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ANTI-IMPERIALISM TRUMPS HUMAN RIGHTS: SOUTH AFRICA'S APPROACH TO THE DARFUR CONFLICT

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Crisis States Research Centre

**Anti-imperialism Trumps Human Rights:
South Africa's Approach to the Darfur Conflict¹**

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Introduction

South Africa's position on the Darfur conflict has surprised and disappointed activists and officials calling for a strong international response to one of world's most severe humanitarian and human rights crises. In the UN Human Rights Council, Pretoria has consistently sought to dilute efforts to address this conflict (Human Rights Watch 2007a; Jibril 2007). For example, in 2006 it opposed a resolution critical of Khartoum's notorious conduct in Darfur, supporting instead a weaker resolution that excluded any reference to follow-up action by the Council and to the Sudanese government's duty to protect civilians (United Nations Office at Geneva 2006). In 2007, in its capacity as a newly elected member of the UN Security Council, South Africa backed Sudan in rejecting the option of sanctions against combatants who attack civilians and obstruct peace efforts and against parties to the conflict that refuse to co-operate with UNAMID, the UN-AU peacekeeping force in Darfur.²

In 2007 President Mbeki hosted a visit to Cape Town by President El Bashir, the Sudanese head of state. They signed agreements on defence, economic and trade co-operation and elevated the Joint Bilateral Commission set up the previous year from a technical to a ministerial level (Department for Foreign Affairs 2007a). Mbeki went so far as to describe Sudan as a strategic partner of South Africa. In relation to Darfur, the two presidents agreed that the international community should take firm action against the rebels boycotting the peace talks that had commenced in Libya. Mbeki referred pejoratively to these rebels as 'choosing to engage in violent actions against the innocent people of Darfur' (Ibid).

Willing to censure the rebels, Mbeki has expressed no concern about Khartoum's extensive violence against civilians. The Sudanese government responded to the Darfur rebellion that began in 2003 with such excessive and systematic use of force that it was accused by the US Administration and others of committing genocide (Prunier 2005).³ In 2005 the International Commission of Inquiry on Darfur found that 'government forces and militias conducted indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur'; these were 'serious violations of international human rights and humanitarian law amounting to crimes under international law' (International

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¹ This paper was presented at a seminar hosted by the Royal Institute of International Affairs in London on 12 February 2008. I would like to thank the participants as well as Chris Alden, Chris Ankersen and Eric Reeves for their comments on the paper.

² See 'Draft Resolution Calls for 26,000-Strong African Union-UN Peacekeeping Force for Darfur', *International Herald Tribune*, 11 July 2007; and BBC News (2007)..

³ See also 'Powell Calls Sudan Killings Genocide', CNN.com, 9 September 2004, retrieved from www.cnn.com/2004/WORLD/africa/09/09/sudan.powell/index.html on 7 June 2006.

Commission of Inquiry on Darfur 2005). Khartoum has continued to incite ethnic violence, subject villages to aerial bombardment, dismantle camps for internally displaced people (IDPs), obstruct humanitarian relief operations and resist the deployment of UNAMID.⁴ It also continues to flout UN Security Council Resolution 1556 of 2004, which demands that it refrain from arming its proxy militia known as the Jinjaweed.

Pretoria's stance has led to the accusation that it is appeasing Khartoum, supporting oppression and allowing the humanitarian catastrophe in Darfur to go on endlessly.⁵ Bemoaning the red-carpet treatment given to El Bashir in Cape Town, a critic exclaimed that 'whatever Mbeki's unfathomable motivations may be, Darfur is another indictment against Africa's leadership'.⁶ Abdelbagi Jibril, Executive Director of the Darfur Relief and Documentation Centre, laments as follows:

Because of [its] glorious history, the position of the ANC government in South Africa, in support of the crimes the Sudanese government continues to commit in Darfur, disturbs the victims of this tragedy more than the positions of China, Egypt, Algeria, Russia and other friends of Sudan. External observers too could easily point out that if Africans themselves don't give a hang about African victims of the Darfur tragedy, why should the rest of the world care? (Jibril 2007:5)

On the face of it, Pretoria's position on Darfur and relations with Sudan might seem baffling and incongruous, wholly inconsistent with South Africa's historical struggle against oppression, its constitutional values and its foreign policy commitment to the promotion of human rights and democracy (Department of Foreign Affairs 2004). In this article I seek to explain that position. I show that, far from being anomalous, it exemplifies many of the key features of foreign policy under Mbeki. I first discuss the economic, political and ideological factors that give rise to South Africa's approach to Sudan and then argue that the approach is analytically and strategically unsound.

