

DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATION

PRESENTATION TO THE NATIONAL CONFERENCE ON 30 YEARS OF DEMOCRACY AND HUMAN RIGHTS IN SOUTH AFRICA

20 MARCH 2024

Deputy Minister Botes



**international relations
& cooperation**

Department:
International Relations and Cooperation
REPUBLIC OF SOUTH AFRICA

The Principles of South Africa's foreign policy

- South Africa's foreign policy objectives and priorities, are based on, and informed by, a human rights perspective, which is derived from the Constitution. For example, the Preamble to the Constitution notes that it is intended to "*Heal the divisions of the past and establish a society based on democratic values and fundamental human rights*".
- Also, Section 1 (a) of the Constitution refers to our "*foundational values*" as a country, including "***human dignity, the achievement of equality and the advancement of human rights and freedoms***".
- In addition, the Bill of Rights, Chapter 2 of the Constitution, forms the cornerstone of South Africa's democracy and informs our foreign policy.



The Principles of South Africa's foreign policy (Cont).

- An important reference point for South Africa's diplomats, is to consult the Constitution when determining the normative framework within which our foreign policy is implemented. The primary source in this regard is the Bill of Rights, which was intended by the architects of our Constitution to give domestic effect to international human rights law.
- It was thanks to the enduring support provided by the United Nations, continental and regional groupings, individual Member States and Civil Society Organisations, that South Africa was able to assume its rightful place as a sovereign and responsible State in the family of nations, following its historic transition to freedom and democracy.
- South Africa's engagement with the international community is based on the noble ideals of the **respect for, and the promotion and protection of**, human rights, the rule of law, democratic governance and accountable electoral processes.



The Principles of South Africa's foreign policy (Cont).

- South Africa strives to contribute to the enhancement of international peace and security, support sustainable development (including combatting climate change), and adherence to, and strengthening of, international law, and the promotion of democracy.
- South Africa, furthermore, advocates for effective, rules-based multilateralism and supports UN reform, including the reform of the UN Security Council.
- South Africa has also been involved in UN peacekeeping operations since its democratic transition, such as in the Democratic Republic of Congo and firmly supports preventive diplomacy, mediation and the peaceful settlement of all disputes, for a better South Africa, a better Africa and a better world. The Government of Ethiopia and the Tigray People's Liberation Front peace talks were hosted by South Africa.



The Principles of South Africa's foreign policy (Cont).

- On 10 December 2023, the 75th anniversary of the Universal Declaration of Human Rights (UDHR) was commemorated.
- The commemoration of the anniversary of the UDHR was a momentous event, which also had many historical connections with South Africa. In addition to the commitment of the UN at that time to make sure that the barbarism of World War II never happens again, one of the driving forces behind the adoption of the UDHR in 1948 was opposition by the international community to racial discrimination in South Africa.
- The UDHR is one of two foundation human rights documents that celebrated milestone anniversaries during 2023, the second being the Vienna Declaration and Programme of Action (VDPA), which was adopted 30 years ago.
- The VDPA emphasises that all human rights are of equal importance, it ended the distinction between civil and political rights and economic, social and cultural rights.



The Principles of South Africa's foreign policy (Cont).

- Of significance about the UDHR is that, while declarations are traditionally considered 'soft law' under international law, the UDHR is the only Declaration with an elevated status and, is treated as 'hard law.' The Declaration sets out rights and freedoms, across 30 articles, which are, universally recognised, as the foundation for codifying human rights. This post-World War II instrument which was initially adopted as a 'common standard', has become to the foundation of human rights standards and the basis for national laws and constitutions, as well as regional human rights instruments and international treaties, across multilateral systems.
- Furthermore, the UDHR together with the International Covenant for Economic, Social and Cultural Rights (ICERSC) and the International Covenant on Civil and Political Rights (ICCPR), form ***the International Bill of Rights***. The architects of our Constitution purposefully modelled the Bill of Rights on the International Bill of Rights, in effect, giving domestic effect to international human rights law.



The Principles of South Africa's foreign policy (Cont).

- When the Constitutional Court certified the Constitution in 1996, then-President Mandela chose to sign it into law on 10 December 1996, the exact day on which the UDHR was adopted. This gesture was intended to give due recognition to the role the UN played in the development of South Africa's nascent human rights ethos and to show the close connection between the two rights charters, the Bill of Rights and the International Bill of Rights. We ensured that our Bill of Rights would not be on a standard lower than that of international legal instruments.
- President Mandela signed the Constitution in Sharpeville, the site of the 21 March 1960 massacre. South Africa contributed immensely to the development of the human rights ethos and culture in the world, albeit in a negative way. The signing of South Africa's Constitution was an occasion to thank the UN and the international community once again for their sterling role played in the fight against apartheid and egregious violations of human rights suffered.



