Much has been written about how much the so-called international community expected the new South Africa born in 1994 to lead the campaign for respect of human rights especially in Africa. The first major test which faced our late President Mandela in this regard was at the 1995 Commonwealth Heads of Government Meeting (CHOGM) held in New Zealand.

Here President Mandela came under great pressure publicly to condemn the Nigerian Abacha military government, especially for its continued detention of M.K.O. Abiola who had won the 1993 Presidential elections, and agree to the imposition of some sanctions against Nigeria.

President Mandela resisted all this until news came through that on the very first day of the CHOGM, the Nigerian Government had executed Ken Saro-Wiwa and eight of his Ogoni colleagues. He then immediately joined others strongly to condemn the Abacha Government and approved the suspension of Nigeria from the Commonwealth.

Thereafter, despite strong presentations about human rights, South Africa’s strenuous efforts to get SADC and the OAU to impose sanctions against Nigeria produced a negative response throughout the Continent, leaving South Africa isolated on this matter.

President Mandela had visited Nigeria in 1994 and engaged General Abacha on the matter of the release of Mr Abiola.

In July 1995 I led a small delegation of our Government to Nigeria to meet General Abacha. This time our focus was on the two matters of persuading General Abacha and his Government to release the Ogoni leader, Ken Saro-Wiwa, and his co-accused, as well as to release Generals Olusegun Obasanjo and Shehu Yar’ Adua, who were detained for allegedly having been involved in a planned coup d’etat.

We met General Abacha at 02.00 hrs (2 a.m.) at his offices. Having heard us out, he told us that he would reflect on what we had said and would respond to us before we left Nigeria.
A day or so later, then Chief of Defence Staff and effective Deputy to Abacha, Lt Gen Oladipo Diya, invited us to lunch. During this lunch he gave us General Abacha’s response to the issues we had raised.

This response was that with regard to the matter of Ken Saro-Wiwa and his co-accused, Gen Abacha could not intervene to stop a legal judicial process which involved murder charges. However, if the accused were to be found guilty and sentenced to death, he would use his prerogative as Head of State to reprieve the accused so that they would not be executed.

Gen Diya also reported that Gen Abacha had said that there was a military tribunal which was considering the matter relating to Generals Obasanjo and Yar’Adua. It was necessary that he should allow the tribunal to complete its work. His view was that the tribunal would recommend the release of the two Generals, failing which he would again intervene to release them.

After asking Gen Diya to convey our thanks to Gen Abacha for the commitments he had made, we suggested to him that it would be best that the Nigerian Government makes the necessary announcements when the time came, rather than that we should do this. Diya agreed to this and said that Gen Abacha would issue the necessary orders at the appropriate moments.

Our delegation still had a small challenge to address. We had travelled from South Africa with a journalist. Treated by our Nigerian hosts as a member of our delegation, she was present at the lunch where Gen Diya gave us Gen Abacha’s response.

She therefore had a real “scoop”! Together with her we agreed that if she were to publish what we had been told by Gen Diya, the likelihood was that not only would the Nigerians deny the story, but this would also inevitably condemn Ken Saro-Wiwa and others and Generals Obasanjo and Yar’Adua to death.

A principled person, she kept her word not to publish her “scoop”, convinced as all us were that Gen Abacha had made a commitment to President Mandela and South Africa which he would honour.

It was with this knowledge that President Mandela left South Africa to attend the New Zealand CHOGM meeting. When Ken Saro-Wiwa and others were executed, President Mandela was truly surprised and genuinely outraged that Gen Abacha could evidently so easily betray his solemn undertaking in this regard.
Undoubtedly our Government drew its own conclusions from this painful experience with regard to the complexities of the construction of inter-state relations, including as this relates to the effective promotion of human rights.

In his 1994 book “Diplomacy”, the well-known former US National Security Adviser and Secretary of State, Dr Henry Kissinger, wrote:

“From the time of Reagan’s inauguration, (he and his advisers) pursued two objectives simultaneously...(to achieve supremacy over the USSR with regard to geo-political influence and strategic armaments.) The ideological vehicle for this reversal of roles was the issue of human rights, which Reagan and his advisers invoked to try to undermine the Soviet system...Reagan and his advisers went a step further by treating human rights as a tool for overthrowing communism and democratising the Soviet Union...

“In fact, Reagan took Wilsonianism to its ultimate conclusion. America would not wait passively for free institutions to evolve, nor would it confine itself to resisting direct threats to its security. Instead, it would actively promote democracy, rewarding those countries which fulfilled its ideals and punishing those which fell short – even if they presented no other visible challenge or threat to America.”