The article emphasises the anti-imperialist character of South Africa's foreign policy, which colours and sometimes overrides the commitment to human rights and democracy. Those who are surprised by Pretoria's apparent appeasement of dictatorial regimes fail to grasp the history and ideology of the ruling party, the African National Congress (ANC). They mistakenly view South Africa as akin to Western countries because of its liberal constitution, democratic politics and urbane leadership. They ignore the ANC's history as a liberation movement with a Marxist-Leninist orientation, backed by the Soviet Union, most at home in the Non-Aligned Movement, supportive of other liberation struggles and antagonistic towards Western powers that buttressed the apartheid regime. The anti-imperialist character of the ANC historically has little impact on South Africa's domestic policies but is strongly evident in its foreign policy.

Commerce and Peacemaking

South Africa's failure to criticise Khartoum's human rights abuses is partly explicable by its growing commercial relations with Sudan. Between 2000 and 2006 the annual value of its

⁴ Reports on Khartoum's human rights abuses and excessive use of force in Darfur can be found on the websites of Human Rights Watch (www.hrw.org) and the International Crisis Group (www.crisisgroup.org).

⁵ See Wasil Ali, 'South Africa's Stance on Darfur May Tarnish Its Anti-Oppression Legacy', *Sudan Tribune*, 22 July 2007.

⁶ See Hans Pienaar, 'Doomed To Be a Lost Cause Despite Good Intentions', *Sunday Independent* (South Africa), 6 January 2008, p. 9.

exports to that country rose nearly ten-fold, from US\$7 million to US\$66 million.⁷ At the end of 2004 Mbeki visited Khartoum with a high-level delegation of cabinet ministers and business people, resulting in a memorandum of understanding on foreign affairs and an agreement to co-operate on oil exploration. PetroSA, South Africa's national oil company, signed a deal for exclusive oil concession rights in a designated area (Department of Foreign Affairs 2005). In 2004 the Global Railway Engineering Consortium of South Africa signed a \$21 million contract with the Sudanese Railway Corporation for the rehabilitation of railways and rolling stock.⁸

A second set of factors that explain South Africa's position relate to Mbeki's efforts to ensure the deployment of a UN peacekeeping force in Darfur. The context for these efforts is Pretoria's foreign policy priority, the revitalisation of Africa, which is encapsulated by the vision of an African Renaissance and the strategic programme known as the New Economic Partnership for Africa's Development (NEPAD). The logic of NEPAD is that Africa's recovery requires sustained development, investment and economic growth which, in turn, depend on good governance, peace and stability. To this end, South Africa has assumed a prominent peacemaking role on the continent. It has been involved in several mediation initiatives and contributed military personnel to the African Mission in Sudan (AMIS), which was based in Darfur until late 2007, and to the UN peacekeeping missions in Burundi and the Democratic Republic of Congo.

Throughout the period of its deployment, AMIS was so chronically under-resourced and ineffectual in an environment of intense violence that its replacement with a larger and better equipped international force was widely considered to be essential. Mbeki endeavoured to overcome Khartoum's resistance to this move. In 2006 he went to Sudan to press El Bashir to approve a UN takeover of AMIS.⁹ When he travelled to Sudan the following year, one of his aims was to encourage full implementation of the AU-UN agreement on UNAMID (Department of Foreign Affairs 2007b). When he hosted El Bashir in November 2007, he stated that the hybrid force should be deployed without further delay and that all outstanding problems should be solved urgently on the basis of existing UN decisions (Department of Foreign Affairs 2007a). UNAMID was again the topic of discussion when the two presidents met at the African-European Summit in Lisbon in December 2007. It is likely that Mbeki believes that his ability to sway El Bashir requires co-operative relations with Sudan; public criticism of Khartoum, on the other hand, would only diminish his influence. This logic has similarly informed Mbeki's policy of 'quiet diplomacy' towards Zimbabwe, discussed further below.

