



Exploring the Impact of Human Rights on Diplomatic Relations: A Comparative Analysis of State Interactions

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DOI:

10.59141/comserva.v3i1.755

ABSTRACT

Recent developments in the field of human rights have led to a renewed interest in promoting human rights internationally. Human rights issues emerge as an undeniable part of international negotiation or diplomacy in practice. Echoing human rights is an integral part of international relations since it helps states seek their national interests and improve the national condition of human rights. Moreover, it is arguably true that human rights diplomacy triggered states to build cooperation. One of the examples is South Africa during the Apartheid regime, which had the poorest record in fulfilling human rights due to human rights violations in terms of discrimination that resulted in conflict among civilians. With approximately more than 10,000 people killed during the liberation from 1985 to 1995, It has become an interesting case since it has been shown that human rights issues played a significant role in South Africa's diplomatic relations during and post-Apartheid. This regime has transformed South Africa from an underdeveloped country to one of the most prosperous countries to date. This paper will discuss the relationships and influence between human rights and diplomacy. This paper sought the date through literature review research. Our analysis indicates that in struggling for freedom from the Apartheid regime, South Africa transformed its government system from an oppressive one to one of democracy. It has shown that the importance of human rights has revived the spirit of the national movement. In addition, the US initiated for the first time the establishment of the American Committee on South Africa to help with the liberation.

Keywords: Human Rights; Diplomacy; South Africa; Apartheid

INTRODUCTION

It is becoming increasingly difficult to ignore that nowadays vast majorities of states agreed upon the Universal Declaration on Human Rights (UDHR) in 1948 as a legal basis for international human rights standard (Ashri, 2018). In line with UDHR, International Bill of Rights, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) remain matter as well (Nur Prasatia, 2022). As enshrined in those declaration, the protection of human dignity and freedom should be legalized as the rule of law, so that, it binds states to implement human rights values (Rohmanurmeta, 2022). This milestone triggered states to commit more in fulfilling human rights as an essential part to become civilized nations.

Human rights diplomacy can be defined as the use of foreign policy instruments in order to promote human rights, as well as the use of human rights issues for the sake of other foreign policy aims (Angreini & Indrawati, 2020). United Nations (UN) has become main model as international organization which respect human rights and require states obligation to implement human rights values

(Kent, 2013). By being UN member, states are benefited to build bilateral relations in many aspects, such as social, political, economic and cultural with other member states in order to create better place for living and international stability (Sahban & SE, 2018).

The notion that has emerged recently is that not only states but also individuals can be subject to international law and that human rights should be an integral part of foreign policy and international relations (Qc, 2019). The growing importance of human rights in international politics is accompanied by significant improvements in human rights conditions throughout the world, as well as the growing awareness of major human rights abuses (Risse et al., 2013).

Since its adoption in 1945, UN Human Rights Charter has become a strong tool for states to oblige to human rights norms both in national and international level. By including civil and political rights, this charter ensuring people to get freedom from fear. In addition, economic, social and cultural rights protect people in accessing their basic needs such as education, health, clothing, food and social security (Afifah, 2017).

As stated in the UN Charter article 1(3), the aim in setting human rights as global standard is: 'To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion' (Anggriani, 2017). In other words, states are encouraged to fulfill human rights of their citizens in order to achieve global human rights standard. States also responsible for protecting citizens from any kind of human rights abuses which is possible to create poor national human rights condition that can be escalated into threat to international stability.

Through adjusting human rights as international norms to all has enable people to develop prosperous life and peaceful condition within their states. Despite debates that arise between its universality and cultural differences, human rights as international norms has helped states to experience significant development without intervene local tradition (Mac Ginty & Richmond, 2013). The main point of the universality of human rights is to have all human possess same basic rights in political, economic, social and cultural aspects. In addition, this notion had been recognized legally in the Vienna Declaration and Program of Action in 1993. Such legal aspect means that human rights has become essential matters in diplomatic realm among states (Hanifah, 2020).

