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South Africa's Foreign Policy: Expectations and Obligations
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Friends, we are here today during one of the most difficult days for me in my post as Secretary General of Amnesty International. You have heard that yesterday morning, nine people --- among them, human rights activist Ken Saro-Wiwa --- were hanged by the Nigerian military.

During our visit to South Africa, we have raised directly with your government the plight of these people in the context of our first meetings with the new government at a high level.

The issue I have raised lies at the heart of my talk tonight on foreign policy in the new South Africa. Why should a country have a foreign policy? What does a country, and in this case, South Africa, intend to achieve through its relations with others in the international community. There are two divergent views on the latter question.

One view -- I dare say, a cynical view -- is that foreign policy is about self-interest. More accurately, SELFISH interests. The other view that I would associate myself with, is that foreign policy is about not merely interests but values.

It is values that determine what a country's interests are -- or should be. In this country, the values that this government subscribes to can be seen in the contract with its people, its constitution.

These values are-- by in large -- forged by the struggle for human rights and dignity that was successfully waged by the people of South Africa. It probably would not be improper for the people of South Africa -- and indeed the rest of the world -- to expect that the new government would seek to entrench these values in its relationships with other countries.

When the Nigerian government take actions that are totally contrary to these hard-won values, the people of South Africa cannot expect their own government to equivocate or explain away its inaction against such flagrant violations of human rights.

South Africa, which had been the international pariah just a few years ago, has a new role in the world.

With the defeat of apartheid, and with Nigeria's new shame, South Africa can be THE major player on the African continent, as well as internationally.

After last year's successful exercise in democracy, the newly elected Government of National Unity was speedily and warmly welcomed into the international community.

South Africa rapidly joined or rejoined the United Nations, the Organization of African Unity, the Commonwealth, the Southern African Development Community and the Non-Aligned Movement, to name just a few.

But with this country's re-emergence onto the world stage comes both expectations and obligations.

The international community is actively seeking South Africa's contribution in world diplomacy. The world is expecting that this country take the lead in working with other nations at the United Nations, the OAU and other intergovernmental organizations --- as well as in solving regional and national conflicts.

The South Africa government -- at times -- has expressed fear at being overwhelmed by these expectations. Of course, South Africa cannot solve single-handedly the profound problems of this continent.

Our message to South Africa is simple: The world expects so much because South Africa has much to give, because of its size and importance. Because of its relative wealth, resources and human skills, it must inevitably play a key role on the continent of Africa.

The expectations are there because the problems are real. Isolation won't protect South Africa from these problems within the region. You can see current difficulties in the huge influx of illegal immigrants seeking a better life in South Africa and refugees fleeing persecution in the countries to the north, will not go away.

The obligations of South Africa are no less real than the problems.

South Africa has a duty to make its foreign policy reflect the values of the new South Africa. It's foreign policy should reflect the guarantees in its own constitution regarding fundamental human rights.

The new government and the society as a whole has begun to rebuild itself upon the principles of constitutionalism, the rule of law and respect for human rights.

Let me give you three examples of a triumph of the new South Africa over the old: On the issues of the death penalty, impunity and the arms trade.

Under the apartheid government, South Africa became notorious for its use of the death penalty as an instrument of repression against political opponents and the black majority, in general.

In June 1995 the Constitutional Court delivered a ruling, which has been applauded internationally, declaring the death penalty for ordinary crimes unconstitutional, on the grounds of it violating the rights to life, to dignity, to equality and to freedom from cruel, inhuman and degrading punishment.

Through this development South Africa has joined the ranks of the majority of the countries in the world which have taken the step of abandoning the use of this drastic punishment. As of October this year 100 countries and territories had abolished the death penalty in law or practice. This is more than half the countries in the world.

These countries include 23 European countries; Colombia, Costa Rica, Argentina and Brazil in Latin America; Cambodia, Hong Kong, Nepal, the Philippines and Sri Lanka in Asia; and Mozambique, Namibia, Cape Verde, Angola and Central African Republic, Gambia, Madagascar, Niger and Senegal in Africa.

These countries which have either abolished the death penalty in law or have not carried executions within the last ten years stand in contrast to those other countries which are notorious for the continuing high use of the death penalty, such as China, Nigeria, Iran and Saudi Arabia.

In terms of its foreign policy, South Africa could give substance to that courageous step it took in stopping the state execution of its own citizens.

