Supporting Democracy Abroad: An Assessment of Leading Powers

EXECUTIVE SUMMARY

South Africa, as the strongest and most diverse economy in sub-Saharan Africa, plays an assertive international role. In combination with its history, this has created an expectation both domestically and abroad that the country will provide leadership in support for democracy and human rights. At present, however, South Africa does not meet this expectation.

South Africa's approach to upholding justice and the protection of human rights emphasizes domestic and regional solutions to conflict, respect for sovereignty, and international action through multilateral institutions. It believes that, to date, international solidarity to support democracy and human rights has often been selective and hypocritical. However, South Africa has not demonstrated that its own approach achieves its stated ambition to help guarantee that the rights of its own constitution extend to all people. Many supporters of human rights and democracy have been frustrated by South Africa's policy choices, which increasingly appear self-interested and conservative.

Introduction

In June 1946, the Indian government requested that the UN Secretary-General include the discriminatory treatment of Indians, which was enshrined in South African law, on the agenda of the first session of the new United Nations. From that moment, international organizations and civil society solidarity movements, in partnership with South Africans in the country and in exile, began a struggle for freedom and an end to apartheid. When, in 1994, the first democratic election was held and Nelson Mandela was inaugurated, the celebration was not only for South Africans but for all those who believed in the ultimate triumph of human rights and democracy over discrimination and violence.

Beginning with the Mandela administration, South Africa reoriented its policies toward the goal of promoting democracy and fighting poverty internationally. In particular, during Thabo Mbeki's presidency (1999–2008), the country began an assertive program to make the 21st century the African century based on a new understanding of self-reliance that included economic independence and "African solutions to African problems." The new program was manifested in the New Partnership for Africa's Development (NEPAD) and the transformation of the Organisation of African Unity into the African Union (AU), which was established in 2002.

Many observers expected South Africa to provide leadership for the emerging democracy and human rights architecture of the time. Its own aspiration for a seat on a reformed UN Security Council and its willingness to take on UN leadership through
hosting both the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance in 2001 and the World Summit on Sustainable Development in 2002 encouraged this expectation. These expectations thus far have not been fulfilled. South Africa is now celebrating 20 years of democracy in a different world. Its foreign policy appears self-interested and conservative; it has adopted a rhetoric that stresses sovereignty and support for its traditional relationships. The White Paper on South Africa’s foreign policy published in 2011 emphasizes a cautious vision: “We therefore champion collaboration, cooperation, and building partnerships over conflict. . . . This philosophy translates into an approach to international relations that respects all nations, peoples, and cultures.”

South Africa does still claim to support the proposition that the rights it aims to guarantee for its own citizens should be extended to all people. “As a beneficiary of many acts of selfless solidarity in the past,” the White Paper continues, “South Africa believes strongly that what it wishes for its people should be what it wishes for the citizens of the world.” But the government has not found a way to advance global rights while managing its bilateral and multilateral relationships in a way “that respects all nations, peoples, and cultures.” Instead, it has moved away from the leadership role it aspired to under Mandela to an approach based on national interests. Moreover, it has not been able to explain its approach to those whose rights are abused and whose aspiration to democracy is blocked by the very states with which South Africa maintains cordial relationships.

**Foreign Policy Objectives**

“South Africa’s foreign policy is generally interpreted as the externalisation of its domestic policy, i.e., a better South Africa, a better Africa, and a better world. The values that underpin the country’s foreign policy include democracy, human rights, human dignity, non-racialism, non-sexism, and prosperity for all.” That is the summary of South Africa’s foreign policy contained in the guidelines developed by the Department of International Relations and Cooperation (DIRCO, formerly the South African Department of Foreign Affairs), which serve as a directive to South Africans who participate in international events, make public statements, lead delegations, or consider agreements and appointments of South Africans to international bodies. This policy has remained remarkably consistent over time, underpinned by five pillars, as described in the 2011 White Paper:

South Africa therefore accords central importance to our immediate African neighbourhood and continent; working with countries of the South to address shared challenges of underdevelopment; promoting global equity and social justice; working with countries of the North to develop a true and effective partnership for a better world; and doing our part to strengthen the multilateral system, including its transformation, to reflect the diversity of our nations, and ensure its centrality in global governance.