A third set of factors, also linked to Pretoria's continental peacemaking agenda, relate to the importance and fragility of Sudan's Comprehensive Peace Agreement (CPA), which in 2005 ended the decades-long war between the ruling National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) led by John Garang in southern Sudan. After concluding the agreement the two parties formed a Government of National Unity (GNU), creating the potential for desperately needed reconstruction and development in the war-shattered south. Mbeki witnessed the signing of the ceasefire accord in Naivasha, Deputy President Jacob Zuma attended the signing of the CPA in Nairobi and Mbeki thereafter

⁷ These figures were retrieved from the website of the South African Department of Trade and Industry (www.thedti.gov.za/econdb/raportt/R100107.html) on 28 November 2007.

⁸ See Peter Fabricius, 'PetroSA to Send Technicians to Explore Oil Possibilities in the Sudan', *Sudan Tribune*, 10 January 2005.

⁹ Andrew Quinn, 'South Africa's Mbeki to Push Sudan on UN Peace Force', Reuters news release, 13 June 2006.

travelled to Khartoum for the inauguration of the GNU. South Africa has remained an avid champion of the CPA and chairs the AU's post-conflict reconstruction committee for Sudan.

The CPA has been tenuous from the outset, however, with the NCP frequently accused of failing to honour its obligations (See, for example, International Crisis Group 2006). Amid widely held fears of a resumption of war and the possible break-up of Sudan, Pretoria has prioritised the CPA and the south above Darfur. By way of example, in 2006 South Africa's Minister for Intelligence Services, Ronnie Kasrils, devoted a speech on international support for peacebuilding in Sudan almost exclusively to the CPA. At a time of fierce fighting in Darfur after the collapse of the Darfur Peace Agreement, Kasrils mentioned Darfur just three times and only in relation to the CPA, insisting that 'we need to ensure that the implementation of the CPA... is not overshadowed and undermined by events in Darfur' (Kasrils 2006). Underlying these comments was the concern that the international community, partly because of the Darfur conflict, had not met its pledges to assist with the implementation of the CPA.¹⁰

The priority that South Africa attaches to the CPA and the south flows in part from the political affinity between its leadership and that of the SPLM. The ANC has long supported the SPLM's vision of a secular and democratic Sudan, and Mbeki regarded Garang as a 'fellow African freedom fighter' (Mbeki 2005a). When Garang died in a plane crash in 2005 Mbeki attended his funeral and, remarkably, two days after the crash South Africa's Foreign Minister and the ANC Secretary-General joined the SPLM in southern Sudan in order to help manage the crisis (Ibid). Since then, the South African government has provided training assistance to the SPLM to strengthen its capacity for governance. By contrast, the ANC has no affinity with the Darfur rebel groups, which are less sophisticated and adept than the SPLM. Pretoria prioritises the CPA for the additional reason that it regards the agreement as a comprehensive framework for a 'viable, stable and democratic federal state' and, accordingly, as the basis for solving the conflicts in Darfur and other parts of Sudan (Mbeki 2006). Pretoria downplayed the Darfur crisis in order to protect the CPA negotiations and, later, the implementation of the CPA. This strategy was adopted by many Western governments.¹¹

A fourth explanatory factor is South Africa's conviction that the international community is much more likely to induce positive change in problematic regimes – like Zimbabwe, Burma, Iran and Sudan – through diplomatic engagement than through condemnation and coercive measures; coercion and isolation, it is felt, only heighten the regime's intransigence. Foreign Minister Nkosazana Dlamini-Zuma sums up this perspective as follows: 'Our own national experience has taught us the value of seeking negotiated solutions to problems, no matter how intractable they may at first seem, and of engaging all the relevant role players in a dialogue' (Dlamini_Zuma 2007: 6). Dlamini-Zuma notes that this thinking greatly influenced South Africa's votes in the UN Security Council in 2007.

In relation to Security Council concerns about Iran's nuclear programme, for example, South Africa maintained that coercive measures like sanctions 'should be utilised with great caution, and only to support the resumption of political dialogue and negotiations to achieve a peaceful solution'; a process of confrontation would have no winners and could have disastrous consequences in a volatile region (Kumalo 2007a). In the case of Burma, in January 2007 South Africa voted against a Security Council resolution urging the junta to

¹⁰ See the remarks of President Mbeki in 'South Africa to Send More 100 Peacekeepers to Sudan', *Sudan Tribune*, 29 November 2007.