* It could ratify the International Covenant on Civil and Political Rights -- a treaty which it signed in October 1994. South Africa could also quickly ratify the crucial Second Optional Protocol which aims at abolishing the death penalty.

By signing both these instruments, South Africa would lend its weight to the international efforts by the UN and others to abolish the death penalty worldwide. It would be telling other nations that it has made an international commitment to abolish the death penalty -- and serve as a persuasive role model to other countries still wavering on the issue.

* South Africa could also refuse to sign any agreement that would allow the extradition of individuals to countries that still retain the death penalty.

* South Africa could promote -- along with other members of the OAU, a protocol aimed at abolishing the death penalty under the African Charter on Human and People's Rights, an instrument which South Africa has yet to ratify.

Let's turn to the next issue -- that of impunity, one of the greatest contributing causes of gross human rights violations globally.

It's the situation of impunity --- by which perpetrators readily escape being called to account for their deeds. South Africa, for one, suffered for decades under a regime in which very few of those responsible for systematic torture, extrajudicial executions and other grave crimes against humanity were ever brought to justice.

This country is now trying to break the cycle of impunity through the establishment of the Commission on Truth and Reconciliation and through prosecutions initiated against former members of the security forces and others implicated in death squad killings.

South Africa -- which is now trying to come to terms with past human rights violations seriously nationally -- should take a leadership role in assisting the international community to address the issue of impunity world wide, not just in Africa.

In both Yugoslavia and Rwanda, for example, it is vital that South Africa swiftly adopt legislation to enable it to co-operate with tribunals set up by the UN Security Council. These represent an attempt to bring the perpetrators to justice and to break the cycle of violations and retribution.

In response to the public outrage over the atrocities in the Former Yugoslavia, the UN Security Council decided in February 1993 to set up a war crimes tribunal to hear cases involving serious violations of international humanitarian law committed in the Former Yugoslavia since 1991. In November 1994 the UN Security Council set up an international tribunal to try people responsible for genocide, crimes against humanity and violations of humanitarian law committed in Rwanda in 1994.

South Africa could adopt law that could allow extradition of suspected perpetrators of war crimes. South Africa should also take a leading role in urging other states to co-operate with the tribunals and contribute resources. South Africa should also use its authority to persuade Rwanda not to impose the death penalty in trials of perpetrators held in its own country.

At this year's General Assembly South Africa's Minister of Foreign Affairs, Mr Alfred Nzo, said:

"In view of the desperate situation in the Former Yugoslavia and in Rwanda, it has become imperative for states to co-operate as far as possible with the respective ad hoc criminal tribunals that have been created for these territories. In that regard, my country has made available some of its most talented jurists to assist."

The main problem facing these two tribunals is the lack of commitment on the part of the international community to the long-term financing and resourcing of the tribunals. This makes it extremely difficult to recruit qualified personnel, among other consequences.

For the Rwanda Tribunal, for instance, the consequences of this under-resourcing has been severe since it has a smaller staff relative to the earlier established tribunal. That tribunal is also operating under much more difficult conditions.

Amnesty International has supported the establishment of these two ad hoc tribunals. However they are neither permanent in nature nor global in scope and can only act as a stop gap. They are not a substitute for a permanent international court able to try people accused of gross violations of humanitarian and human rights laws wherever the crimes are committed.

The world needs a permanent criminal court to bring human rights violators to justice. It is time to send a clear message to those who think that they are above the law that violations of human rights will not be tolerated.

In the half century since the second world war, most of those responsible for countless gross human rights violations have escaped justice. National authorities have often been unwilling or unable to try them and there has been no international court to turn to.

An international criminal court would play a vital role in protecting human rights around the world. There is a clear link between continuing human rights violations and impunity. Impunity often allows sporadic human rights violations to develop into patterns of abuse. Impunity brings contempt for the law and encourages even more brazen violations. As Mr Justice Richard Goldstone noted recently in relation to the Tribunal on the Former Yugoslavia,

"We have had spirals of atrocities which have come and gone without justice. The rights, anger and anguish of the victims have been ignored. We have had a storehouse of developing hate in consequence. ...If there is a peace treaty in former Yugoslavia or anywhere else in

which the architects of atrocities are left unpunished in leading positions, then all it will be is an interval between cycles of violence."

