed reform would have extended the mandate of Mugabe), led to violent repression by the ZANU-PF (Zimbabwe African National Union – Patriotic Front) government (Miti 2012). The MDC became a real threat to ZANU-PF, in power since 1980. In the 2002 presidential elections, Mugabe won the election, but was accused of employing police violence to assure victory. Western countries reacted promptly by sanctioning members of the government, cutting off financial aid and closing embassies. At this point the mediation of Thabo Mbeki started.

For Mbeki, a political solution in the country was to be left to the multilateral efforts of the AU and the SADC. The main strategy defended by the South African president was a power-sharing agreement between ZANU-PF and MDC, not sanctions against Zimbabwean leaders or pressure for regime change, which was feared could lead to the collapse of the state and have negative consequences for the region (Miti 2012). However, dialogue between the parties was not feasible.

In the 2008 presidential elections, Mugabe promoted a campaign of violence against the opposition, to frighten and intimidate MDC supporters. The result of the second round was an overwhelming

victory for Mugabe, with 85.5 per cent of the votes. In this context, at a meeting of SADC in Tanzania, Thabo Mbeki was once again chosen as mediator between ZANU-PF and the MDC. The Global Political Agreement (GPA), reached in September 2008 with the mediation of SADC, secured a power-sharing agreement between Mugabe, who remained President, and MDC opposition leader Morgan Tsvangirai, appointed as Prime Minister.

South Africa's 'quiet diplomacy' towards Zimbabwe was based on preventing economic and political instability in the country, which would be disastrous for the whole region. Ndemeni (2015) uses the example of the civil war in Libya as a contrast to what could happen in Zimbabwe if the 'regime change' strategy of the West were not neutralised by South Africa. Chikane (2015) also praised South Africa's efforts to prevent an escalation of violence in Zimbabwe, emphasising that South Africa refused the 'regime change' strategy.

Nevertheless, the gravity of the human rights violations of the Mugabe government spoke much louder than the geopolitical perspective put forward by South Africa. From a humanitarian perspective, 'quiet diplomacy' was a disaster because it strengthened a regime which systematically violates human rights. Besides, the justification for South African involvement on what seems to many to be on the side of the Mugabe government, goes far beyond preventing externally-lead 'regime change'. In addition, South Africa's approach to Zimbabwe rather seems to many commentators as being unashamedly biased in favour of the Zimbabwe government, despite South Africa's defence of preventing externally-led 'regime change' comes as a legitimating argument covering such partisan interference into domestic affairs of a neighbouring country. South African mediation represents an alliance of African national liberation governments — mainly in Southern Africa, with the rise of these governments in Angola, Mozambique, South Africa and Zimbabwe. Therefore, 'quiet diplomacy' is within the paradigm of mediation, and this was Mbeki's guideline for action in the Zimbabwe crisis. The strategy, however, did not work (Kornegay 2015).

Regardless of the results achieved in the mediation processes, South Africa has an active role as a mediator and negotiator in several African conflicts[15]; the negotiations under the Convention for a Democratic South Africa (CODESA) during the South African transition became the country's credentials to deal with group conflicts, even to create a positive environment for negotiations when conflicts had already erupted (Miti 2012).

The prospect of "African solutions to African problems" promoted

by Thabo Mbeki is evident in the South African profile of conflict resolution, empowering local actors in "all inclusive negotiation processes" (Miti 2012). Anthoni van Nieuwkerk (2015) underlines the significant influence of South Africa in peace diplomacy by saying,"... whenever there's a crisis somewhere in Africa the phone rings in Pretoria". According to Curtis (2007: 257), the South African mediation model involves:

> a broad-based national unity government involving the warring parties; confidence-building measures and the reform of security forces; provisions to address justice issues; and a timetable for the drafting of a new permanent constitution and the holding of democratic elections.

The active role of South African in post-conflict reconstruction and peacebuilding can also be related to the legacy of transitional justice. The work of the TRC in South Africa counted on an active participation of governmental and non-governmental actors. The South African model became a world reference and inspired many other transition processes, such as in Sierra Leone and Morocco (Southall 2006: 18-19).

The legacy of the transition also manifests in the widespread presence of South Africa in peacekeeping operations on the African continent. The commitment in peacekeeping operations was fostered after the publication of the White Paper on Peace Missions[16] in 1999, with emphasis on peacebuilding and post-conflict reconstruction. South African participation in peacekeeping operations in Africa increased considerably in the post-Mandela period (Schoeman 2007).

