

The Critical Role of Human Rights in Securing and Maintaining Peace and Security in Africa: The Case of Southern Africa

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This paper takes a critical look at the role of the concept of human rights in securing and maintaining peace and security in Africa. It does so by taking Southern Africa as a case study. In so doing, it analyzes the adverse impact that the absolute lack of respect for the norms of human rights by apartheid South Africa had on peace and security not only in South Africa but Southern Africa as a whole. On the basis of this analysis, the paper clearly highlights the belief, rooted in human rights, that the process of building a culture of peace on the African continent can be advanced only if it springs from respect for human rights and fundamental freedoms.

Introduction

The need to stabilize international relations and provide a framework for securing international peace and security was one of the major considerations for the establishment of the United Nations after the Second World War in 1945. It is for this reason that Article 1(1) of the United Nations Charter, 1945, states the first purpose of the United Nations as being:

To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

In Article 2 of the United Nations Charter, the United Nations sets out seven principles in accordance with which the Organization, i.e., the United Nations, and its Members shall¹ act in pursuance of the purposes of the United Nations

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as stipulated in the Charter's Article 1. To a great extent, these principles, outlined in Article 2 of the Charter, underlie the intense concern that the United Nations has for international peace and security. The third principle, provided for by Article 2(3) of the Charter, mandates that "All Members [of the UN] shall settle their international disputes by peaceful means in such a manner that international peace, security and justice, are not endangered." The Charter's Article 2(4) reaffirms this principle with the fourth principle which requires that "All Members [of the UN] shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state..."

The United Nations' concern for world peace and security is such that it gives itself the obligation, provided for by the sixth principle which is supposed to guide it and its members in their pursuit of the UN's purposes,² to ensure that even non-members of the United Nations act in accordance with the said principles so far as may be necessary for the maintenance of international peace and security.

Article 2(7) of the UN Charter provides for the seventh principle for the UN's pursuit of its purposes. That principle, which reinforces Article 2(1) of the Charter and states that "The Organization [i.e., the UN] is based on the principle of the sovereign equality of all its Members," prevents the United Nations from intervening in matters essentially within the domestic jurisdiction of any state. It is in this context that the General Assembly of the United Nations adopted, in 1965, the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty. By this Declaration, the General Assembly deems all such interventions as contravening the principles of the UN Charter and threatening universal peace. In 1981, the General Assembly also adopted a similar Declaration, the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States. In that Declaration, the General Assembly recalled that the establishment, maintenance and strengthening of international peace and security are founded upon freedom, equality, self-determination, independence and respect for the sovereignty of states. In its 1992 resolution titled "An Agenda for Peace: preventive diplomacy and related matters,"³ the General Assembly again emphasized "that respect for the principles of sovereignty, territorial integrity and political independence of

States is crucial to any common endeavour to promote international peace and security."

Applied properly, the principle of sovereignty can be used to advance the cause of international peace and security. It can also, unfortunately, be used as a facade for the perpetration of gross violations of human rights and fundamental freedoms without which peace and security, at whatever level, national, regional or international, will remain in the realm of a hallucinatory wish. This is the basis for the rejection of any notion of absolute sovereignty by the proviso in Article 2(7) of the United Nations' Charter which stipulates that the principle of non-intervention, by the United Nations, in matters essentially within the domestic jurisdiction of any state, shall not prejudice the application of enforcement measures under Chapter VII of the Charter. Such measures are taken to maintain or restore international peace and security and include where necessary, the taking of action by air, sea, or land forces of members of the United Nations.⁴ It is in this light that Boutros Boutros-Ghali, the former Secretary-General of the United Nations, made the following statement which encapsulates the generally held opinion of the international community regarding the non-absolute nature of the principle of state sovereignty:

The foundation-stone for this work [UN approach to human security] is and must remain the state. Respect for its fundamental sovereignty and integrity are crucial to any common international progress. The time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality. It is the task of leaders of states today to understand this and to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world.⁵

The principle of national sovereignty is quite crucial in international relations; it does not, however, override the imperatives of international peace and security. This is why the General Assembly of the United Nations, made up of about 185 nations, approved, on 12 November 1984, the Declaration on the Right of Peoples to Peace in which it affirmed "that the principal aim of the United Nations is the maintenance of international peace and security" which is underpinned by respect for human rights and fundamental freedoms. It is against this background that this paper seeks to assess the role, which it deems to be critical, of human rights in securing and maintaining peace and security in Africa. It does this by taking the Southern African sub-region as a case study.