¹¹ See 'Sudan/Kenya: The Wrong Report', *Africa Confidential*, vol. 48, no. 24, 30 November 2007, p. 12.

ease repression and release political prisoners, asserting that the resolution would compromise the 'good offices' of the UN Secretary-General, whose diplomatic efforts had recently opened a 'window of hope and communication' (Kumalo 2007b).

The most prominent example of Pretoria's preference for soft diplomacy has been its approach to the political crisis in Zimbabwe. In response to critics who cry out for a clear denunciation of Harare's persistent human rights abuses, government officials insist that 'shouting from the rooftops' will accomplish nothing. As Mbeki put it, his detractors are mistaken if they believe that the leaders of Zimbabwe will meekly obey his instructions (Mbeki 2003). In adopting this approach, Pretoria was influenced by its experience in 1995 when President Mandela called for sanctions to be imposed on the Abacha dictatorship in Nigeria and was soundly rebuffed by other African leaders and the Organisation of African Unity. In 2001 a senior member of the ANC justified the policy of 'quiet diplomacy' on Zimbabwe by explaining that Pretoria would not repeat Mandela's 'terrible mistake' when he acted as a 'bully' against the Nigerian dictatorship and 'everyone stood aside and we were isolated'.¹²

These comments capture the general tendency of African governments to avoid criticising each other publicly. A posture of unity and solidarity, forged in the heat of the struggles against colonial rule, remains a political imperative for governments that are weak, insecure and buffeted by internal and external challenges. Notwithstanding their differences and disputes, these governments usually close ranks when they are under pressure from the West. Given this African tendency and Pretoria's strategic preference for diplomatic engagement rather than overt pressure, it is perhaps not surprising that South Africa has been unwilling to censure Sudan. Nevertheless, by 2007 some African members of the Human Rights Council, including Zambia, Ghana, Senegal and Cameroon, were urging the Council to become more assertive about the Darfur crisis (Human Rights Watch, 2007b). It is therefore necessary to look deeper in order to understand Pretoria's position.

South Africa's Anti-Imperialist Ideology

A fifth factor that accounts for South Africa's stance on Sudan and Darfur is the anti-imperialist character of its foreign policy. As I have argued elsewhere, Mbeki's approach to foreign affairs is based on three paradigms: democratic; Africanist; and anti-imperialist (Nathan 2005). Whereas the Africanist and anti-imperialist paradigms are seldom if ever in conflict with each other, both are occasionally in conflict with the democratic paradigm. In these instances it is the democratic position that gives way.

The anti-imperialist thrust revolves around the following themes: the political and economic power imbalance between the North and the South, to the great detriment of the poor; the need to transform the UN and other international bodies in order to address global inequities; the domineering, hypocritical and self-serving approach of Western countries that chide and bully developing states; South-South co-operation and solidarity; and multilateralism and respect for international law in the conduct of international affairs.¹³ In the UN General Assembly, Mbeki has repeatedly raised these issues with a marked sense of anger and frustration. In 2007 he made the following remarks:

¹² Jaspreet Kindra, 'We Won't Make the Same Mistake with Zim', *Mail and Guardian*, 2 March 2001.

¹³ These themes are drawn from a review of President Mbeki's foreign policy speeches, which can be found on the website of the African National Congress at www.anc.org.za.

Because the nations of the world are defined by the dominant and the dominated, the dominant have also become the decision makers in the important global forums, including at this seat of global governance [i.e. the UN]. Accordingly, the skewed distribution of power in the world – political, economic, military, technological and social – replicates itself in multilateral institutions, much to the disadvantage of the majority of the poor people of the world. Indeed, even as we agree on the important programmes that should bring a better life to billions of the poor, the rich and the powerful have consistently sought to ensure that whatever happens, the existing power relations are not altered and therefore the status quo remains. ... Indeed, until the ideals of freedom, justice and equality characterise this premier world body, the dominant will forever dictate to the dominated and the interests of the dominated, which are those of the majority of humanity, would be deferred in perpetuity (Mbeki 2007).

Pretoria regards the international human rights arena as one of the sites of struggle between the North and the South. According to Dumisani Kumalo, South Africa's Permanent Representative to the UN, the developed and developing countries 'are locked in a 'cold war' on the correct approach to human rights' (Quoted in van Nieuwkerk 2007: 72). Among other things, there is a tendency for the developed countries to sit in judgement of the governance and human rights performance of selected developing countries. This gives rise to 'double standards, hypocrisy, and the abuse of the UN's human rights machinery [by the developed countries] to serve national political agendas'; it also 'leads to a situation where developing countries are forced to rally to the support of the targeted country, irrespective of its actual human rights performance' (Quoted in *ibid*: 72).