In 2015, South Africa's contribution of 2 179 people were divided between soldiers, observers and police in three missions, all located on the African continent, specifically in the Great Lakes region (Congo[17], Darfur[18] and South Sudan[19]). Of these, 341 were women. In MONUSCO, 1 333 are South Africans; in UNAMID, 817; and 23 in UNMISS. The South African forces served in 14 peacekeeping operations, including seven UN missions. The annual contributions of South Africa reached a regular level in the 2000s, as illustrated in *Figure 1*[20]; however, the data available for the year of 2016 reveals a steep downsizing of the country contribution, (1 433 as opposed to the 2015 high of 2 179[21], mainly because of the withdrawal of its peacekeepers from the mission in Darfur.

Figure 1: South African Uniformed Personnel in UN Peacekeeping Operations, 1990-2015
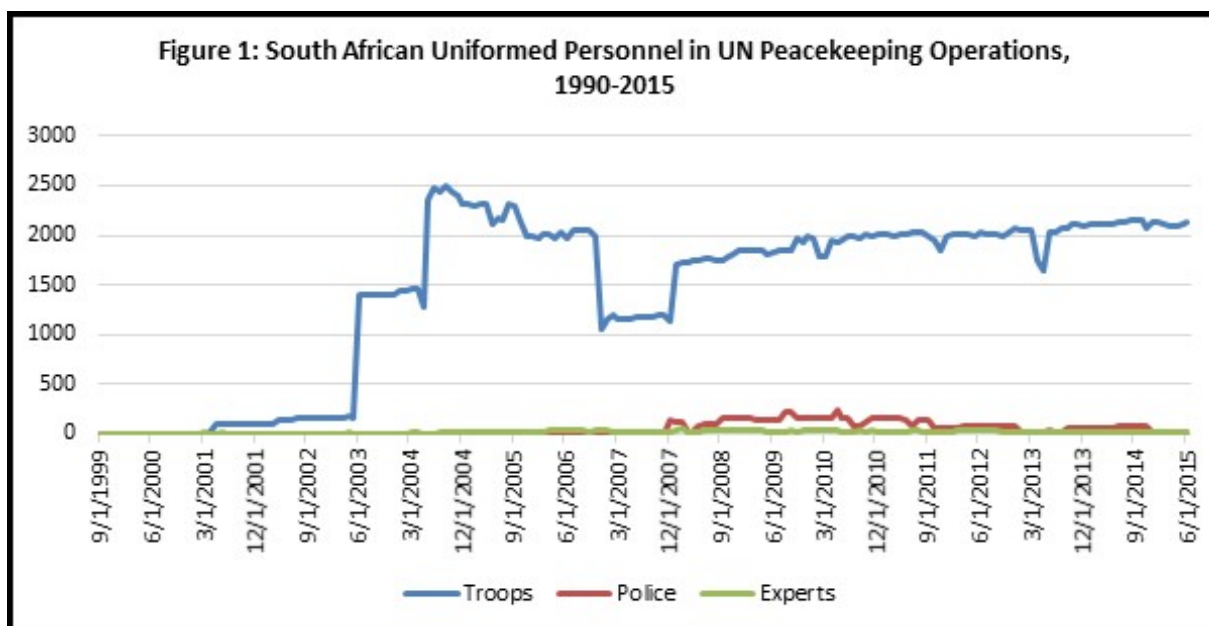
The scope of South Africa's participation demonstrates that the country deliberately chooses engaging in African missions, in accordance with the priorities of its foreign policy agenda. South Africa focuses on reinforcing the AU's capacity to promote peace and security on the continent, as demonstrated by the establishment of the African Standby Force (ASF) within the AU. The leadership of South Africa was evident in its role as a non-permanent member of the UN Security Council, particularly in the second term (2011-2012), in which it promoted efforts of the UN and AU joint mission in Darfur (UNAMID)[22]. The focus on Africa does not mean, however, limiting the country's ambitions. South Africa aims to be a global player especially using the African agenda (Schoeman 2013: 13).

A report from the Norwegian Peacebuilding Resource Centre (NOREF) summarises the characteristics of South Africa as an African peacemaker:

> This report shows that SA has played and still plays an important role within conflict resolution and peacemaking on the African continent [...] However, South Africa is not acting on its own; it is supported by and operating within the parameters of the SADC and the AU [...]The country's status as an emerging power, its relatively strong economy, its technology and know-how, its past experience of a peaceful transition from apartheid to democracy, and, linked to the latter, the respect and high esteem in which SA is held by other African countries, particularly with regard to the Mandela legacy, are all characteristics that equip SA to play the role of a continental peacemaker. It is therefore mainly because of its own history and

> moral authority that SA is perceived as having the crucial experience to contribute to national reconciliation, state- and institution-building and economic development of other conflict-ridden African countries (Tonheim and Swart 2015: 5).