The paper commences by analyzing the adverse impact the total lack of respect for the norms of human rights, by the now extinct apartheid regime of South Africa, had on peace and security in the Southern African region. It follows this up with an analysis of the general perception that peace and security are gradually taking root in Southern Africa as a result of the dismantling of the racist and segregationist policy of apartheid and the setting in motion, in South Africa, of a democratization process which, inherently, incorporates respect for human rights and fundamental freedoms. In the light of human rights, the paper analyzes this process and its relevance to peace and security in the Southern African region. It calls for the strengthening of institutions and processes which ensure respect for human rights in order to guarantee not only peace and security in Africa but also development which is always in the bandwagon of such peace and security. In conclusion, the paper argues that the Southern African situation is justification for the standpoint that the process of building and nurturing a culture of peace and security on the African continent can be advanced only if it is rooted in respect for human rights and fundamental freedoms.

The Impact of the policy of Apartheid on Human Rights, Peace and Security in the Southern African Region

In commemorating the 40th anniversary of the United Nations, the General Assembly of the United Nations approved, on 24 October, 1985,⁶ the Proclamation of the International Year of Peace which "links the promotion and achievement of the ideals of peace to the promotion and protection of human rights - both being fundamental purposes of the UNITED NATIONS CHARTER."⁷ By this Proclamation, the General Assembly declared 1986 to be the International Year of Peace. Though the text of the Proclamation does not define the expression "international peace and security," it emphasizes that international peace and security includes the promotion and exercise of human rights and fundamental freedoms. After noting that "peace constitutes a universal ideal and the promotion of peace is the primary purpose of the United Nations,"⁸ the proclamation links international peace and security and human rights and fundamental freedoms in the following words:

Whereas the promotion of international peace and security requires continuing and positive action by States and peoples aimed at the prevention of war, removal of various threats to peace - including the nuclear threat - respect for

the principle of non-use of force, the resolution of conflicts and peaceful settlement of disputes, confidence-building measures, disarmament, maintenance of outer space for peaceful uses, development, the promotion and exercise of human rights and fundamental freedoms, decolonization in accordance with the principle of self-determination, elimination of racial discrimination and apartheid, the enhancement of the quality of life, satisfaction of human needs and protection of the environment,...⁹

Peace and security necessarily entail respect for human rights because it is only in an environment of peace and security that human dignity, the basis of human rights, can be upheld and maintained. The protection and maintenance of human dignity, which is secured by all human beings as a result of their sense of identity, is what the concept of human rights entails. This concept holds that for human beings to live a life which assures or guarantees them human dignity, they must have certain rights which, essentially, derive from their nature as human beings. These rights constitute human rights which, according to the United Nations, "could be generally defined as those rights which are inherent in our nature and without which we cannot live as human beings."¹⁰ Humanity, in general, perceive the following interdependent values as being relevant in underpinning human rights: respect, power, enlightenment, well-being, health, skill, affection and rectitude.¹¹ Human dignity is seen as the common denominator of all these values. Hence, human dignity is deemed as the basis or fulcrum of human rights whose essence has been succinctly put by the United Nations in the following words:

Human rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection.¹²

Human rights enure equally to all human beings by reason of their humanity; hence, the principle of equality and non-discrimination forms one of the fundamental norms or principles of the concept of human rights. This is the basis for the assertion in the first paragraph of the preamble of the landmark Universal Declaration of Human Rights, 1948, that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world," This principle is expatiated upon in Article 2 of the Declaration which states:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Some of the human rights which, on the basis of the fundamental principle of equality and non-discrimination, should be enjoyed by all human beings are: the right to life, liberty and security of person; the right to equality before the law and the equal protection of the law; the right to freedom of speech; the right to privacy; the right to freedom from arbitrary arrest, detention or exile; the right to freedom of movement; the right to freedom from being subjected to torture or to cruel, inhuman or degrading treatment or punishment; and the right to a fair trial which encompasses the right to be presumed innocent until proved guilty according to law and the right to counsel of one's own choice.