These values are taken directly from the South African constitution.

Nevertheless, among South African international relations think tanks, nongovernmental organizations (NGOs) involved in development and democracy work outside South Africa, and civil society organizations focused on human rights causes, skepticism is growing about whether South Africa has a democracy and rights agenda at all. Instead, the government appears focused on the promotion of narrowly defined national interests, placing secondary importance on the interests of the region and only when those coincide with its own.

DIRCO’s annual report focuses primarily on achievements in institution building on the continent, in socioeconomic dialogues, in reform of international institutions, and in public diplomacy. Direct democracy support is limited to election observation and the improvement of election processes. Human rights, however, are not neglected. The report states that “human rights remained a key priority for South Africa’s foreign policy.”

Nevertheless, from January to May 2014, no statements released through the DIRCO website directly mentioned human rights abuses or promoted human rights values. A number of statements decried terrorist attacks (in Nigeria, China, and Kenya), and addressed political developments in Thailand, Ukraine, Libya, and Lesotho. Two general statements were issued: the first dealing with the rise of military nonstate actors in a number of African countries, and the other defending the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals. The latter was provoked by legislative action against LGBTI groups and individuals in Uganda, although that country was not named explicitly.
The Community of Democracies was in part established to provide an informal, multilateral caucus in which countries could act in concert but with less formality than in treaty-based regional or global institutions. While South Africa was not one of the original convening countries of the Community of Democracies, it later became one of the Convening Group members and remains a member of the Governing Council. However, its voice has become increasingly muted in community affairs. South Africa has not volunteered its services to any of the working groups, including that concentrating on the protection of civil society. In its strategic plan, South Africa identifies its achievements in multilateral organizations, and the long list of organizations it names does not include the Community of Democracies. Nor is the community mentioned in DIRCO’s Annual Report 2012–2013.

The most notable change in South Africa’s diplomatic and economic relations has been its acceptance as a member of the now formally established BRICS entity (Brazil, Russia, India, China, and South Africa). South Africa joined this community to promote its national interests, to support its regional integration and related continental infrastructure programs, and to partner with key players of the Global South on issues related to global governance and reform. It considers itself a representative of Africa in BRICS.

### Development Assistance and Trade

Development assistance projects from South Africa are few and varied, and their combined effect on either development or governance outcomes is uncertain. A recent report, “Investments to End Poverty,” stated that South Africa’s development cooperation by 2011 was equivalent to 0.05 percent of its Gross National Income. However, as South Africa does not report on these financial flows in a comprehensive way outside of its audited report on the African Renaissance and International Cooperation Fund (see Table), “Investments to End Poverty” is only an estimate. Specific projects include support for the UN Human Rights Council’s independent expert on human rights and extreme poverty, and electoral assistance to the Democratic Republic of Congo.

South Africa prepared economic aid packages for Cuba, Swaziland, and Zimbabwe in recent years. The Cuban package, announced in 2010 but still incomplete, appears to have no political conditions attached. In the 2.4 billion rand bailout package pre-