Pretoria has similar concerns about the UN Security Council. The critique runs as follows: whereas the UN General Assembly is a representative and democratic forum in which the balance of forces does not favour any state, the Council's arrangements privilege the five permanent members (P-5), which enjoy the right of veto; the P-5 therefore want the issues they deem important to be dealt with in the Council even if this encroaches on the mandates of organs, such as the Human Rights Council, that fall under the General Assembly.¹⁴ Moreover, the P-5 control the process of defining international security and determining the existence of particular threats; developing countries have watched powerlessly as the Security Council has become increasingly intrusive in this regard, assuming quasi-judicial authority and directing states to amend their national laws.¹⁵ This critique contributed to South Africa's opposition to the Security Council resolutions on human rights issues in Burma and Zimbabwe in 2007. Pretoria argued that these issues lay outside the Security Council's mandate on international threats to peace and security, and should be tackled instead by the Human Rights Council (van Nieuwkerk 2007). In the Human Rights Council, however, Pretoria has been equally averse to advancing the protection of human rights (Human Rights Watch 2007b).

The anti-imperialist position constitutes an ideology in the sense of comprising a worldview and set of fixed ideas and doctrines that form the basis for political thought and action. Consequently, it provides the lens through which human rights and other democratic tenets are viewed, it determines priorities when government is confronted by competing principles and pressures, and it elevates the importance of South-South solidarity. A further consequence is that specific political crises, such as those in Darfur, Zimbabwe and Burma,

¹⁴ See Dlamini-Zuma (2007)

¹⁵ Dumisani Kumalo, quoted in van Nieuwkerk, 2007: 64.

are addressed not on their own merits but in terms of the broader power dynamics between the North and the South. Pretoria's commitment to human rights is thus subordinated in some cases to the struggle against the North's domination and perceived abuse of international forums. In short, South Africa's foreign policy is overdetermined by its anti-imperialist paradigm.

The dominance of the anti-imperialist paradigm and subordination of human rights are vividly illustrated by Pretoria's rejection of a resolution on rape proposed by the United States in the General Assembly in November 2007. The US sought to condemn the use of rape as a political and military instrument by governments and armed groups. South Africa objected on the grounds that a narrow focus on rape as a weapon of war might imply that other types of rape were less horrible.¹⁶ This argument seemed disingenuous since Pretoria had previously endorsed UN Security Council Resolution 1325 of 2000, which calls for the elimination of grave sexual violence and other kinds of violence against women and girls during armed conflict. Indeed, when South Africa held the presidency of the Security Council in March 2007, it issued a presidential statement reaffirming support for Resolution 1325 (UN Department of Public Information 2007).

The real motivation for Pretoria's objection was the perception, articulated by Deputy Foreign Minister Aziz Pahad, that the US was 'politicising' the crime of rape in a selective manner and with the Sudanese government as a target (Department of Foreign Affairs 2007c). Kumalo put the argument as follows: 'Rape was used in the Balkans; soldiers were encouraged to do it in places like Srebrenica, but the US did not bring any resolution then to condemn those people. Now that the US wants everyone to know it is having a fight with Sudan, they bring it, and they are trying to use it as a tool for their own purposes'.¹⁷ According to Kumalo, South Africa's opposition to the US draft resolution was shared by the majority of African states; the three exceptions – Burundi, Liberia and Congo Kinshasa – might have lined up with the US because 'the big power sometimes intimidates little countries into changing their mind'.¹⁸

The anti-imperialist paradigm provides a strong explanation for Pretoria's resistance to Western pressure on Sudan, which it sees as redolent of colonialism. The affinity and solidarity engendered by the paradigm, despite the NCP's fundamentalist and oppressive orientation, is well illustrated by Mbeki's speech to the Sudanese National Assembly in late 2004. Mbeki focused on the need for solidarity between the two countries because of their similar colonial histories and struggles for liberation. He denounced the 'eminent representatives of British colonialism' – General Gordon, Field Marshall Wolseley, Lord Kitchener and Winston Churchill – who had played destructive roles in Sudan and had also been present in South Africa, 'doing terrible things wherever they went, justifying what they did by defining the native peoples of Africa as savages that had to be civilised even against their will' (Mbeki 2005b: 3). This shared colonial past 'left both of us with a common and terrible legacy of countries deeply divided on the basis of race, colour, culture and religion' (Ibid: 3-4). That legacy should create the impetus for co-operation to build the post-colonial future. The common challenge, as elsewhere in Africa, was to forge unity in diversity.