These rights, popularly referred to as civil and political rights, are not the only concerns of the concept of human rights. Included in this concept are certain rights known as economic, social and cultural rights which are, *inter alia*, the right to an adequate standard of living for one and his/her family, including adequate food, clothing, housing and medical care, the right to education, the right to work and a free choice of employment, the right to equal pay for work of equal value, the right to form and to join trade unions and the right to take part in the cultural life of one's community, to enjoy the arts and to share in scientific advancement and its benefits.

In addition, it should be noted that the concept of human rights entails a third class of rights classified as solidarity rights which belong to members of social groups or collectivities. These include the right to self-determination by virtue of which peoples freely determine their political status and freely pursue their economic, social and cultural development, the right to development, the right to the equal enjoyment of the common heritage of mankind and the right to international peace and security. Herein lies the nexus between the concept of human rights and international peace and security. As noted by eighty-four member-states of the United Nations in the Proclamation of Teheran adopted at the International Conference on Human Rights held in Teheran, Iran, from 12 April 1968 to 13 May 1968, in commemoration of the twentieth anniversary of the Universal Declaration of Human Rights, 1948, "peace is the universal

aspiration of mankind and that peace and justice are indispensable to the full realization of human rights and fundamental freedoms."¹³

The categorization of human rights into different classes does not import any idea of a rigid differentiation or compartmentalization of human rights. The two international human rights covenants of 1966, i.e., the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights do, in similar words in their preambles, acknowledge the necessary linkage of all human rights. Two years after the adoption of these covenants by the General Assembly of the United Nations, the international community, through the Proclamation of Teheran, 1968, which was endorsed by the United Nations through resolution 2442 (XXIII) of 19 December, 1968, emphasized the indivisibility of civil and political rights and economic, social and cultural rights in paragraph 13 of the Proclamation which states, in part: "Since human rights and fundamental freedoms are indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible." In 1993, the World Conference on Human Rights, held in Vienna, Austria, stressed the indivisibility of all human rights when, in the Vienna Declaration and Programme of Action adopted by the Conference, it stated that "All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis."

Humanity has had a concern for human rights for generations. The following landmark instruments evidence this concern: the English Magna Carta, 1215; the English Bill of Rights, 1689, which followed the Glorious Revolution of 1688; the Virginia Bill of Rights, 1776; the American Declaration of Independence; and the French Declaration of the Rights of Man and Citizen, 1789, which followed the 1789 French Revolution. This early concern for human rights was, however, localized in municipal law and was severely constrained by the almost absolute application of the principle of domestic jurisdiction of states. By this principle, which is underpinned by the concept of sovereignty, matters of human rights were, with very limited exceptions, deemed to be matters essentially within domestic jurisdiction and, thus, not open to foreign intervention, until the United Nations came into being in 1945.¹⁴ The atrocities committed by the Axis Powers, especially Nazi Germany, before and during the 2nd World War, 1939-1945, horrified the

