

Workshop Report

'Human Rights, Emerging Powers and International Governance: Civil Society Actors and Transnational Advocacy in the 21st Century'

Joint workshop by the South African Institute of International Affairs (SAIIA), the Ford Foundation and the Norwegian Peacebuilding Resource Centre (NOREF)

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Executive Summary

Since the break-up of the former Soviet Union and following a brief period of unipolar hegemony by the United States, the international system has been evolving into an increasingly multipolar and globalised world. Key new actors – emerging powers of the Global South – are currently on the rise. What role do they play in shaping the international agenda? This workshop report includes case studies of two democratic emerging powers – Brazil and South Africa – with reference to how their governments and non-governmental organisations (NGOs) deal with the issue of human rights. It seems that although states often place a high emphasis on values in their rhetoric, when tensions arise they tend to favour self-interest above all.

Background

On 12-13 May 2014, the South African Institute of International Affairs (SAIIA), the Ford Foundation and the Norwegian Peacebuilding Resource Centre (NOREF), organised a public panel and an experts' seminar on 'Human Rights, Emerging Powers and International Governance: Civil Society Actors and Transnational Advocacy in the 21st Century' in Johannesburg. The aim of these events was to bring together civil society representatives from emerging powers to share experiences of how they and their countries promote human rights on national, regional and international levels. This workshop report is based on those discussions.

The ensuing discussions provided insight not only into the role of civil society in promoting human rights in emerging powers, but also a comprehensive analysis of the contemporary international system.

The World Today

The end of the Cold War produced an increasingly multipolar system. This system is still in transition and no single state, including the United States, which is the strongest actor in terms of military power, is able to assert its hegemony. The last decade also saw rise of states that are commonly referred to as 'emerging powers', a concept that resists simple definition. To a large extent it refers to the new economic status of a number of countries that are using their new-found financial and commercial power to exert increasing diplomatic and political influence. The emergence of groups such as IBSA (India-Brazil-South Africa), or BRICs (Brazil, Russia, India, China and South Africa) have led many commentators to describe emerging powers in those terms. Some are individually

identified (such as Australia and Turkey), while others are on a 'waiting list' of countries who seem to be about to achieve this new status (for example Indonesia, Nigeria or Mexico).

The role of the former hegemon – the United States – has also been changing in recent years. A hangover from the wars in Iraq and Afghanistan has resulted in the commitment of the Obama administration to pull back from adventurism and unilateralism. But now some actors criticise the US for not intervening in Syria. At the same time, war in general is in decline as an instrument to address controversies. Studies show that there is a drop in both the number of wars and victims. However, violence is still used by societies, groups and individuals to advance their agenda.

One of the questions is whether the new international system is based on cooperation or on *realpolitik*? There are observations that could point in either direction.

On the one hand, while states often emphasise values, in practice all privilege self-interest. In a conflict between interest and values, values always lose out. Because of this, all states, including emerging powers, frequently act in hypocritical and contradictory ways on the topic of human rights. Adoption of more democratic forms of governance domestically also does not automatically lead to policies that support human rights abroad. The remarkable stories of democratisation in South Africa, Brazil, India and Turkey certainly suggest that. At times emerging powers are also reluctant to criticise others due to fears of inviting criticism of their own records.

On the other hand, there are many cases in which democratic governments work together to defend human rights around the world. For instance countries such as Ivory Coast, Libya and Central African Republic have seen international support through the responsibility to protect (R2P) framework, which shows that protection of civilian population from atrocities is becoming a new norm in the international system. R2P has established a red line, demonstrating that there are crimes against humanity that cannot be overlooked by the international community. Yet none of these interventions were an unqualified success and the Libyan experience has actually moved the world away from institutionalising R2P. The difference on the interpretation of UN Resolution 1973 on Libya was enormous in countries like Brazil and the US. Furthermore, some emerging powers are concerned with emphasis being placed on the use of force and interventionism.

Historical reasons undoubtedly also play a role in the relationship between emerging and established powers. Western powers' chequered past includes support for non-democratic regimes that have committed atrocities against their own populations. There are also recent examples, such as the US invasion of Iraq and the Edward Snowden intelligence scandal, that undermine trust-building and cooperation between established and emerging powers.