¹⁶ Rowan Philp, 'SA, US Clash over Attempt to Condemn Rape in War', *The Times* (South Africa), 11 November 2007; and 'SA Responds to US in UN Rape Resolution Row', *Mail&Guardianonline*, 10 November 2007, retrieved from www.mg.co.za on 7 December 2007.

¹⁷ Rowan Philip, 'SA, US Clash over Attempt to Condemn Rape in War', *The Times* (South Africa), 11 November 2007;

¹⁸ Ibid.

When Mbeki delivered this speech it was a moment of dawning peace and hope in southern Sudan but a time of great violence and suffering in Darfur. Yet he devoted only a few lines to the crisis there, simply expressing confidence that the situation would be resolved by the Sudanese leadership working together with the AU. Mbeki had earlier visited El Fasher in the Darfur region and spoken to AMIS officers, members of the AU ceasefire commission, leaders of the rebel movements, representatives of international humanitarian organisations and internally displaced people.¹⁹ He must have gained a good picture of the conflict dynamics but this picture was out of sync with the anti-imperialist agenda and fell by the wayside.

The Darfur Conflict and Negotiations

In this section I suggest that Pretoria's approach to Darfur and Sudan is analytically flawed and strategically unsound. Three core elements of that approach – threatening the Darfur rebels; supporting Khartoum; and prioritising the CPA over Darfur – undermine rather than advance the goal of peace and stability.²⁰

In 2005 the AU launched a major mediation endeavour, hosted by Nigeria in Abuja, with the aim of facilitating a comprehensive settlement between Khartoum and the main Darfurian rebel groups, the Justice and Equality Movement (JEM) and the Sudan Liberation Movement (SLM). In the absence of serious negotiations between the Sudanese parties, and under intense pressure from donors and other international actors, the mediators wrote the Darfur Peace Agreement (DPA). In May 2006 the DPA was signed by the government and by Mini Minawi, the leader of one of the two factions of the SLM, but it was rejected by JEM and Abdel Wahid al Nur, the leader of the other SLM faction. It was also roundly denounced by communities in Darfur, and fighting in the region intensified. In 2007 a new mediation initiative was launched by the AU and the UN. The mediators tried to kick-start the process by convening a negotiating forum in Sirte, Libya, but the talks were paralysed from the outset.

Darfur's political and security dynamics have changed drastically since 2003. A relatively cohesive rebellion has degenerated into banditry and inter-tribal warfare between and within the so-called African and Arab communities (International Crisis Group 2007). The rebels have fractured into more than fifteen groups, largely along tribal lines, without clear political positions and with little popular support. The rebel leader who does have significant support in Darfur, Abdel Wahid al Nur, has refused to participate in negotiations until UNAMID is deployed and Khartoum ends its violence. He stayed away from the Libya talks in 2007, forcing the mediators to postpone them. Although he might not be able to deliver peace, his iconic status in the Fur community and the IDP camps enables him to render useless any negotiations that take place without him.

As noted above, Mbeki and El Bashir have called for international action against the rebel leaders who boycott the Libya negotiations. The rebels regard this as idle bluff. They were threatened repeatedly by international actors during the Abuja talks but none of the threats was implemented; the major effect of the pressure was to undermine the legitimacy of the DPA among Darfurians. The one rebel leader who signed the DPA as a result of the pressure, Minni Minawi, lost his support base in Darfur and was marginalised by Khartoum. The rebels

¹⁹ 'Joint Communiqué of the Visit to the Sudan by South African President', *Sudan Tribune*, 2 January 2005.

²⁰ This section draws on Nathan (2007).

are not about to make the same mistake. In any event, they have so little power and wealth that they are not vulnerable to threats of punishment.