Thus, according to Dr Kissinger, the issue of “human rights” was used by the Reagan Administration not because these rights were important in themselves but because their projection was “a tool for overthrowing communism...(and) undermin(ing) the Soviet system”.

In the end the Soviet Union collapsed, the European socialist countries disappeared and the US emerged as the sole world super-power.

Practically the reality is that since the Reagan years, the successive US Administrations have followed the policy explained by Kissinger, that “America would not wait passively for free institutions to evolve...Instead, it would actively promote democracy...”

Indeed when the false argument collapsed that the US and the UK had attacked Iraq because of the threat of Weapons of Mass Destruction (WMD), both President George Bush and Prime Minister Tony Blair elevated the argument that they had gone to war against Iraq to bring democracy and human rights to the country and the Middle East.

Essentially, given its privileged position as the sole world super-power, the US had the power and the general outlook, informed by ideas of ‘US exceptionalism and its
manifest destiny’, to impose its will especially on the developing countries, to “fulfil its ideals”, as Kissinger put it.

As late as August 28, 2015 former US Vice President Dick Cheney and his daughter, Liz Cheney, wrote in the Wall Street Journal that, “It was up to us then (to defeat the Soviet Union) – as it is now (to preserve peace and freedom) – because we are the exceptional nation. America has guaranteed freedom, security and peace for a larger share of humanity than any other nation in all of history. There is no other like us. There never has been.”

On April 7, 2003, shortly after the invasion of Iraq by the US-led forces, I addressed a Conference of the SADC Independent Electoral Commissions held in Dar es Salaam, Tanzania, and said:

“The prospect facing the people of Iraq should serve as sufficient warning that in future, we too might have others descend on us, guns in hand, to force-feed us with jollof rice...If the United Nations does not matter and should be destroyed, why should we, the little countries of Africa that make up the African Union, think that we matter and will not be punished if we get out of line!”

This was to argue that in the light of the naked abuse of power by a major world power, as exemplified by the invasion of Iraq against the express opposition of the UN Security Council, our best protective shield as the developing countries was:

> a strong United Nations respected by all countries, big and small;
> respect by all for the UN Security Council as the world guarantor of international peace and security;
> a reformed UN Security Council to make it truly representative of the world community of nations;
> a binding law-governed system of international relations, including as defined by the UN Charter; and,
> respect for the rights of regions to maintain international peace and security in their areas, as spelt out in the UN Charter.

UN Secretaries General Dag Hammarskjöld and Boutros Boutros-Ghali had taken the same position, especially as this relates to respect for international law as contained in the UN Charter.

The Swedish scholar, Henning Melber, has written that “For Hammarskjöld, the UN was there to serve especially the countries without global leverage instead of being an instrument of the big powers.”
Melber writes that “On 15 September 1961, two days before the fatal crash of the plane in which he and 15 others lost their lives, he (Hammarskjöld) cabled to Ralph Bunche: “It is better for the UN to lose the support of the US because it is faithful to law and principles than to survive as an agent whose activities are geared to political purposes never avowed or laid down by the major organs of the UN.”

Melber writes that in 1996 one Stanley Meister characterized Boutros-Ghali as “probably the most fiercely independent Secretary-General since Dag Hammarskjöld”, who became a useful scapegoat for covering up the failures of US American foreign policies.”

Hammarskjöld died in a plane crash which has still not been explained. Boutros-Ghali is the only UN Secretary General who served only one term, having been pushed out by the US Government.

It was in the context of the struggle to respect international law that while we served as a non-permanent member of the UN Security Council we voted against resolutions tabled by the US and its allies proposing sanctions against Myanmar and Zimbabwe on the basis that these had violated human rights in multiple instances.

The West and its allies in our country strongly condemned our Government for voting against these resolutions, accusing us that we had betrayed the human rights posture in foreign affairs it was claimed our country had taken under President Mandela.

For our part, like UN Secretaries General Hammarskjöld and Boutros-Ghali, we insisted that all countries had an obligation to respect international law, and therefore the rule of law on which the West insists whenever this suits its interests.

That international law, as laid down by the UN Charter, prescribes that the UN Security Council (UNSC) should take action against countries in the event that they present a threat to international peace and security.