The Principles of South Africa's foreign policy (Cont).

- This incorporation of international human rights law in our Constitution has strongly influenced the nature and focus of our foreign policy. The fight against apartheid was premised on the need to overcome racial segregation, which was in violation of all human rights, undermining the letter and spirit of the UDHR. Loosely put, the African National Congress (ANC) in exile based its campaign for support of the liberation struggle on international human rights law, notably the International Bill of Rights.
- South Africa's foreign policy implementation may be susceptible to misunderstanding by some audiences, including academics, international partners from both the North and South, as well as keen observers. Many do not understand our approach to human rights issues and our voting patterns, particularly on country specific resolutions at the Human Rights Council, the Third Committee of the UN General Assembly and other key UN and AU bodies.



The Principles of South Africa's foreign policy (Cont).

- The pillars upon which our foreign policy will rest are the following beliefs:
 - That issues of human rights are central to international relations and an understanding that they extend beyond the political, embracing the economic, social and environmental;
 - That just and lasting solutions to the problems of humankind can only come through the promotion of democracy worldwide;
 - That considerations of justice and respect for international law should guide the relations between nations;
 - That peace is the goal for which all nations should strive, and where this breaks down, internationally agreed and nonviolent mechanisms, including effective arms-control regimes, must be employed;
 - That the concerns and interests of the continent of Africa should be reflected in our foreign-policy choices; that economic development depends on growing regional and international economic cooperation in an interdependent world.



The Principles of South Africa's foreign policy (Cont).

- The Freedom Charter laid the foundation for the massive process of rebuilding and reshaping South African society after 1994, as the basis for overcoming the legacy of apartheid and colonialism and the building of a non-racial, non-sexist, democratic, prosperous and equitable society.
- The statement of the core principles contained in the Charter for directing the struggle for freedom of the people of South Africa include a commitment to non-racialism, democracy and human rights, including that “all people shall have the right to live where they choose, be decently housed, and to bring up their families in comfort and security; no one shall go hungry”. In addition, the Charter affirms that “South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation – not war; peace and friendship amongst all its people shall be secured by upholding the equal rights, opportunities and status of all”.



The Principles of South Africa's foreign policy (Cont).

- This lies at the very heart of South Africa's foreign policy today, informed as it is by the core values and principles enshrined in the Constitution, including the Bill of Rights, which protects and preserves the rights of all people in our country, affirming the democratic values of human dignity, equality and freedom.
- From here, it is a simple transition to understand that, given our history as the people of South Africa, inspired as we are by the spirit of Ubuntu, what we want for ourselves, we also want for others, in Africa and the rest of the world.
- The fast-changing global geopolitical architecture has implications on South Africa's foreign policy options, its human rights considerations, addressing national interest and pursuing influence while balancing its engagements with all world powers. This position has seen SA intervening in conflicts on the continent but also beyond such as in the Russia – Ukraine conflict.



The Principles of South Africa's foreign policy (Cont).

- South Africa's foreign policy is an extension of our domestic priorities and our value system, including the cherished belief that we have of a democratic and open society that is based on democratic values, social justice and fundamental human rights. To implement this vision, our foreign policy gives priority to Africa as a whole, as well as to working with countries of the developing South and the developed North and playing our part to strengthen and transform the multilateral system.
- This means that, in our engagement with the international community and the multilateral system, we seek to uphold our founding values globally and promote a broad and inclusive international human rights system that includes civil and political, socio-economic and cultural rights for all, including the Right to Development.
- We support resolutions that adhere to these principles such the one led by Cuba on the "Right to Food" and the Non Aligned Movement resolution on "The negative impact of unilateral coercive measures (UCM) on the enjoyment of human rights".



The Principles of South Africa's foreign policy (Cont).

- Given the supremacy of the Constitution, we must strive in implementing our foreign policy to promote human dignity, the achievement of equality and the advancement of human rights and freedoms; non-racialism and non-sexism; the rule of law and democracy. Our history of overcoming apartheid and, equally importantly, our transition to freedom and democracy and efforts to promote social cohesion and reconciliation as a nation, upholding these principles is an imperative.
- Drawing on our nascent human rights culture, South Africa's engagement with the international community is based on noble ideals such as the respect for, and the promotion and protection of, human rights, the rule of law, democratic governance and accountable electoral processes.
- South Africa believes in the inalienable right to self-determination and supports the peoples of Palestine and Sahrawi in their quest for political independence, human dignity and economic emancipation



The Principles of South Africa's foreign policy (Cont).

- We strive to contribute to the enhancement of international peace and security, support sustainable development (including combatting climate change), and adherence to, and strengthening of, international law, and the promotion of democracy. South Africa, furthermore, advocates for effective, rules-based multilateralism and supports UN reform, including the reform of the UN Security Council.
- In the field of human rights, South Africa actively participates within the context of the Human Rights Council and the relevant United Nations multilateral institutions, including Treaty Bodies. Currently, South Africa is serving as a member of the Human Rights Council, for the period 2023 to 2025. In accordance with past practice, we plan to seek re-election for a second three-year term after the current term on the Council expires.