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<td>Support socioeconomic development and integration</td>
<td>R4,000 ($546)</td>
<td>R70,380 ($8,580)</td>
<td>R85,204 ($8,898)</td>
<td>R41,961 ($3,936)</td>
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<td>Promote democracy and good governance</td>
<td>R25,000 ($3,048)</td>
<td>R378,287 ($46,115)</td>
<td>R84,355 ($8,809)</td>
<td>R43,395 ($4,071)</td>
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<td>Cultivate human resource development</td>
<td>R7,000 ($853)</td>
<td>R15,000 ($1,829)</td>
<td>R15,000 ($1,566)</td>
<td>R16,942 ($1,589)</td>
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<td>Provide humanitarian assistance and disaster relief</td>
<td>R62,792 ($7,665)</td>
<td>R577,924 ($70,452)</td>
<td>R134,731 ($14,070)</td>
<td>R121,963 ($11,441)</td>
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<td>Encourage cooperation between SA and other countries, particularly African countries</td>
<td>R54,990 ($6,704)</td>
<td>R49,095 ($5,985)</td>
<td>R35,404 ($3,697)</td>
<td>R28,174 ($2,643)</td>
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<td>Foster prevention and resolution of conflicts</td>
<td>R60,000 ($7,314)</td>
<td>R50,000 ($6,095)</td>
<td>R130,748 ($13,654)</td>
<td>R25,125 ($2,357)</td>
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* In thousands

South Africa

pared for Swaziland, South Africa included a series of diplomatically worded conditions, but after receiving a revenue boost from the South African customs union, the Swazi government declined the package. The Zimbabwe package likewise did not go forward. However, a recent study suggests substantial support has gone to Zimbabwe over the past few years, culminating in a large loan reportedly approved in April 2013, also with political conditions attached. The primary nonfinancial condition appears to have been that the political parties should implement in full the Global Political Agreement that was designed to decrease political tensions and democratize Zimbabwe; South Africa, on behalf of the Southern African Development Community (SADC), had been responsible for facilitating this agreement. With Swaziland and Zimbabwe refusing to agree on the diplomatically couched political conditions, however, South Africa has failed to apply pressure through assistance.

South Africa has many commercial interests throughout the African continent and beyond. A Department of Trade and Industry grant to a South African company, VASTech, to enable it to deliver a mass surveillance package to Libya between 2005 and 2008 generated controversy in 2013. The Department of Trade and Industry responded that, while it and its adjudication panel were aware of the package's purpose, they assumed it would be used for crowd and border control rather than spying on citizens. South African private sector expertise in telecommunications and security has been a source of controversy in other countries as well. It is unclear whether this is a pattern of behavior by the private sector (or parts of the private sector acting in concert with the state), or merely a weak regulatory environment in which international law is followed rather than a more consistent human rights–based approach.

**Elections**

While the South African government has been highly committed to support for election observation, particularly in the SADC region, it has been less willing to make public judgments on these elections. For example, although in February 2013 the Mail & Guardian newspaper won a high court battle to force the South African government to release a report on the 2002 Zimbabwe elections—which justices Sisi Khampepe and Dikgang Moseneke (both presently on the bench of the Constitutional Court) prepared for then-president Thabo Mbeki—the government has not yet made the document public.

The African Renaissance and International Cooperation Fund, which provides foreign assistance, supports election observation and electoral assistance. In addition, the South African government, in line with its commitment to multilateralism, sends observers to join SADC or AU observer teams. The South African parliament has sent its own observer missions to Zimbabwe in the past, although it now appears to prefer to work through the Pan-African Parliament missions. These missions are not always effective in their efforts to ensure transparent, free, and fair elections, and have been accused of unwillingness to criticize host governments.

South Africa takes pride in its electoral practice and in the competence of its Independent Electoral Commission. It also has an international reputation for election administration garnered in 1994 and enhanced by the first post-apartheid electoral commission. As a result, the commission has a number of peer-to-peer contacts with foreign counterparts. Its mandate includes "interaction and liaison with organisations, institutions, and governments (nationally and internationally) in order to promote the acceptance of and adherence to democratic electoral principles." In addition to substantial financial support to the Democratic Republic of Congo for elections, the Independent Election Commission has had contact with commissions in Egypt, Lesotho, Kenya, Angola, Botswana, Zambia, Guinea-Bissau, India, Brazil, Indonesia, Ireland, and the administrations in the United States and Mexico. There seem to be no criteria for offering assistance other than a request by the recipient country.

**Disruptions of Democratic Processes**

South Africa is particularly punctilious in its response to coups. South Africa has ratified the African Charter on Democracy, Elections and Governance, which defines forms of unconstitutional change of government that are grounds for suspension from the AU.