Despite their many problems and challenges, neither Myanmar nor Zimbabwe posed any threat to international peace and security. Indeed the day before the Security Council met to consider the draft resolution on Myanmar, the ASEAN countries, of which Myanmar is a member, had met and formally stated that the situation in Myanmar did not constitute any threat to international peace and security.
Chapter VIII of the UN Charter makes specific provision for Regional State Organisations to intervene in defence of international peace and security in their regions, with a directive that they should report to the UNSC.

While both ASEAN and SADC were engaging Myanmar and Zimbabwe respectively, having determined that the situation in both countries did not constitute a threat to international peace and security, the Western countries in the UNSC were determined to ignore their views and impose their own solutions on both countries concerned.

Fortunately both the Russian Federation and China vetoed the Western inspired resolutions on Myanmar and Zimbabwe, fully supportive of the then current alternative initiatives to help these countries to resolve their problems.

At the same time our then Permanent Representative at the UN, Ambassador Dumisani Khumalo, explained to the UNSC that contrary to any view that we were opposed to international action on Myanmar and Zimbabwe:

> South Africa fully supported the intervention of the UN Human Rights Council in Myanmar, as well as the use of the good offices of the UN SG, through his representative, Ambassador Ibrahim Gambari, to address the challenges in Myanmar; and,
> South Africa, supported by SADC and the AU, was directly involved in engaging the Zimbabwe Parties to address all the problems in that country.

In 2011 the Western countries persuaded the UNSC to approve its Resolution 1973 to impose a “no-fly-zone” over Libya on the basis of the false assertion that the Gaddafi regime intended to massacre large numbers of civilians, in much the same way that the 2003 invasion of Iraq had been justified on the basis of the fabrication that the country possessed Weapons of Mass Destruction (WMDs) which threatened international peace and security.

In the Libyan case, rather than present an argument about a non-existent threat to international peace and security, these Western countries used the instrument of the controversial “right to protect”.

Again in this instance the UNSC deliberately violated the UN Charter, specifically Chapter VIII, by contumaciously ignoring the submission of the African Union to the UNSC concerning the steps it had taken and would take to achieve the peaceful resolution of the internal conflict in one of its Member States, Libya.
During the 2008 Hokkaido, Japan G8 Summit Meeting we engaged Presidents Medvedev and Hu Jintao of Russia and China respectively and advised them of our view that the UNSC had neither any legal authority nor any need to intervene in Zimbabwe as the country did not present any threat to international peace and security, and that SADC was engaging the Zimbabweans to help them solve their problems.

They expressed their respect for our positions by voting against the resolution on Zimbabwe when this was later presented to the UNSC.

In essence we were accused of betraying the cause of human rights because:

> we insisted that all countries, including the most powerful, should respect international law;
> we sought to encourage all countries to respect the legitimate decisions of the world multilateral organisations, especially the UN;

> we opposed the unilateral abuse of power by some countries to impose their will on the peoples of the world;
> we opposed the misuse of globally well accepted values, such as promotion of human rights, to disguise the pursuit of selfish hegemonic goals; and,
> we sought to defend the right of all nations to self-determination, supported by the rest of the international community, without compromising this right.

Betrayal of these rules has resulted both in transforming Libya into a failed State engulfed in protracted violent conflict, and the export of weapons from this country, causing enormous problems in the African Sahel and Syria.

To the contrary, by exercising their right to self-determination, in 2008, and with our facilitation, the democratically elected representatives of the people of Zimbabwe adopted the Global Political Agreement (GPA).

Writing on October 23, 2015 in the Zimbabwe privately owned and opposition-supporting newspaper, the "Zimbabwe Independent", Wilbert Mukori said:

“We had the opportunity to end tyranny during the Government of National Unity (GNU), but once again, we failed to realise Tsvangirai and his MDC were too incompetent to implement all the 2008 Global Political Agreement (GPA) democratic reforms. These were a necessary prerequisite for meaningful change, which would end ZANU PF’s octopus dictatorial reach and control of state institutions...
“The only legal and peaceful way to force ZANU PF out is by demanding the implementation of all the 2008 GPA democratic reforms.”

I have never heard those who accuse us of betraying the cause of human rights denounce those who have abused this cause as in the case of the 2003 Iraq war, consistent with what Henry Kissinger said, with disastrous consequences. Neither have these condemned the abuse of power which has plunged Libya into the most serious crisis.

The accusation that we have betrayed the cause of human rights derived from the fact that, by asserting the rule of international law in the interest of ‘countries without global leverage’, we opposed the pernicious global diktat of those who, in their interest, see themselves and act as the universal benevolent hegemon!