

An analysis of Populism and Human Rights in South Africa

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DECLARATION

I, **Wayne Richard Terblanche**, declare that this dissertation hereby submitted by me for the Master's degree in Governance and Political Transformation titled "**An analysis of Populism and Human Rights in South Africa**" at the University of Free State is my own and has not been submitted previously, and that all primary and secondary sources have, to the best of my knowledge, been acknowledged by complete references.

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Date: 7 December 2018

Wayne Richard Terblanche

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Dedication

I dedicate this dissertation to my parents, Richard and Susan Terblanche. Even though they are not well educated, they always encouraged me to study, and to further my studies. Through the process of studying and writing this dissertation, they encouraged me when I wanted to give up. My two daughters, Stephany and Grace Terblanche, for their love and support. I hope this will make them proud and encourage them to also study and reach the highest level they can in education and in their careers.

To Almighty God, my source of inspiration and motivation. With God, all things are possible and I would not have been able to write this dissertation without the daily strength and wisdom that God bestowed upon me.

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Abstract

The study focussed on the Human Rights challenges experienced in South Africa, as well as the rise of Populism, and Populist tactics used by politicians and political parties. Qualitative research methodology was used as extensive literature on both components of the study, Human Rights and Populism, was investigated. Examples of Populism and Populist governments in other parts of the world, such as in Latin America, the United States of America, and Central and Eastern Europe, were also provided. These examples were used to illustrate how Populism can be a threat to the realisation of Human Rights and how South Africa can take active steps not to make or allow the same mistakes to happen in the country.

The study found a global rise in Populism and that its ethnic calls divide societies or nations; it also has the ability to instigate violence between the “original people” and the so-called “other”. Secondly, Populism is difficult to define as it can take on different forms in different countries. In some instances, the Populist call is not ethnic but rather between classes; for example, between the ordinary people and the elite. Thirdly, Populism shows little regard for democratic institutions and considers the will of the people as sovereign. Therefore, Populism poses a threat to Human Rights, which views all people as equal, and all people are entitled to enjoy these rights irrespective of culture, nationality, colour or creed.

The researcher recommends that the rise of Populism in South Africa be monitored and the dangers that it poses to Human Rights be exposed to the citizens of the country. Human rights activists and institutions should be mindful of the threat of Populism to the fulfilment of Human Rights, as enshrined in the Constitution of South Africa. Moreover, the government and leading political parties should not only strive for success at the ballot box, but it is the duty of the government to ensure that all citizens as well as immigrants and asylum seekers are safe and entitled to the same Human Rights as stipulated in the Constitution of South Africa.

Chapter 1

1.1 Introduction

This research focuses on Populism and Human Rights. To provide context, populist political strategies used in the United States of America (USA), Europe, and Latin America are discussed and conclusions and contrasts are drawn regarding the strategies used in these parts of the world and in South Africa. Populism is not always in agreement with Human Rights because of its rejection of pluralism and the denigration of the “other”. From within the populist imagination there are only “the people”, on the one hand, and the intruders or the “other”, on the other hand. As such, populist leaders tend to divide society into two camps, which poses a profound threat to Human Rights, as these leaders tend to seek power through appeals to xenophobia, racism, nativism and misogyny.

Cultural hegemony is a central theme within Populism (Alegre, 2016: 4). This is important to South Africans as there are many different cultural orientations in the country, and what Populism does is to seek dominance of one culture over another. Social identities further reflect this dichotomy where after 300 years of colonialism, European or Western culture is frequently held as good and normative, and African cultures viewed as unsophisticated. Two elements in conflict with constitutional democracy, which populists use while in power, are the abuse of official propaganda and the harassment of opponents and dissidents. This is aimed at controlling and shaping the public debate, to build a "discursive hegemony" in populist terms, demonising those who disagree and dramatically raising the disincentives to oppose the government's poisoning of public debate, and an obsessive hegemonic ambition (Alegre, 2016: 4).

Analysing left versus right ideologies will determine the relationship between the rise of Populism in South Africa and Human Rights violations, such as persistent acts of racism, xenophobia, discrimination, and the general disregard for the lives and humanity of citizens. In so doing, this study looks at both left wing and right wing populist political strategies.

1.2. Background

Human Rights have always been a contentious issue in South Africa due to the country's extensive history of Human Rights abuses at the hands of various regimes over the last three and a half centuries. It remains a central theme in South African society. Although a liberated nation with the most advanced constitution in the world, the economic inequalities in South African society bind a large portion of the population to devastating poverty. As Nobel Prize laureate Amartya Sen (1992) states, "Political freedom without economic fruits would be meaningless to the dispossessed masses". A hungry person who is politically free is as good as unfree (Qobo and Mashele, 2014: 65).