South Africa has lent its support to the establishment of the international criminal court. As stated by the Minister of Foreign Affairs in the General Assembly:

"These situations have demonstrated anew the real need for the establishment of a permanent international criminal court. This issue has been revitalised in the past few years and a window of opportunity now exists to finally to bring the court into existence. It is my sincere hope that significant progress will be made in that regard during this session of the General Assembly".

Amnesty International welcomes this commitment by the South African government and looks forward to working with its delegation at the UN on this issue.

In the third area of South Africa's transformation, which relates to foreign policy concerns, the new South African government inherited a corrupt and unaccountable arms trading structure. Armscor activities erupted into public focus in September 1994.

In the wake of the discovery that a consignment of South African National Defence Force weapons, supposedly destined for the Lebanon, had apparently been sold to Yemen, a prohibited destination for South African weapons. This national scandal resulted in a commission of inquiry into Armscor's transactions and procedures.

The commission, chaired by Mr Justice Edwin Cameron, conducted its hearings largely in the public eye. The hearings and the evidence of crucial decisions having been made in secret, without reference to the relevant ministers of state or regard for the consequences in the recipient state, helped spark a public debate about the principles in regard to South African government policy on the arms trade.

Amnesty International and other human rights NGOs welcomed the government's ready commitment to the conduct of an effective, independent inquiry whose conclusions and recommendations have assisted in the formulation of official policy. For the first time, this policy takes into account human rights considerations in determining which countries can receive South African arms.

In the context of South Africa's history on the arms issue, the present government has taken some quite radical steps to subject arms trade transactions to the scrutiny of an inter-ministerial Cabinet committee.

There is now a commitment to openness and transparency in the South African trade in arms, according to the August 1995 proposed guidelines put forward by the National Conventional Arms Control Committee (NCACC).

Amnesty International is pleased to note that among these agreed principles is a commitment that "human rights and fundamental freedoms" should be respected in the recipient country and "that due consideration will be given, especially in cases where the political, social, cultural, religious and legal rights are seriously and systematically violated by the authorities in that country".

South Africa, in these guidelines, "South Africa affirms... its support and its commitment to provide data and information as required by the United Nations resolution establishing the Register of Conventional Arms...."

At this year's General Assembly the Minister of Foreign Affairs announced that South Africa had dismantled its nuclear capability and had ratified the a new convention prohibiting chemical weapons. South Africa has also is a party to the so-called "dirty weapons" convention and also introduced a permanent ban on long-lived anti-personnel landmines.

Unfortunately, the South African government, despite its commitment to the UN Arms Register, has yet to join the growing list of countries which have submitted data to the UN on conventional arms transfers. By September 1994 over 80 countries had submitted data on arms imports and exports to this UN register. Unfortunately South Africa was not among those countries. We have also learnt that as of yesterday South Africa has yet still to submit information to the register.

Given the very positive developments within South Africa on arms trade policy within South Africa --- it is of the utmost importance that, in the same spirit, South Africa should as a matter of urgency provide information to be included in the UN Arms Register.

However in terms of human rights violations, it is the small arms which are responsible for the bulk of the violations committed. As is evident from the huge cross-border flow of small arms in the Southern Africa region and the rising number of violent crimes committed in South Africa associated with these weapons. it is imperative that the UN Arms Register be extended to cover small arms transfers. The South African government could play a leading role in encouraging other member states to extend the scope of this register.

To some extent the South African government along with other governments in this sub-region has recognized the importance of military and security co-operation in the so-called Windhoek Resolutions adopted in Namibia in July 1994. This resolution amongst other things calls for exchanges of information on, for instance, armaments and equipments. Southern African defence and police chiefs at a September 1995 meeting of the Interstate Defence and Security Committee have also discussed weapons trafficking and the need for intra-regional co-operation in controlling illegal arms transfers. Because it is recognized that this illegal trade has major implications for the security, stability and development of these states.

Since the election of the new government South Africa has been making a serious effort to transform its institutions and policies in line with the principles of constitution, the rule of law and respect for fundamental human rights.

In the same spirit we are calling upon the South African government to ensure that in its foreign policy, including in its multilateral and bilateral relations, it gives high priority to promoting the same values internationally.

While acknowledging the tensions between the needs for internal reconstruction in South Africa and the demands made upon this new country internationally, Amnesty International believes that the promotion of respect for human rights can only serve its national interests.

Thank you very much.

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