

## **ANC Line on Human Rights Dismays West**

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Despite adopting liberal politics, the ANC seems reluctant to criticise the human rights and democratic record of other developing countries.

The western world has been shocked and surprised by South Africa's silence about Zimbabwean president Robert Mugabe's flouting of democracy and abuse of human rights, as he clings ever more desperately to power in the country right on South Africa's northern border.

The implication of this response from the world is that South Africa, as a great champion of human rights, should automatically condemn such abuse literally on its doorstep.

But this dismay of international champions of human rights - including organisations like Human Rights Watch - is in an important sense an anachronism. Their mindset stems from the first African National Congress administration of President Nelson Mandela which posited human rights as a major plank of foreign policy.

Mandela's successor, Thabo Mbeki, who became president in 1999, has taken a significantly different view of human rights and in practice, if not in principle, has subordinated them to development.

This becomes apparent if one looks at the debates and resolutions of the United Nations Human Rights Commission, UNHRC, in Geneva. This organisation has been widely condemned for allowing political considerations to divert it from its official mandate, to uphold human rights. Instead, it has become an ideological battleground between the First and the Third World of developed nations. This is true not only of the positions which countries take in debates and resolutions on human rights issues but also in the election of countries to serve on the commission itself.

In the session just ended Zimbabwe, Sudan and Cuba were all elected onto the UNHRC, and all were supported by South Africa, which also served on the commission.

President Mbeki's delegate took this stand despite the fact that the High Level Panel of Experts, which UN Secretary-General Kofi Annan commissioned to recommend major reforms to the world body, had earlier this year said the UNHRC's capacity to fulfil its role of protecting human rights "has been undermined by eroding credibility and professionalism".

Annan went on, "Standard-setting to reinforce human rights cannot be performed by states that lack a demonstrated commitment to their promotion and protection. We are concerned that in recent years states have sought membership of the commission not to strengthen human rights but to protect themselves against criticism or to criticise others. The commission cannot be credible if it is seen to be maintaining double standards in addressing human rights concerns."

In addition to backing the election of Zimbabwe, Sudan and Cuba to the commission last month, South Africa continued to vote against resolutions condemning human rights abuses by notable abusers such as North Korea and Cuba.

On all these resolutions the First World democracies generally voted for condemnation while the developing countries voted against. South Africa thus found itself frequently in the company of the likes of Zimbabwe, Sudan, Belarus and Cuba.

In the case of Cuba, one could perhaps attribute South Africa's position to sentimental and historical ties with Fidel Castro. But the same cannot be said for North Korea with which South Africa has had no special relationship.

It must be said that though the UNHRC surprised its critics a bit by passing a unanimous resolution last month condemning human rights abuses in the Darfur region of west Sudan, this could be attributed to special circumstances. That was the first time anyone in Geneva could remember the African group at the UNHRC condemning a fellow African country. The resolution was only passed, though, after the European Union and other First World countries on the commission made fairly large concessions, toning down their criticism of the government of Sudan and allowing much more of the African group's language criticising the Sudanese government's rebel enemies in Darfur.

Darfur is the current focus of much attention from governments and human rights organisations which condemn Khartoum's support for murderous "Janjaweed" militias killing, raping and plundering the region's civilians.

But the Africans did not get all they wanted. They had proposed a resolution which, typically, implied that Khartoum was guilty only of incompetence in failing to enforce human rights on its territory and that it should be given plenty of aid to increase its "capacity" to do so. The draft African resolution reserved moral condemnation for the rebels.

The EU took the lead in persuading the Africans to turn that around and agree to a final resolution which ordered Khartoum "to disarm the Janjaweed militias and stop supporting them". The EU managed to do this by making some concessions itself but also by a judicious mixture of carrots and sticks - the former in the form of assistance to the African Union peacekeeping effort in Darfur and the latter in the form of thinly-veiled threats to withhold some of the considerable aid they dispense to African states.

In that sense, the Sudan resolution was exceptional.

In general, though, the voting pattern at the UNHRC shows that South Africa has generally joined the Third World camp to vote reflexively against what it sees as the First World using human rights as a pretext for "interference" in the sovereignty of Third World states.

Conversely, South Africa has backed resolutions proposed by Third World commission members, which suggest that democracy and respect for human rights should not be expected from underdeveloped states, whose underdevelopment should be blamed on the First World.

Such a resolution on April 14 said that "democracy, development and respect for human rights were independent and mutually reinforcing" and "urged all states to take measures to eliminate obstacles and threats to democracy and to ensure that barriers to participation, such as illiteracy, poverty and discrimination, were overcome".

The First World countries voted against this resolution. Speaking for them, the Netherlands representative, Ian de Jong, explained why. He said the resolution implied that international aid and development were pre-requisites for democracy. "There should be no excuse for governments not to allow their citizens to exercise their human rights and fundamental freedoms," he said.

De Jong's remarks, in fact, reflect Mbeki's position rather accurately; that it is not African and other developing world countries which must be criticised for abusing their people but rich First World governments for creating the socio-economic conditions which make it impossible for the Third World

governments to respect such rights.

This analysis of South Africa's UNHRC voting record suggests that no one should have been surprised that, for example, South African election observers last month approved Zimbabwe's controversial parliamentary elections, which most observers regarded as deeply flawed.

If South Africa cannot bring itself to criticise the human rights abuses of a mad state like North Korea, why would one expect it to criticise the comparatively less draconian falsifying of election results in Zimbabwe?

The South African government routinely defends its failure to criticise Mugabe on the grounds that it is pursuing a policy of "quiet diplomacy" - of refraining from criticism of him in order to keep open lines of diplomatic communication through which to influence him.

Yet the UNHRC voting record rather belies this stance. It suggests instead that South Africa now opposes in principle any public criticism of the democratic or human rights record of another developing country, and that it is refraining from condemning Mugabe not because of quiet diplomacy but because of ideology. It is a Third World socialist ideology which is still central to the African National Congress's fundamental mindset, despite its pragmatic adoption of free market economics and liberal politics that were part of the grand compromise in the transition from the apartheid era.

It is an ideology that puts development well before democracy and human rights both in moral value and realpolitik. It also places the onus for Third World development - and therefore, by logical deduction, for Third World respect for human rights - firmly in the hands of the First World.

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**Location:** Africa

**Focus:** ICC - International Criminal Court

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