The Principles of South Africa's foreign policy (Cont).

- South Africa was successfully elected to the Council as a founding member, for two consecutive terms, from 2005 to 2010. The country was also subsequently elected to two additional consecutive terms, from 2014 to 2019.
- South Africa has committed itself during its current term as a member of the Human Rights Council to lead by example and play a constructive role in international fora, contributing to the development of norms, standards and values at the multilateral level, working with all partners, to strengthen the United Nations human rights ecosystem and foster respect for human dignity and the advancement of human rights and fundamental freedoms, not only in South Africa but throughout the world, to be enjoyed by everyone, without discrimination.
- South Africa aims to promote international solidarity and cooperation, and focus on supporting States to fulfill their obligations, and to avoid selectivity and double standards based on the principles of universality, objectivity, and impartiality



The Principles of South Africa's foreign policy (Cont).

- Through our foreign policy implementation, South Africa was applauded on the non-proliferation and disarmament of weapons of mass destruction and conventional weapons, including landmines. The South African Government viewed our position on this matter as an extension of its commitment to social justice, human rights and democracy.
- Equally, based on the Bill of Rights and South Africa's concomitant forward-thinking approach in terms of the rights of women, children and persons with disabilities, as well as the empowerment of women and gender equality, we also seek to promote these same values through the implementation of our foreign policy.
- South Africa chaired the Commission on the Status of women where it ensured that the outcomes promote the inclusion of women in decision making structures



The Principles of South Africa's foreign policy (Cont).

- The Bill of Rights also determines our foreign policy position on the principle of non-discrimination, including initiatives that aim to advance anti-discrimination based on sexual orientation and gender identity (SOGI) and the rights of the LBGTQIA+ communities.
- We support positions that foster non discrimination, including leading on the resolution on Intersex persons at the 55th Session of the Human Rights Council, which is currently under way. Our foreign policy position on these matters may be considered by some others on the continent of Africa to be “progressive”, however, we are true to the core human rights principles enshrined in our Constitution.



The Principles of South Africa's foreign policy (Cont).

- South Africa prides itself on the work being done to promote equality and address discrimination. This also extends to migrants, asylum seekers, and refugees who are in our country. Our commitment to non-discrimination necessitates that all forms of discrimination be addressed. South Africa has committed to various international instruments that aim to ensure the protection of the rights of migrants, asylum seekers and refugees and continues to ensure that the human rights of persons belonging to these groups are respected.
- In line with our human rights stance, on 29 December 2023, South Africa asked the International Court of Justice (ICJ) to urgently issue provisional measures ordering Israel to immediately suspend its military operations in Gaza and to protect residents from acts of genocide, alleging breaches by Israel of the 1948 Convention on the prevention and Punishment of the Crime of Genocide (the “Genocide Convention”).



The Principles of South Africa's foreign policy (Cont).

- The UN Special Rapporteurs commended South Africa for bringing the case to the ICJ at a time when the rights of Palestinians in Gaza are being violated with impunity. The Human Rights experts also welcomed the statements of support by many States for South Africa's action for bringing the case to the court; as well as the principled stand taken by individuals and organizations worldwide that have expressed support for the submission of the case by South Africa.
- South Africa's case at the ICJ highlighted the significance of human rights in its foreign policy. The case has significant implications for all States, even those that have not ratified the Convention; all states are obligated to both refrain from committing genocide and to prevent and punish it wherever it occurs.



In the domestic sphere

- South African Constitution is viewed as the ultimate protector of our human rights which were previously denied to the majority of our people under apartheid. Human Rights Day will again be commemorated in 2024 to reinforce our commitment to the Bill of Rights, as enshrined in our Constitution.
- One of the key fundamental rights is the right to food. South Africa strives for the realisation of this right through various social programmes implemented by the government. At the multilateral level, South Africa was elected to Chair the World Committee on Food Security for the period 2023-2025. Chief amongst its priorities is to ensure that food security and nutrition are guaranteed for the millions of people who live in poverty and famine like conditions through the use of the various instruments developed by the Committee after extensive negotiations. South Africa is honoured to be chairing this august body.



In the domestic sphere (Cont).

- As Nelson Mandela said, human rights are central to international relations and extend beyond political, economic, social and environmental confines.
- In other words, Nelson Mandela was already expressing the understanding of human rights codified by Article 5 of Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna on 25 June 1993, which asserted that “*All human rights are universal, indivisible, interdependent, and interrelated.*” The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis.”





international relations
& cooperation

Department:
International Relations and Cooperation
REPUBLIC OF SOUTH AFRICA