South Africa’s reaction to the situation in Egypt during 2013 is a case in point. After insisting that an unconstitutional change of government did take place, South Africa responded robustly to criticism by the Egyptian government, suggesting that "rather than attacking the integrity of the AU, Egypt should..."
respect the AU processes and cooperate with the AU High Level Panel in support of a peaceful and inclusive transition and restoration of constitutional order in Egypt.”²³

As this statement shows, South Africa’s approach is to associate itself specifically with the AU and its rules. With regard to solutions in Egypt, as in other cases, South Africa maintains “that national reconciliation and an Egyptian-led, all-inclusive negotiated process remains the only option for Egypt to get out of the present impasse.” However, while it does not aim to export its version of national reconciliation, South Africa is ready “to share with Egypt experiences and lessons from its own political transition from apartheid rule to a genuine multi-party democratic dispensation.”²⁴

South Africa has a substantial program with many countries of track two diplomacy that is either explicitly or implicitly supported by the government. It also has formal responsibility, delegated by SADC, to deal with the political crises in Zimbabwe and Madagascar, and has recently allocated responsibility for interaction with South Sudan and Sri Lanka to the deputy president, Cyril Ramaphosa.

Civil society has urged stronger public criticism and further diplomatic action against Zimbabwe and Swaziland, in place of South Africa’s current multilateral and understated approach. In Zimbabwe, the South African government was lead facilitator of the process that resulted in the Global Political Agreement in 2008; it has been criticized for not enforcing the various provisions. The South African government argues that the Zimbabwean actors continue to participate in the structures of the agreement and in the elections run, in theory, under its auspices.²⁵ Swaziland—a feudal monarchy—remains recalcitrant despite agitation for reform by the influential Congress of South African Trade Unions (COSATU), which is aligned to the African National Congress (ANC), and its affiliates.²⁶

**Gross Human Rights Violations**

A speech given by South Africa’s permanent representative to the United Nations on November 9, 2011, on the protection of civilians remains the policy of South Africa. While affirming that diplomats “support international efforts to ensure that the normative and legal framework developed to defend the weak and vulnerable trapped in armed conflict is strengthened and further enhanced,” a substantial portion of the speech was devoted to the problem of selective application of the right to protect.

“Selectivity gravely limits the credibility of the [UN Security] Council in advancing protection of civilian mandates and to seek accountability.” Also reiterated in the speech is the belief that the primary responsibility lies with states, including that accountability should be found at the national level.²⁷

An analysis of South Africa’s performance in the UN Human Rights Council published recently in Human Rights Quarterly paints a dismal picture of South Africa’s actions and voting record.²⁸ Its only consistency is that South Africa will not support country-specific resolutions other than those, it appears, related to Israel and Palestine.²⁹ As the author of the article notes, when South African representatives do comment on Universal Periodic Reviews or reports, any criticisms are couched in diplomatic language.

However, South Africa does play an important role in security and peacekeeping mechanisms, mostly on the continent. Since 1994, the country’s unilateral deployment of troops outside its borders has invariably been in support of a political process; otherwise, South Africa has acted as part of an AU or UN mission. South Africa’s contribution is substantial both in terms of personnel and financial resources.³⁰ Interventions in the Central African Republic and the Democratic Republic of Congo in 2013 are prime examples. South Africa was heavily involved in the development of the Constitutive Act of the African Union, which says that the AU will intervene in a member state’s affairs in cases of war crimes, genocide, or crimes against humanity. South Africa has maintained studied support of international law and international frameworks, criticizing those who appear to be acting unilaterally or out of political motives. This is reflected in former deputy minister Ebrahim’s 2014 speech in regard to Syria:

> “We do not see any value added to the processes by alternative international processes such as the Friends of Syria grouping or the alternative conference called by Iran. Furthermore, the supply of weapons to either side is at cross-purpose to that of the mediation efforts and creates a false impression that a military solution can be achieved. It is essential that the political process is supported by a united and cohesive international community.”³¹

**Civil Liberties**

As in other areas, the government’s default position is not to comment on individual cases of viola-
tions of civil liberties. The public record is silent on whether South African government representatives have taken up individual or systemic abuses of civil liberties during bilateral discussions with countries such as Swaziland, Zambia, and Zimbabwe. For example, there is no evidence that the topic was raised in Venezuela, where the minister of international relations visited in 2013, or on the sides of multilateral gatherings such as the G77. Anecdotal evidence suggests that global human rights issues are not on the agenda.