The country invests in its peace diplomacy and participates in peace-keeping operations, with solid follow-up of the negotiation processes between the conflicting actors. South Africa is constantly engaged in war zones in Africa, and the training of actors and openness for dialogue is a differential strategy. The legacy of the negotiated transition of South Africa is expressed mainly in the country's role as mediator in regional crises and active participation in peace missions. As stated by Kornegay (2015), these are the terms in which the South African foreign policy on human rights should be analysed: the strategy is to promote negotiations for the resolution of African conflicts as the country plays a key role in the promotion of human rights within the context of conflict mediation. Notwithstanding, it can result in a failure, like in Zimbabwe.

At the same time, the belief in South Africa as a champion of human rights in the world and particularly in Africa, if placed under a legalistic perspective and a liberal philosophical background of human rights, creates many clash points with the country's mediator role. The language of condemnation and punishments that guides the working of the international human rights regime can be counterproductive to the negotiations between the groups in imminent conflicts or in extreme cases of civil war (see, for example, Engle, Miller and Davis 2016). The criticised votes in multilateral organisations can also be understood in this perspective of the belief in dialogue as a strategy to settle crises, which does not mean the votes do not present inconsistencies and lack of transparency — and they do.

The most latent dissonance seems to be between the demand of human rights internationalism and its role as mediator in crises such as in the Zimbabwean case. The 'quiet diplomacy' consisted of a conciliatory stance that South Africa adopted with a regime responsible for serious human rights violations. The South African stance ultimately reflects the notion that peace is better than justice, a great moral dilemma (Miti 2012).

In order to deconstruct the origin myths and reverse the image of a country that abandoned the legacy of Mandela in the struggle for human rights, South Africa could review its voting pattern in international fora, which is not transparent. South Africa must ask itself if it is a revisionist stance that challenges the legitimacy of international

institutions and believes that the construction of human rights is through dialogue rather than condemnation. Will it be aligned with the demands of NGOs such as HRW and AI, in the pursuit of a purely liberal and idealistic action without geopolitical linkages, defined by the case specificity and not influenced by the identity of the states involved? The first line could be interpreted as the option for an ethic of responsibility, which is directed at the moral standing of the region and the geopolitical location of the country in the international order. The second would be the ethic of conviction, an idealistic foreign policy that is based on the understanding of events involving human rights violations, which could be defined as an idea-driven foreign policy. South Africa's consolidation as a regional power necessarily involves transparency regarding these foreign policy standards in the field of human rights, which are not mutually exclusive but can point to opposite directions in important issues, as in the case of the 'quiet diplomacy' for Zimbabwe or in its votes in multilateral organisations.

The creation of the South African Council on International Relations (SACOIR) is a good initiative in this sense. In a statement in a committee of the National Council of Provinces (NCOP)[23], the Director of the Policy, Research and Analysis Unit PRAU in DIRCO, Andre Van de Venter, proclaimed the activation of the SACOIR, which was announced in 2011. The council consists of a total of 25 members from academia, the business community, civil society and trade unions. SACOIR will operate within the institutional umbrella of DIRCO, as a Secretariat, and in practice will be a consultative body. It has two plenary meetings per year, two meetings of working groups and a symposium to discuss foreign policy issues with key domestic and external parties, the "Johnny Makhatini Dialogue Forum".

Can SACOIR become a legitimate expression of the domestic dimension of South African foreign policy? In general, there is scepticism about the government's political will in enabling this platform, although this is still a work in progress. Whether the government will heed the voice of SACOIR is another matter; the important thing now is that "some public voice will be linked to those who are making foreign policy at the very highest level...(and) enhance open and democratic conversations" (Vale 2016).

5. Conclusion

The strengthening of institutional mechanisms for the protection of human rights in the international system and the anti-*apartheid* struggle

were organically linked, and the collapse of the racist regime created an atmosphere of optimism regarding the 'new South Africa', especially about the role the country would play in the human rights field. This expectation was further catalysed by the post-Cold War international context and also by the symbolism of the leadership of Nelson Mandela.

After more than 20 years of post-*apartheid* foreign policy, there is a general disappointment in sections of the literature about the performance of South African diplomacy in the human rights agenda. It is relevant to acknowledge the constraints that states face, especially on the complex relationship between sovereignty and human rights. And the challenges South Africa faces in this sphere are not insignificant: a young democracy with the legacy of more than four centuries of colonisation and segregation. A regional leadership on a continent with a bad record on human rights violations, poses several challenges for South Africa. International and domestic perceptions are that South Africa places human rights at a secondary level, prioritising the pursuit of its strategic and economic interests. The country's much-criticised voting record at the HRC and the UN Security Council is the best example. Many criticisms are based on the assumption that South Africa by emphasising the centrality of human rights in its foreign policy discourse should adopt a liberal position, following the demand of the human rights community, especially NGOs. However, this demand reproduces the discussed origin myths of the South African Foreign Policy.