METHOD

This research uses a type of research in the form of library research. Literature studies are related to theoretical studies and several references that will not be separated from scientific literature (Putri, 2019). In this study, data sources are obtained from relevant literature such as books, journals or scientific articles related to the selected topic. Data collection techniques used in this literature research are looking for data about things or variables in the form of notes, books, papers or articles, journals and so on (Ramanta & Samsuri, 2020). The research instrument used by researchers is a check-list of classification of research materials based on the focus of study, writing scheme/map, and research record format.

RESULT AND DISCUSSION

Human Rights Affecting International Stability

In the aftermath of World War II, respect for human rights has been *quid pro quo* for state sovereignty and diplomatic relations. The agenda of human rights discussion increasingly has a fixed position in international negotiations. It was marked by the adoption of UDHR on December 10, 1948 by the UN General Assembly (Baylis, 2020).

Since human rights has been recognized as international norms, there was outcry for implementation in all states. It also made UN as an institution that crafted a new human rights regime in the world being deemed important and vital. At the same time, states' obligation can be controlled and protected through the UN system to ensure peace in international community.

The importance of human rights as international norms encouraged the UN to establish certain body that addressing human rights issues. For instance, the establishments of specific committees such as the Human Rights Committee, Committee on the Elimination of Racial Discrimination, and the Committee on the Elimination of All Forms of Discrimination. Notwithstanding how well those committees performed their tasks, challenges occurred related to the implementation of Special Rapporteur which reports observations of human rights conditions in the world. Surprisingly, the number of human rights abuses was increasing. Since then, the UN developed its system through establishing Human Rights Council (UNHRC) in 2006 (Ansar, 2021).

Stronger human rights institution such as the UNHRC has more significant and impactful role in promoting and protecting human rights globally. It urged states to become member in order to strengthening human rights implementation both nationally and internationally. Thus, it helps decrease human rights violations in the world through diplomatic ways.

It is arguably that to fulfill human rights standard, democracy has become the main prerequisite to achieve it. States put effort to transform human rights condition to better situation whilst face challenges within their domestic pressure at the same time. The implementation of human rights values has influenced international human rights institution to abolish any kind of human rights abuses.

UNHRC which has duty to protect and promote human rights globally has played important role in dealing with human rights violations around the world. Meanwhile, although non-interference value remains to be respected regardless the condition of the states, this UN body has legal actions to do straight mechanism to prevent escalated violations. It is stated in the UN Charter Chapter VII. States will be declared as failed states if they cannot preserve human rights within their countries which affects international stability (Arifin, 2022).

The attempt to look after human rights internationally often confront with domestic traditions. It has become undeniable since human rights abuse related to cultural or religious belief deemed legal and allowed in several countries. For instance, actions such as Female Genital Mutilation (FGM), bride kidnapping and child marriage are still rampant and widely practiced. Those domestic conditions also present threat which resulted from Civil and Political Rights as well as Economic, Social and Cultural Rights cannot be fulfilled accordingly by the government. Societies try to protest even rebel to attract government attention in order to comply with their rights (Garnsey & Saller, 2015).

Moreover, the effects of human rights chaotic conditions as mentioned above affecting other countries in formulating foreign policy related to human rights. For example, irregular migration which caused by civil war is the real phenomenon that influence states relations (Yahya, 2020). To illustrate, civil war in Syria due to oppressive regime of Bashar AlAssad inflicting rising number of refugees, border problems in other countries especially European countries and high number of people deaths. On the other hand, another country such as the United States (US) put economic sanction on Syria, as a part of its foreign policy, in order to stabilize human rights condition in Syria. This has further aggravated the situation because Syria has no access to the economy and the protection of its citizens. On one side, this strategy seen as an affirmative action which taken by the US to create peace and warned the oppressive regime to stop doing such outrage. However, the relations between the US and Syria have been damaged.

Human rights have become strongly important in shaping and affecting the relations between states. The more states fulfill human rights within their domestic realm, the more prosperity is possible

to achieve. In contrast, if states unsuccessful to attain human rights standard, it can weaken relations with other states.