Nevertheless, individual South Africans, with the support of their government, are intimately involved in the international human rights architecture. Most eminent is Navi Pillay, the UN High Commissioner for Human Rights. South Africans also serve as special rapporteurs on extrajudicial executions, contemporary forms of slavery, gender violence, and the use of mercenaries, as well as freedom of expression and access to information within Africa. South Africa expended considerable diplomatic capital to obtain the appointment of Nkosazana Dlamini-Zuma as chairperson of the African Union Commission, and previous deputy president Phumzile Mlambo-Ngcuka as executive director of UN Women. It is not clear whether South Africa has an intentional policy of encouraging nonstate actors and leaders in intergovernmental institutions to play activist roles while the state maintains a more neutral stance. However, the action of COSATU in support of democratization in Swaziland suggests that differences between the state and its citizens are permissible, if not always encouraged.

In response to a parliamentary question on the subject of follow-up to the World Conference against Racism, Minister Maite Nkoana-Mashabane raised a concern that may well underpin the country’s unwillingness to engage in joint statements: “At the international level, it should sadly be stated that many of our partners from the Global North have not seen it convenient to withdraw their reservations on Articles 4 & 5 of the ICERD [International Convention on the Elimination of All Forms of Racial Discrimination] and the General Recommendation 15 of the CERD [Committee on the Elimination of Racial Discrimination] and Articles 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR).” Thus, South Africa feels a lack of cooperation from countries in Europe and North America.

Frustration about lack of progress on the Durban agenda (including the Committee on the Elimination of Racial Discrimination) and discrimination against people of African descent also taints multilateral amity in the Human Rights Commission.

Marginalized Communities

South Africa stands out among most AU members in its domestic commitments to LGBTI rights. While its international behavior is not universally supportive of the rights of LGBTI communities, South Africa does speak out against abuses, such as the general statement it made in February 2014.

Most public debate on questions of marginalized groups has focused on South Africa’s treatment of those who have sought asylum in South Africa, rather than on its actions to protect marginalized communities in other countries or across country borders. South Africa has 65,000 refugees and 232,000 asylum seekers from a wide range of African countries, and the UN Human Rights Council has described South Africa’s asylum environment as liberal. However, the environment within which these refugees live is increasingly illiberal in terms of treatment both by other citizens and by local authorities and state institutions.

South Africa does contribute to national dialogue and constitutional reform processes intended to resolve matters of exclusion and discrimination. For example, DIRCO has collaborated with the NGOs ACCORD and In Transformation in various conflict areas inside and outside Africa. Internationally, South Africa is dedicated to the Committee on the Elimination of Racial Discrimination, which it supports through an elected member. It appears that South Africa judges the bona fides of its partners on other treaty bodies based on their performance in this committee.

ENDNOTES

2. Ibid.


9. The African Renaissance and International Cooperation Fund is scheduled to become the South African Development Partnership Agency in 2014. However, it has been in development for several years and could be further delayed.


16. Sales of weapons are governed by the National Conventional Arms Control Committee (NCACC), http://www.thedti.gov.za/nonproliferation/ArmsControl.html#1.


20. Ibid.

21. Chapter 8, Article 23.


24. Ibid.


31. Ebrahim on Syria.

33. Despite the controversy surrounding the World Conference against Racism Durban Summit in 2001, it is the post-Durban process, which South Africa supports, to which the minister is referring in her criticism of international solidarity.