Yet in spite of some uncertainties, there are positive signs that the system is evolving to include values as one of its cornerstones. For example, there is progress in terms of regional and continental response to crises. Unlike its predecessor, the Organisation for African Unity, the African Union has a mandate to intervene in its member states in cases of war crimes, crimes against humanity and genocide. This is an important institutional evolution, which in spite of a generally-held view of the principle of non-interference, acknowledges the importance of human rights.

What is clear is that the current international system is a mosaic made up of various kinds of hard and soft power, influences, divergences, non-linear relationships, and a range of ideological

coincidences or disparities. While global and regional dynamics play a role, states also have to balance bilateral relations. And in spite of numerous treaties, agreements and webs of relationships, tensions persist. The standoff of Western powers with Russia over the situation in Ukraine shows precisely how unpredictable the international system can be.

Emerging powers in BRICs have become major points of reference in analysis. This workshop report examines two democratic countries within BRICs – Brazil and South Africa.

Brazil

Brazil is in an ambiguous place since its transition to democracy in 1985. There is an internal dispute about which direction the country should choose in terms of human rights within the context of its foreign policy. There are public questions on how Brazil can reprimand others for abuses when it has human rights abuses at home, for example bad treatment of prisoners and generally poor prison conditions. Some also point to joint projects between the government of Mozambique and Brazilian companies, which resulted in social problems and forced displacement of communities in Mozambique. Critics of the government's policies also note a lack of assistance to refugees from Haiti. While the refugee numbers are not great, the government is treating the situation as a massive humanitarian crisis and placing displaced persons in camps where they reside in inhumane conditions.

Many argue that engagement needs to be increased both regionally and with other emerging powers. Specifically with regard to human rights, Brazil can play an important role in regional mechanisms, through bridging cultural gaps, for instance between Western culture and values and those in Latin America. Yet the country also needs to make sure that its own house is in order, by tackling domestic human rights abuses. Others see increased engagement as having a negative impact. The case of intervention in Libya is seen as an example of multilateral cooperation going in a bad direction. There is a perception that the international system places too much emphasis on intervention and the use of force.

Brazil's foreign policy is primarily focused on generating stability. While Brazilian human rights NGOs have an important role to play, they have not yet made the link between human rights and foreign policy as they could and should. NGOs often find it difficult to assess the country's foreign policy, as the Brazilian government prioritises cooperation and dialogue, which could be difficult to monitor and evaluate, because much of the action takes place behind the scenes.

South Africa

Since becoming a democracy in 1994, South Africa has demonstrated a fluctuating foreign policy, particularly where human rights are concerned. While human rights are enshrined in the South African Constitution, this does not always play out in the country's international relations. The initial impulse in the Mandela era was to make human rights the light that guides its relations with others. Yet the country fell short on this promise, often failing to promote these values. Historically, there is a debt owed to other African countries for support of the anti-apartheid struggle. This is often clear in the unwillingness of the South African government to criticise its peers elsewhere on the continent, or exert public pressure on them due to actions which would be deemed unacceptable domestically. But compromise on human rights often comes as a hard choice, due to regional and

continental pressures. South Africa is thus not a deviant in this sense, but a rational actor that chooses self-interest over values.

Internationally, South Africa is clearly interested in a more fair and representative global order. But its stance has also often been inconsistent. For example, the country's current position on the International Criminal Court (ICC) is a far cry from its initial support for the institution. The ICC was seen as an important extension of post-1945 international human rights agenda to prevent genocide, atrocities and abuse of human rights. At the onset, South Africa played a leading role on the continent in discussions which led to establishment of Court under the Rome Statute. But having done that, the country took a step back.

The SADC Tribunal presents another telling case study. The tribunal had the power to advance human rights in the region. However, following a series of challenges, notably by Zimbabwe, which refused to adhere to its rulings on high-profile land-related cases, it was suspended. While South Africa was one of the most supportive states of the tribunal's jurisdiction and allowing individuals to put forth cases, it was not ready to spend political capital to fight for it.