Human Rights and Diplomatic Relations: Study Case during and post-Apartheid Regime in South Africa

Foreign policy plays an important role in the maintenance of diplomatic relations between states. It affects states behavior towards many aspects such as politics, economics, social and cultural affairs. In terms of human rights which cover those aspects, states formulating foreign policy in the spirit of promoting and protecting human rights both in domestic and international spheres.

As discussed before that national condition of human rights can influence international stability which is resulted from human rights violations which occur within the states (Rahmanto, 2017). South Africa during Apartheid regime has evidenced that notion. The politics of racial separation between blacks and whites or Apartheid has become the worst era in South African history. Human rights violations towards the societies happened and administered by the oppressors (Freeman, 2022).

During that era, Apartheid regime abused their own South African citizens' rights. The deprivation of political rights perpetrated by minority white-regime whilst oppressing most blacks. Torture and oppression occurred as a form of violation of the civil rights against those who opposed Apartheid regime such as the African National Congress (ANC) and Pan African Congress (PAC). The basic needs such as access to education, residence, healthcare was hampered. Forcible displacement was also creating worse problem. Black people were removed from decent place to densely populated area. They have no rights to seek for job and employment which caused poverty and famine. Those aforementioned infringements breached the major values which inscribed in the UDHR (Zenelaj, 2018).

The gross of human rights abuses during Apartheid regime provoked international outrage and at the same time rendered the international human rights regime to take responsibility in solving this problem (Gobodo-Madikizela, 2015). The UNHRC condemned these gross human rights violations. Moreover, as the member of the UN Security Council, South Africa was ranked under 16 in terms of human rights abuses which means the state failed to fulfill human rights of its citizens (Alston & Mégret, 2013).

Since the Cold War era, human rights violations in South Africa has contributed to fluctuation of its relations with other countries. It was US however, as one of the great powers who battled in that era that paid full attention to South Africa (Nye, 2023). Interestingly, the US has run its double standards toward South Africa both in politics and economic aspects (Fine, 2018).

It has become undeniable that South Africa has significant mineral availability (Adeleke et al., 2017). Since then, the US has strong interest to build economic cooperation with South Africa despite the existence of Apartheid regime. In addition, Cape Sea route has significant role in boosting the US economic for transporting natural resources and generating income. However, it seemed that the US also enjoyed the privilege in having bilateral economic relations with South Africa in the midst of Apartheid regime. The US took advantage from this discrimination for doing slavery business which gained significant profit (Crane, 2013).

Seeing the inconsistency of the US attitude towards South Africa has reflected that human rights issues can be exploited for the benefit of one party. It also has shown that no country in the world can fully implemented human rights as a whole even can trespass it. Even though the US is a country with strong encouragement in echoing democracy and human rights worldwide.

In the relations to the above, Nelson Mandela from ANC as elected president emerged to abolish Apartheid regime. Through his struggle in confronting the pro-Apartheid, he formulated South Africa's foreign policy by placing human rights, mainly anti-discrimination as the first priority (Serrano-Amaya, 2017). In addition, South Africa also started to include human rights aspects which embedded to their

national constitution in 1996 then came into force in 1997 in the spirit of protecting and promoting human rights. The constitution covers basic rights related to Civil and Political Rights such as freedom from discrimination, freedom of speech and assembly. In terms of Economic, Social and Cultural Aspects, South Africa has provided access to education, employment, health care and social protection to its citizens. Since 1992, which marked the end of the Apartheid regime, South Africa became a country with very strong diplomatic relations with the USA especially as the largest recipient of USAID. Development occurred regardless the races and since then South Africa championed anti-discrimination revolution to date (Cook, 2013).

CONCLUSION

Based on the results and discussion of the Research, it can be concluded that a human rights have become undeniable foundation in international relations to date. It helps states in doing business in all aspects such as economic, social, political and cultural aspects. The implementation of human rights in all states reflects that the universality of this matter has major influence in keeping peace and international stability. Meanwhile, human rights outrage which occurred tend to affect relations between states. South Africa's diplomatic relations with the US as case study has clearly shown that to succeed in having investment, cultural and social tight between states human rights abuses must be diminished in one of the states of party.

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