generality of the international community to such an extent that a new thinking on issues of human rights was activated. The jettisoning of international peace and security severely compromised human rights. The flagrant contempt for human dignity by the Nazis and fascist Europe did, however, bring about a transformation of issues of human rights from the domain of domestic jurisdiction of states, in the stifling cocoon of which it was earlier closeted, to that of the international arena. Thus commenced the active internationalization of human rights and the vigorous campaign for the acceptance, internationally, of the principle of the universality of human rights by which issues of human rights, on the basis of the common morality of all human beings, transcend national jurisdictions and are of concern to the whole international community. This is why the UN General Assembly proclaimed the pacesetting Universal Declaration of Human Rights, in its preamble, "as a common standard of achievement for all peoples and all nations" and called upon all "to secure their (i.e., the rights) universal and effective recognition and observance." This 1948 Declaration and four other human rights instruments, i.e.: the International Covenant on Economic, Social and Cultural Rights, 1966,¹⁵ the International Covenant on Civil and Political Rights, 1966,¹⁶ the Optional Protocol to the International Covenant on Civil and Political Rights, 1966,¹⁷ and the Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming at the Abolition of the Death Penalty, 1989,¹⁸ form the International Bill of Human Rights which, according to the United Nations, "... represents a milestone in the history of human rights; a veritable Magna Carta punctuating mankind's arrival at a new important phase: the conscious acquisition of human dignity and worth."¹⁹ The Bill embodies the norms which are internationally accepted as providing the bedrock for human rights protection and all instruments on human rights take their roots from this Bill.

On 10 December 1948, the UN General Assembly adopted the Universal Declaration of Human Rights by a vote of 48 member-states for, none against and 8 abstentions. South Africa, together with the Soviet Union, Byelorussia, Czechoslovakia, Poland, Saudi Arabia, the Ukraine and Yugoslavia, abstained from voting. South Africa was thus not among the community of nations which hailed the Declaration "as a common standard of achievement for all peoples and all nations." It could not have been part of this comity of nations, as, earlier on in the year, i.e., May 1948, the policy of apartheid had been instituted in South Africa with the coming into power of the National Party. By this policy, which took its racist roots from a belief in white racial

superiority, the National Party gave *de jure* status to racial discrimination which hitherto existed on a *de facto* basis in South African society.

To the National Party, South Africa's leading role in the drafting of the United Nations Charter's preamble in which the peoples of the United Nations determined, *inter alia*, "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person," was of no moment. On the other hand, "it claimed that in terms of the Charter and traditional international law there were no restraints on the manner in which it treated its own citizens. It could do what it liked in its own domestic jurisdiction."²⁰

Armed with this ideology and thinking, South Africa vigorously and defiantly pursued this policy which was diametrically opposed to the concept of human rights which ensures respect for and protection of the inherent dignity and worth of each human being. The deleterious effect, human rights-wise, of apartheid on non-whites, especially black people, is common knowledge, and need not be recounted here. Suffice it to say that under various pieces of apartheid legislation, the human dignity of non-whites became merely a dream. The Population Registration Act, 1950, which classified South Africans as whites, Africans (i.e., blacks), Coloureds and Indians, formed the legal basis for the treatment meted out to various South Africans. The majority of South Africans, whites generally excepted, were consigned to a demeaning existence by a host of restrictions and indignities they were subjected to. The Group Areas Act, 1950, curtailed the fundamental human right to freedom of movement as it apportioned residential areas according to racial classification. The various Internal Security Acts furnished the apartheid law enforcement agencies with convenient tools for the mutilation of the human rights to life, liberty and security of person, a fair trial, freedom from torture or cruel, inhuman or degrading treatment or punishment, and privacy. The chilling confessions made by former apartheid security officers before South Africa's Truth and Reconciliation Committee give ample testimony to the contention that apartheid had nothing in common with the concept of human rights.

To strengthen apartheid at home, South Africa engaged in various acts of destabilization in the whole Southern African sub-region. It ruthlessly trampled upon human rights in the whole region. This came as no surprise to many observers of the apartheid regime for, as rightly stated by United States' Secretary of State Marshall at the opening of the United Nations General

