

**MINISTRY**

**INTERNATIONAL RELATIONS AND COOPERATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**714. Mr M Hlengwa (IFP) to ask the Minister of International Relations and Cooperation:**

In the light of the fact that she planned to use her participation in the High Level Segment of the 49th Session of the United Nations Human Rights Council in Geneva, Switzerland, to launch South Africa’s campaign for membership of the Human Rights Council for the period 2023 – 2025, what are the (a) full details of and motivation for the campaign and (b) envisioned benefits for South Africa? **NW853E**

**Reply:**

A reply to the above question should be understood in the proper context of, inter alia: our Constitution, our broad foreign policy objectives, and the values, principles and norms that guide South Africa’s relations with the world and engagement in the multilateral system, in this case, in the field of human rights in the UN Human Rights Council (HRC).

South Africa’s foreign policy and engagement with the world is guided by the supreme law of our land, the Constitution. Our Constitution states that the Bill of Rights is a “cornerstone of democracy in South Africa” and affirms the democratic values of human dignity, equality and freedom (section7(1) of the Constitution). Further, the Constitution places an obligation on the state to “respect, protect, promote and fulfil the rights in the Bill of Rights.” (section 7(2) of the Constitution). It is important to note that the obligation on the state to “respect, protect, promote and fulfil the rights in the Bill of Rights” is stated without limitation; that is, the obligation is not only limited to the actions, decisions and policies of the South African government in the domestic setting, but that this obligation rests on the South African government even when it acts beyond its territorial boundaries in the field of foreign policy.

One of the fundamental commitments we made, as the people of South Africa, when we adopted the Constitution as the supreme law of our land is that we shall “build a united and democratic South Africa able to take its rightful place as a sovereign [and responsible] state in the family of nations” (preamble to our Constitution). What that commitment means, is that, inter alia: (a) South Africa shall no longer be a pariah and rogue state in the eyes of the international community; (b) South Africa shall be a cooperative member of the family of nations and shall be willing to be bound by and respect the rule of international law; (c) South Africa will play a constructive role in international politics and will put its shoulder to the wheel and help develop the kind of norms, standards and values at the multilateral level (in this case, in the field of human rights) that will foster respect for human dignity, promotion of human rights, and ending racial discrimination and all forms of intolerance; and (d) South Africa shall no longer use its sovereignty to violate international law (international human rights law, international humanitarian law, and the international law of protection).

South Africa’s aspiration for membership of the HRC is inspired by the above considerations and strategic objectives. Our desire to go back into the HRC is also informed by our national interest as articulated in important policy frameworks of our government, including the National Development Plan (NDP), specifically, chapter 7 (“positioning South Africa in the world.”) as well as the commitments contained in the African Agenda 2063 (the Africa we want). South Africa is an important so-called middle power. We don’t use economic dominance of military might to pursue our national interests. We depend on the institutions of global governance to do this.. Hence the importance of our role in the Council.

The field of human rights is a highly contested area at the multilateral level, in this case, in the HRC. For instance, there are some countries that argue that the only human rights that matter, and therefore worthy of protection, are the so-called civil and political rights (eg freedom of speech, the press, right to vote, etc.); and that other rights, known as economic, social and cultural rights (eg right to adequate housing, right to nutrition, right to a clean environment, right to development, etc.) cannot be given the same treatment since these rights are said to be ‘non-justiciable.’ These socio-economic rights are justiciable in the South African Constitution and South Africa is in the forefront of working towards the elimination of the false dichotomy between ‘development’ and democracy.

The HRC is an important multilateral arena where South Africa can “take its rightful place as a sovereign [and responsible] state” and pursue its foreign policy objectives and promote its values. This is where South Africa can play a constructive and meaningful role and promote international cooperation and multilateralism in the field of human rights. The HRC will provide a platform for South Africa to participate in the development of norms and standards in the field of human rights that will foster the promotion, protection and practical realisation/enjoyment of all human rights by all people across the world. Given our commitment to multilateralism, our presence in the HRC will provide space to push for the transformation of the global system of governance from the power-based system to a rules-based system and to enhance the efforts to create a just and equitable global order. Thus, the HRC constitutes an important terrain within which to pursue South Africa’s national interests and to influence the future direction of the global system of governance.

In summary, the main aim of South Africa’s campaign for election into the HRC is to achieve the following foreign policy goals: (a) to pursue our national interest; (b) to promote our values, (c) to contribute to the development of a rules-based system of interstate relations (multilateralism); and (d) to help create a global environment that is conducive to peace, development, respect for the rule of international law, advancement of human rights and freedoms, and the development of Africa.

In the HRC, South Africa will focus on thematic areas that resonate with our priorities such as (a) advancement, promotion, protection and practical enjoyment of human rights (including the rights of women, children and persons with disabilities); (b) elimination of gender based violence; (c) addressing socio-economic inequalities, (d) combating racism and racial discrimination; and (e) protection of the rights of migrants, refugees, children, and other persons of concern as well promoting access to the right of everyone to the highest standards of physical and mental health, including access to medicines and vaccines.

South Africa’s tenure in the Human Rights Council (2023-2025) will also focus on the full and effective implementation of the Durban Declaration and Programme of Action as a component of global efforts towards the elimination of racism, racial discrimination, xenophobia and related intolerance. To this end, South Africa will continue to (a) take a lead on the implementation and follow-up to the programme of activities of the Decade of People of African Descent (2015-2024); (b) support the activities and programmes of the newly established Forum on People of African Descent; and (c) ensure that the aims, objectives and mandate of the DDPA are realised. South Africa will also play a key role in the processes to start negotiations on the Declaration on the rights of people of African descent.

The HRC is set to be “reviewed” during the period 2021-2026. Although the fullest terms of this “review” have not yet been defined, it is anticipated – based on the views of other countries, particularly the western countries – that the latter countries will push for far-reaching changes to the mandate of the HRC and seek to eliminate some of the items that are currently on the agenda of the Council. For instance, the US has already nailed its colours to the mast by publicly indicating that Washington will seek to eliminate the item (item number 7) on the agenda of the Council that deals with the question of Palestine and other occupied Arab territories as well as the question of racism (item number 9). As far as South Africa is concerned, the “review” of the HRC should aim to preserve the mandate of the Council and keep intact the items dealing with the question of Palestine and racism and other forms of intolerance. It would be important therefore that South Africa is present in the Council to fight for these objectives. The anti-racism agenda is an important flagship programme for South Africa given the responsibility we have in this regard following the outcomes of the 2001 Durban World Conference Against Racism. Any attempts by other countries to delete this important agenda from the agenda of an important institution such as the HRC should be resisted. At the time when racism, racial discrimination, xenophobia and other forms of intolerance are raising their ugly heads, all efforts should be made to ensure that the international community is focused and committed to joining the fight to rid the world of these scourges. South Africa needs to be in the Council to champion this fight.