Egorov and Sonin (2013: 2) point out that when voters fear that politicians may have a right wing bias or that the rich elite may have corrupted them, signals of true left wing conviction are valuable. Political scientists refer to the current era as the "era of populism", where adopting a populist bias of policies becomes commonplace when the value of remaining in office becomes higher and more valuable than meeting the true needs of society (Egorov and Sonin, 2013: 2). Simply put, politicians tend to adopt populist political strategies as a means of remaining in office. Hence, even a moderate politician seeking re-election chooses populist policies as a way of signalling that he/she is not from the right, and true right wing politicians respond by choosing policies that are more moderate. In reality, populist politicians often adopt macroeconomic policies that can hardly be justified by the benefits they provide to the poorest of the poor. In many instances, policies were far to the right of the majority's preference (Egorov and Sonin, 2013: 4). This is a trend that can be seen worldwide: from Greece to Donald Trump in the USA, and locally it can be seen with the Economic Freedom Fighters (EFF) adopting a radical stance to show that the elite will not influence them. Former South African President Jacob Zuma was also a meticulous populist, who could connect with the ordinary people unlike his predecessor Thabo Mbeki. Zuma's plain talking distinguished him sharply from Mbeki, whose speeches were full of classic references and illustrious phrases. Mbeki appealed to the more intellectual faction within the ANC and Zuma appealed to the masses. The ordinary man could identify with Zuma and he used this to his advantage. This is a true characteristic of a populist leader. Zuma speaks for "the

people". The populist style of politics includes speaking the language of "the people", which includes using popular idioms, adopting a style of expression that is simple and direct, and avoiding intellectualism, jargon or bureaucratic language (Vincent, 1999: 5).

According to Hart (2014: 203), Zuma's capacity to connect with and speak to the painful articulations of race, class, gender and sexuality in the everyday lives of many poor black South Africans is linked to his wresting ownership of the liberation struggle from the Mbeki faction. Central to this process was his signature song "Awaletu Umshini wami" (Bring me my machine gun). People recognised it as a language they know. Barely five months after the ANC's National Conference, held at Polokwane in December 2007, where Zuma defeated Mbeki to become the new president of the ANC, there were an outbreak of xenophobic attacks in May 2008. This was a hideous demonstration of how the anger of the poor can go in any direction. In line with Laclau's theory of bourgeois populism, Hart (2014: 204) argues that Mbeki sought to neutralise the revolutionary potential of the popular antagonisms. Zuma sought to develop them, but to contain them within limits, which is always a dangerous experiment, precisely because one cannot predict in which direction the poor will move, as seen with the xenophobic attacks. The rise of Julius Malema and his challenge to Zuma in the post-Polokwane period, and probably today still, is another manifestation of the dangers that accompany strategies to develop, but contain, popular antagonisms (Hart, 2014: 204).

At the core of Malema's challenge was, and still is, a re-articulation of nationalism in terms of race and nature. The "theft of the land" by white colonisers and the exploitation of the rich mineral resources of South Africa are linked to a powerful appeal for economic freedom for the youth of South Africa. Underscoring the compromises that the older generation made, Malema calls for the nationalisation of the mines and expropriation without compensation of white-owned land expanded the language of contention well beyond the terms on which Zuma had challenged Mbeki. It is at such a juncture where the political logic of Populism can be problematic for effective democracy and, for this reason, for Human Rights. As Panizza and Miorelli (2009: 41) point out, Populism and democracy have compatible normative grounds as both seek to enact the sovereign rule of the people. However,

populists and democrats diverge over how to respond to such challenges on how to manage majority-minority relations, how to safeguard individual rights and establish a just and enduring political order, and how to contain the antagonisms of the poor.

Populism, as a political strategy, leaves little room for individual Human Rights. This can be seen in Latin America, as well as in Central and Eastern Europe. In Central and Eastern Europe, its primary attribute is its tribal nature, which links the nation with ethno culture and kinship (Bugarcic, 2008: 192). The contrast is that, whereas in the West the state created the nation, in Central and Eastern Europe the nation created the state. The nation had to emerge as a separate entity from other nations, which contributes to its exclusiveness. Consequently, the rights and freedoms of minorities are often under attack.

In South Africa, the emancipation of the oppressed from an unjust system of apartheid took place in 1994 and the first two democratic elected presidents were determined to establish a true modern democracy. Nelson Mandela was seen as “the darling” of reconciliation and Thabo Mbeki’s schooling in Britain meant that he was familiar with Western democracy, having a deep understanding of liberal constitutionalism, governance, as well as economics. In South Africa, the ideal is for the state to create the nation. However, the country is divided among so many different racial, cultural and class lines that a unified nation seems to elude South Africa. Populist leaders who believe in the “us versus them” logic exploit the various divisions in the country.