Assembly which deliberated upon the Commission of Human Rights' final draft of the Universal Declaration of Human Rights: "Governments which systematically disregard the rights of their own people are not likely to respect the rights of other nations and other people and are likely to seek their objectives by coercion and force in the international field."²¹ The upshot of all these destabilization campaigns was that peace and security were destroyed alongside human rights and fundamental freedoms. As Hanlon notes, between 1980 and 1986, South Africa

invaded three capitals (Lesotho, Botswana, Mozambique) and four other countries (Angola, Swaziland, Zimbabwe and Zambia); tried to assassinate two prime ministers (Lesotho and Zimbabwe); backed dissident groups that have brought chaos to two countries (Angola and Mozambique) and less serious disorder in two others (Lesotho and Zimbabwe); disrupted the oil supplies of six countries (Angola, Botswana, Lesotho, Malawi, Mozambique and Zimbabwe); and attacked the railways providing the normal import and export routes of seven countries (Angola, Botswana, Malawi, Mozambique, Swaziland, Zambia and Zimbabwe). More than 100,000 people have been killed, most of them starved to death in Mozambique because South African-backed rebel activity prevented drought relief. Famine was used as a weapon of war. More than one million people have been displaced. The largest single group is Angolans fleeing various South African invasions. But all the majority-ruled states have had to care for refugees of South African attacks and destabilization.²²

In the face of all these, the international community in general had no choice but to treat apartheid South Africa as a pariah state. To the United Nations, apartheid was one of the odious scourges which had to be speedily eliminated. In noting apartheid's destruction of peace and security and human rights in the entire Southern African region, Javier Perez de Cuellar, a former Secretary-General of the United Nations, commented in 1986:

For the present, however, we still face the reality of widespread and egregious infringement of human rights, a reality that casts shame on our era. No form of infringement is more widely encompassing or abhorrent than that of apartheid. Apartheid is, in reality, far more than a problem of human rights abuse. It is a problem with tenacious racial, political and economic roots-one that jeopardizes the stability of an entire region. Only the total elimination of apartheid will restore peace to South Africa and to southern Africa as a whole.²³

Little wonder then that the United Nations declared apartheid as a crime against humanity through Article 1(1) of the International Convention on the Suppression of the Crime of Apartheid, 1973, passed numerous resolutions, adopted various conventions, and took a host of punitive actions aimed at ostracising South Africa from the international community. The cumulative effect of all these measures was the severe pressure South Africa laboured under, both internally (through the armed struggle for liberation by anti-apartheid groups such as the African National Congress and the Pan-African Congress) and externally and which contributed, in no small measure, to the total dismantling of apartheid as state policy.

South Africa's Democratization Process and Peace and Security in Southern Africa

In April 1994, South Africans of all races equally exercised the franchise for the first time; it was these general elections which set in motion a democratisation process which is still nascent and ongoing today. The fundamental human rights norm of equality and non-discrimination, once an anathema to apartheid South Africa, now occupies pride of place in the new South Africa's constitutional dispensation. Chapter 2 of the 1996 Constitution, titled "Bill of Rights," provides in Article 8 for the principle of equality as follows:

- (1) Everyone is equal before the law and has the right to equal protection of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms. To achieve equality, legislative and other measures that are designed to protect and advance groups or categories of persons disadvantaged by unfair discrimination may be used.
- (3) Neither the state nor any person may unfairly discriminate directly or indirectly against anyone on any one or more grounds, including race, gender, sex, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

- (4) Discrimination on one or more grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

In one fell swoop, this Article has dismantled the racial classification which, in apartheid South Africa, determined the type of rights one enjoyed. All human rights provided for by the Bill of Rights are to be equally enjoyed by all South Africans. These include the right to life, the right to privacy, the right to freedom of conscience, religion or belief, and thought and opinion, the right to freedom of expression, the right to have access to health care services, sufficient food and clean water and housing, the right to basic education and the right to a fair trial. All these rights rest securely on the constitutional provision that "Everyone has inherent dignity and the right to have their dignity respected and protected."²⁴ That this forms the cornerstone of all the human rights guaranteed by the Bill of Rights is attributable to the fact that human dignity is the common denominator of all the interdependent values deemed as undergirding the concept of human rights. Article 8(2) provides for formal, numerical, and mathematical or absolute equality by stipulating that all rights should be fully and equally enjoyed by all. However, in taking cognizance of the vicious discrimination perpetrated against certain categories of South Africans by virtue of the segregationist policies of apartheid, it also provides for substantive or relative equality or what Aristotle refers to as "equality proportional to desert,"²⁵ that is, differentiation in treatment proportionate to concrete individual circumstances. It does this through its provision that "legislative and other measures that are designed to protect and advance groups or categories of persons disadvantaged by unfair discrimination may be used" to achieve equality. Such measures taken within well-defined limits to protect the human rights of those discriminated against on invidious grounds do not constitute discrimination under human rights law. It is in this context that the United Nations has made the following statement:

Members of groups that are particularly vulnerable to arbitrary deprivation of their human rights and fundamental freedoms because of characteristics for which they are not responsible and which they are not in a position to change - such as children, mentally retarded persons, persons belonging to ethnic, religious or linguistic minorities, persons born out of wedlock, non-citizens, and members of indigenous populations-are usually considered to be entitled to special measures to ensure their enjoyment of human rights and fundamental freedoms and to protect their welfare.

The constitutional provision of equality in the enjoyment of human rights and fundamental freedoms has not brought about immediate cessation of hostilities arising out of apartheid. Isolated incidents of violence continue to occur and to threaten peace and security. However, such violence is not state-inspired or state-sponsored as was the case in apartheid South Africa. What the current constitutional dispensation does is to provide an enabling environment for the peaceful resolution of differences, however ingrained, between the various segments of South African society. This ensures the preservation or maintenance of peace and security in South Africa.

The democratization process in South Africa, which has brought in its wake a fledgling culture of respect for human rights and fundamental freedoms, has benefitted, in terms of peace and security, all peoples in the Southern African region. No longer are the nations in the region subjected to incessant military attacks by South Africa in pursuit of the designs of apartheid. This is what has prompted the decision by the Frontline States Organization, a body formed to defend some of the states in the region against apartheid South Africa's military and economic aggression, to disband. The Organization has now been made the political wing of the Southern African Development Community (SADC), a body aimed at ensuring peace and security in the region and encouraging regional development. This is a positive indicator that scare resources once used to defend these countries against South Africa's aggression can now be channelled into productive economic ventures for the improvement of their apartheid-distorted economies.

South Africa is no longer the pariah state it used to be. She has resumed her rightful place in the comity of nations. She has become the eleventh member of SADC, members of which she used to terrorise in the days of apartheid. This transformation prompted the Organization of African Unity's Liberation Committee to wind up its business at a meeting in Arusha, Tanzania, on 15 August 1994.

South Africa has reciprocated by doing her best to help secure democracy and security within the Southern African region. Gone are the days when South Africa prided itself on the effectiveness of its destabilization campaign against its neighbours. Today, she sees herself as part of a regional process which, through preventive diplomacy, can pre-empt the eruption of unrest and chaos in the Southern African region. Such diplomacy helped in the restoration of

peace and security to Lesotho during the restive 1994 days of the controversy between the Monarchy and the government.

Between 11-16 July 1994, South Africa joined other SADC member states for a Ministerial Workshop on Democracy, Peace and Security in Windhoek, Namibia. This Workshop deliberated on, inter alia, how to secure peace and security in the region and the establishment of a Bill of Rights for Southern Africa. This is manifestation enough that peace and security, once a luxury in the region, is now being firmly grounded as a result of the democratization process in South Africa which underlies respect for human rights and fundamental freedoms.