Role of Emerging Powers in a Multipolar International System

There is a heated debate going on about the role emerging powers could play in shaping the international system in the future, how these countries will situate themselves in the web of international alliances and agreements and whether they will advance their own national agenda and push for new global arrangements.

Emerging powers are trying to situate themselves as representatives of countries in the Global South. At the same time, there is often an unwillingness to acknowledge this role publicly. Both case studies illustrate this point. While the Brazilian government often says that it does not want to represent Latin America, it cannot help but take on a leadership position, due to the power it wields in the region. The same goes for South Africa, whose government often states that it cannot take the lead on everything and seems reluctant to be labelled as a continental hegemon. But at the same time, it continually strives for increased representation in international global governance. This includes calling for the reform of the UN Security Council, through which it could secure a permanent seat for itself.

As emerging powers seek to balance their foreign policies, their governments tend to prioritise interests over values, which results in much tension in debates about human rights. Consequently, engaging with governments is often difficult for NGOs, as the two actors have different goals and means. For example, a human rights NGO may only have one goal, while the government has other priorities too, which need to be balanced. While the NGO might be in favour of naming and shaming states that abuse human rights, the government might believe that this would not achieve anything and instead pursue diplomatic means of engagement. NGOs seek to increase pressure on their governments to adopt more balanced approaches over human rights, interests and values. Such pressure needs to be constructive: proposing doing things in a different way and offering alternative approaches. Merely criticising the current state of affairs is unproductive, and tends to result in governments becoming defensive and policies not being changed. Countries are reluctant to criticise each other. Although South Africa has a very liberal and progressive Constitution, it did not condemn Uganda for passing anti-homosexual legislation. However, some point out that the appointment of

an openly gay Minister to the country's new cabinet sends a clear message about South Africa's position on the issue.

In South Africa, public support for an issue can often elevate it to the government's agenda. But it can be difficult to bring the public into debates on international human rights, security and environment, unless a link is made between these and domestic implications. In spite of increasing globalisation, inter-connectedness and modern technologies, at times NGOs are strapped into national, rather than international thinking. Establishment of regional, continental and international networks is key, especially where universal values, such as human rights, are concerned. While NGOs in Latin America have an admirable history of continued cooperation, coordination of civil society on human rights in Africa, Asia and Eastern Europe is currently lacking.

NGOs in emerging powers are also often in a difficult position financially. Overall, emerging powers are reluctant to provide funding to civil society, with the expectation that the West would continue to provide funding for research and activities. As a result of funding from abroad, NGOs in emerging powers are often accused of advancing the Western political agenda.

Conclusion

Principles that guide democratic states are transparency, accountability and respect for human rights. How can NGOs in emerging democracies promote these values and engage with their governments on them? The answer is not straightforward. Notably, both South African and Brazilian governments have recently started a formal dialogue with NGOs. Whether this is going to have any real impact remains to be seen but it is certainly a commendable initiative. From their side, NGOs need to position themselves as resources as opposed to representatives on issues. Engaging with governments in a constructive way, offerings alternative solutions and different ways of doing things is important.

Yet given the multipolarity and complexity of the contemporary international system, there are important roles for a multitude of actors in dealing with these issues. Regional mechanisms, for instance, have the potential to advance human rights and put peer pressure on those member states which do not adhere to required standards. Established democracies also need to assist emerging democracies. Aung San Suu Kyi's appeal to 'Please use your liberty to promote ours' symbolises the call for the foreign policy of democratic states to engage and be supportive of democracy elsewhere. In order to ensure the establishment of a truly international community, as opposed to a global system consisting of national political communities, both NGOs and states need to increase cooperation and create networks based on their value systems.

Recommendations

- Human rights NGOs need to build up their own capacity and understand how government policies work.
- NGOs need to create global and regional advocacy networks to share experiences, support each other and pool expertise and resources.
- NGOs should utilise modern technology to bring attention to human rights abuses in real time.
- States should release white papers on their foreign policy.

- States that want to play a role as emerging powers should become potential funders for NGOs.

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