Whereas the international threats are ignored by the rebels, they embolden Khartoum. This is a disastrous result. The responsibility for the war and the duty to end it lie principally with the government. More importantly, it is within the government's power to end the conflict. It could do this by restraining the Jinjaweed, ceasing offensive military action and adopting a conciliatory and generous negotiating stance. Instead, Khartoum has breached the ceasefire agreements it has signed, consistently used excessive and indiscriminate force, and defied Security Council demands that it disarm the militia. It has been able to get away with this because Western pressure has been desultory, the AU's position has been lacklustre and China, Russia, the Arab League, South Africa, Algeria and Egypt have been supportive. Khartoum has consequently acquired a sense of impunity and free reign in Darfur.

Pretoria's claim that international action against problematic regimes merely heightens their intransigence, and that soft diplomacy is therefore the only viable strategy, is ahistorical. When Foreign Minister Dlamini-Zuma defended South Africa's voting record in the UN Security Council by saying that the country's experience had taught it the value of seeking negotiated solutions, she ignored the obvious fact that South Africa's negotiations were the product of a liberation struggle reinforced by sustained international pressure on the apartheid regime; as the ANC argued at the time, the foreign powers that pursued 'constructive diplomacy' with the regime retarded the struggle. In the absence of sustained pressure in the case of Sudan, Khartoum is not constrained in any way and has no incentive to adopt a more accommodating attitude towards the rebels.

Pretoria's decision to prioritise the CPA over Darfur is also analytically and strategically flawed. The collapse of the CPA would certainly be calamitous for the whole of Sudan, including Darfur, but this does not mean that the CPA is any kind of solution to the Darfur conflict. In fact, the CPA was a proximate cause of that conflict. It contained new constitutional, political and economic arrangements for the entire country but it was negotiated solely by the NCP and the SPLM, excluding all other Sudanese parties. Communities in Darfur, already bitter about their long-standing neglect by Khartoum, believed that their marginalisation was being cemented and their future foreclosed by the CPA. The rebellion was a protest against that marginalisation and an attempt to get a better deal for Darfur. The DPA vindicated this strategy in the sense that it offered the rebel leaders and the people of Darfur greater political and economic benefits than were available to them under the CPA.

Far from being the framework for solving the Darfur conflict, as Mbeki claims,²¹ the CPA has inhibited the resolution of that conflict. During the Abuja talks it became evident that certain key demands of the Darfur rebels could only be met by amending the CPA. The SPLM and the NCP insisted that the CPA was non-negotiable and the AU, fearing that the CPA would collapse if it were opened for amendment, endorsed that position. The CPA thus thwarted the rebels' aspirations and proved to be a major obstacle to achieving a viable settlement for Darfur. It is also relevant that for as long as the Darfur conflict persists, there is no prospect of Western donors providing funds and technical assistance to support the implementation of the CPA. The donors will not 'reward' Khartoum for ending the war in the south while it is waging war in Darfur. If Sudan is ever to enjoy a lasting peace, the disputes around the CPA,

²¹ Mbeki, 'An African Prayer for Peace'.

the crisis in Darfur and the brewing conflicts elsewhere in the country must somehow be solved in an integrated manner.

Conclusion

Although Pretoria's positive relationship with Sudan in the face of the Darfur catastrophe is inconsistent with a commitment to human rights and democracy, it is not surprising or anomalous. It reflects many of the core economic, political and ideological elements of South Africa's foreign policy: growing commercial interests on the continent; a strategic need for oil; a desire to contribute to peace and stability in Africa, in this case by promoting the implementation of the CPA and the deployment of UNAMID; and an anti-imperialist paradigm, which leads to solidarity with regimes that are under Western pressure, regardless of their human rights performance.

It is hard to find fault with the analysis of inequitable global relations that underpins Pretoria's anti-imperialist paradigm but it is equally hard to see any productive results emanating from its approach. The strategy of blocking international action against dictatorial regimes does nothing to alter the inequities of the international system and yields no benefits to South Africa or the South. The only winners are the dictatorial regimes and the clear losers are their victims. The poor, who are the intended beneficiaries of the anti-imperialist agenda, end up sacrificed on its altar. This outcome is not emancipatory or in any way transformative. In so far as it helps to retain repressive governments in power, the strategy is reactionary.

South Africa cannot on its own affect a major change in Khartoum's disposition but it has considerable influence internationally as a respected African state and it currently has a platform, as a member of the Security Council and the Human Rights Council, to exert that influence. Instead of squandering its political and moral capital by cossetting a notorious regime, it should use its assets to build alliances that put pressure on Sudan.

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