Conclusion

The analysis made above shows clearly that disrespect for human rights and fundamental freedoms leads, invariably, to a breach of peace and security. This is what apartheid South Africa brought home, in a very brutal manner, to the whole international community, in general, and the peoples of South Africa and the Southern African region in particular. For the duration that the policy of apartheid lasted, any talk of the promotion of human rights in Southern Africa was nothing beyond mellifluous but extremely hollow rhetoric. The vicious tentacles of apartheid smothered human rights in all nooks and crevices of the region and thus severely undermined human dignity and worth of the peoples therein. On the basis of the common morality of all human beings by virtue of which matters of human rights are of concern to all and sundry regardless of frontiers, the international community condemned apartheid as a crime against humanity and called for its total annihilation. Hence, the following assertion by the international community, in the 1968 Proclamation of Teheran:

Gross denials of human rights under the repugnant policy of *apartheid* is a matter of the gravest concern to the international community. This policy of *apartheid*, condemned as a crime against humanity, continues seriously to disturb international peace and security. It is therefore imperative for the international community to use every possible means to eradicate this evil. The struggle against *apartheid* is recognised as legitimate.

The dismantling of apartheid and the adoption by South Africa of a democratic Constitution that upholds the human rights of all South Africans, has brought

about peace and security within the Southern African region. South Africa no more needs to destabilize its neighbours in order to strengthen apartheid at home. True, there may be occasional breaches of peace and security in the region. Such breaches can, however, be contained and effectively dealt with by the region as a whole through the Southern African Development Community of which South Africa is a proud and influential member. Without respect for the norms of human rights and fundamental freedoms, the current relatively peaceful environment within the Southern African region would not have materialised. Human rights are thus of critical relevance to the preservation of peace and security. This is what the entire African continent should take note of if Africans are to have a secure and peaceful environment which facilitates development for the betterment of all.

Endnotes

1. Under the traditional rule of construction, the word "shall" is mandatory. Vide, e.g., Pearce, D.C., Statutory Interpretation in Australia, 2nd. ed. (Sydney: Butterworths, 1981), 165.
2. Vide Article 2(6) of the UN Charter.
3. A/RES/47/120A, 18 December 1992. Quoted in Boutros Boutros-Ghali, An Agenda For Peace, 2nd. ed. (New York: United Nations, 1995), 76.
4. Vide Article 42, UN Charter.
5. Boutros Boutros-Ghali, An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-Keeping (New York: United Nations Department of Public Information, 1992), 9.
6. General Assembly resolution 40/3 of 24 October, 1985.
7. Edward Lawson, Encyclopedia of Human Rights (Bristol, Pennsylvania: Taylor & Francis Inc., 1989), 1239.
8. Ibid. Third paragraph, Proclamation of the International Year of Peace, 1985.
9. Ibid. Fourth paragraph, Proclamation of the International Year of Peace, 1985.
10. United Nations, Human Rights: Questions and Answers (New York: United Nations, 1987), 4.
11. Vide Shaw, M.N., International Law, 2nd. ed. (Cambridge: Grotius Publications Ltd., 1986), 173.
12. Supra, Note 10.
13. Last paragraph of the preamble of the Proclamation of Teheran. Quoted in United Nations, The United Nations and Human Rights: 1945-1995 (New York: UN Department of Public Information, 1995), 245.
14. These exceptions were the following: the treatment of aliens by host nations; the abolition of the slave trade; the rights of certain persons in time of armed conflict; and the rights of minorities.
15. Entered into force in 1976.
16. Entered into force in 1976.

17. Entered into force in 1976.
18. Entered into force in 1991.
19. United Nations, Human Rights: The International Bill of Human Rights (Fact Sheet No. 2) (Geneva: Centre for Human Rights, UN Office, 1989), 6.
20. Robertson, M. (ed.), Human Rights for South Africans (Cape Town: Oxford University Press, 1991), 16.
21. U.S. Department of State, *Bulletin*, Vol. 19 (Oct. 03, 1948), 432.
22. Hanlon, J., Apartheid's Second Front: South Africa's War Against Its Neighbours (Montreal: Penguin Books, 1986), 1.
23. De Cuellar, J.P. . Report of the Secretary-General on the Work of the Organization (New York: United Nations, 1986) 15.
24. Vide Article 9.
25. Ernest Baker, trans. The Politics of Aristotle - Book V.i (Oxford: Oxford University Press, 1946), 1301a.

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