The relevance of Mandela as a symbol of international activism, especially for NGOs, fed these origin myths. These expectations ignore the geopolitical specificities and even the historical alliances built with countries that supported the ANC in the anti-*apartheid* struggle. Moreover, in a *lato sensu* analysis of the human rights foreign policy, the country's votes are subsidiary elements that must be discussed, but it may present an incomplete picture of its foreign policy.

We argue that the mediator role of South Africa in regional crises and its participation in peacekeeping operations reflect more consistently the legacy of the democratic transition than the overestimated expectations of a liberal militancy on human rights. The model of the democratic transition, based on dialogue and empowerment of local actors in the negotiations, has its footprints in peace diplomacy. Peter Vale (2016) is emphatic: "The country still has much to teach the world about reconciliation, negotiation and constitution-making".

The task of remaking its image must be addressed by a public diplomacy that can deconstruct the origin myths of its foreign policy and simultaneously respond to the criticisms outlined above. Society, in a

broad sense including civil society, academia, the business community and trade unions, has instruments to understand the country's positions in the international arena. The state needs to improve these instruments in order to provide greater transparency to the decision-making process, including extending the consultation to decision-making. SACOIR, representing these broad societal domains, is a promise that can fulfil these expectations, depending on the role the government will allocate to this institutional innovation.

Endnotes

1.   This paper is the result of seven months of fieldwork conducted by the author in South Africa in 2015. The support from the Department of Political Sciences of the University of Pretoria, especially the supervision of Professor Maxi Schoeman, was indispensable for the conduct of the research. The author is very thankful for all the interviewers for kindly accept to be part of this research.

2.   In the Mandela government, South Africa has signed and ratified several human rights conventions of the international regime of human rights, such as the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on elimination of All Forms of Discrimination against Women, the Convention against and the Convention on the Rights of the Children, and also joined the regional human rights systems, such as the African Charter on Human and Peoples' rights and its main instruments, in addition to sign the Rome Statute (ratified in 2000, by the government of Thabo Mbeki) (Da Silva Costa 2012: 225).

3.   On 10 November 1995, the Nigerian writer Ken Saro-Wiwa and eight activists were hanged. They were protesting non-violently against pollution caused by oil in the Niger Delta. Ken Saro-Wiwa led the Movement for the Survival of Ogoni People (MOSOP), who denounced the "ecological war of multinational oil companies" led by Shell in the Niger Delta. He was awarded the Alternative Nobel Prize in 1994.

4.   The speech can be accessed at: https://www.youtube.com/watch?v=r7VX83JXnbo.

5.   The distribution of 47 seats in the HRC is regional: 13 for Africa, 13 for Asia, six for Eastern Europe, eight for Latin America and the Caribbean and seven for "Western Europe and Others", which includes North America, Oceania and Turkey.

6.   The text of the resolution can be accessed at: http://www.security councilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9 %7D/ROL%20S2007%2014.pdf.

7.   The text of the resolution can be accessed at: http://www.securitycouncil

report.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/ POC%20S2008447.pdf.

8. http://www.un.org/en/peacekeeping/missions/past/unmit/.

9. The report can be accessed at: https://www.hrw.org/world-report/2017/ country-chapters/south-africa#8deaa8.

10. The report can be accessed at: https://www.amnesty.org/en/countries/africa/ south-africa/.

11. UN Security Council resolution 1341 in February 2001 demanded the with-drawal of foreign forces from the Congolese territory.

12. It is estimated that the South African government spent about ZAR820m in the DRC until 2003 (Khadiagala 2009).

13. For a more detailed study of the role of Mandela in Burundi, see Bentley and Southall (2005), and International Crisis Group (ICG 2000a), which can be accessed at: http://www.crisisgroup.org.

14. For a more detailed analysis of the crisis in Zimbabwe, see Sachikonye (2011); Campagnon (2011); ICG 2001.

15. Other important mediation and post-conflict reconstruction efforts with the participation of South Africa deserve attention but will not be detailed here due to space limitations, such as the Ivory Coast, Sudan, Swaziland, Central African Republic, Mali and Somalia.

16. The document can be accessed at: http://www.gov.za/sites/www.gov.za/files/ peacemissions_1.pdf

17. United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

18. United Nations African Union Mission in Darfur (UNAMID).

19. United Nations Mission in the Republic of South Sudan (UNMISS).

20. The graphic is a reproduction from the site: http://www.providingfor peacekeeping.org/2014/04/03/contributor-profile-south-africa/.

21. The data can be accessed at: http://www.un.org/en/peacekeeping/ contributors/2016/dec16_2.pdf.

22. Resolution 1769/2007 can be accessed at: http://www.un.org/en/ga/search/ view_doc.asp?symbol=S/RES/1769(2007).

23. Select Committee on Trade and International Relations, attended by the author in February 18, 2015.

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