A common trait of populist leaders is to implement policies without regard for the long-term implications of these policies. The cabinet reshuffle, during President Zuma’s term as president, is an example of this. By releasing the Finance Minister of his duties, the economic markets were negatively affected. Along with this, weak business confidence, low economic growth, massive unemployment, and rising interracial inequality and racism are some of the chasms in South African society. Politically, an internationally-acclaimed constitution, designed to promote multiparty competition and individual rights, is overshadowed by one-party dominance and limited governmental accountability (Mattes, 2002: 24). Thus, South Africa’s

democracy may appear to be healthy, but has been showing signs of decay for some time now.

On the other hand, the wealthy elite as well as the right wing, for example the Democratic Alliance tends to focus on issues of corruption, which is a problem in South Africa. It is a characteristic of populists to focus on one issue to gain support. The right wing elite also control the media in South Africa, which they use to their advantage to elicit responses of fear and distrust in the ruling party, but fail to address issues of Human Rights.

In other parts of the world, the effects of Populism have also been witnessed. In the USA, Human Rights Watch warned in its 2017 annual global report, “The election of Donald Trump and the rise of Populist leaders in Europe pose a threat to human rights”. The report reviews human rights practices in more than 90 countries and notes that Trump and other European leaders seek power through appeals of racism, xenophobia, misogyny, and nativism. Ken Roth, the Executive Director of Human Rights Watch, stated, “They all claim that the public accepts violations of human rights as supposedly necessary to secure jobs, avoid cultural change or prevent terrorist attacks”. In fact, disregard for Human Rights offers the likeliest route to tyranny, Roth warned (Nichols, 2017: 1).

Different countries share different versions of Populism, although what they usually have in common is a suspicion of and hostility toward the elite, mainstream politics and established institutions. They pundit a philosophy that states that, the people are always right and the governing elite are always wrong. To view democracy in this fashion of majoritarianism is to challenge the governing precepts of constitutionalism, which have been institutionalised in South Africa since 1994 (Vincent, 1999: 3).

Roth further cited Trump’s election and a successful campaign by Britain to leave the European Union as vivid illustrations of the politics of intolerance (Nichols, 2017: 2). In 2017, in France, Marine Le Pen, the head of the anti-immigration National Front campaigned for the presidency. In analysing this trend, Roth notes, “We forget at our peril the fascists and the communists who claimed privileged insight into the majority’s interests, but ended up crushing the individual” (Nichols, 2017: 2).

1.3. Statement of the problem

The South African government adopted new non-racial and democratic principles and policies after 1994. The transition of the African National Congress (ANC) from a liberation movement to a democratic government was a challenge in itself. One of the major priorities of the ANC was to show that it can govern; that it could think and act like the government of a modern state. The new ANC had much ground to cover to make this transition, and to develop and introduce new alternatives to apartheid. The new government had to develop new laws protecting the rights of the citizens and especially of children, women, the previously disadvantaged and the disabled; all of who are included in the Constitution of South Africa.

The ANC had to deliver numerous promises to desperate people while at the same time trying to show the world and its critics that it could govern a country, its task was not a simple one: putting investors at ease as well as meeting the demands of the people. This is where Populism comes in. The ANC adopted macroeconomic policies, which satisfy the elite, but do little to meet the needs of the poor, while pushing a leftist rhetoric that speaks to the needs of the electorate.

The newfound freedom also gave rise to an ever-growing middle class. With the help of Broad Based Black Economic Empowerment and Affirmative Action, a black elite class was established. Favours to friends and family, who saw the ANC as a vehicle to success and riches, led to an increase in corruption. Careerists within the ANC also took advantage of the opportunities provided. Union activists became ministers and ministers became mine owners. Moreover, there were the right wing elite who persistently complained about corruption in an attempt to prove that the ruling party was incompetent.

The first problem for the researcher lies in the current political landscape which seems to suggest that the ruling party has lost track of its original plan, the liberation of its people, not only from apartheid, but also from poverty, as well as to secure individual rights. In order for the country to attain the vision that is spelled out in the Declaration of Human Rights (1948), the Freedom Charter of the ANC (1955) and the Constitution of South Africa (1996), there is a need for research on the growth in Populism and Human Rights in South African politics.

The second problem lies in the assumption that Populism poses a threat to Human Rights because it leaves little room for the protection of individual rights. As Bugarcic (2002:193) points out, populist governments and parties tend to distrust traditional institutions of liberal democracy and human rights, which stand between them and the people. The Freedom House Study, Nations in transit (2007), indicates that Populism and anti-liberal trends have swept Central and Eastern Europe. Governments and political parties from Poland, Slovakia, Hungary, Romania and Slovenia have declared that they represent the true voice of the common people against the corrupt elite who are seen as showing no respect for their courts of law, or displaying the professionalism required of civil servants.

In South Africa, we also face the problem of rising Populism and the neglect of constitutional Human Rights. This study raises the issue that since 1994, even though there is a democratic government and a new constitution, at grassroots level the ideal of true equality and Human Rights has been elusive; and the question whether this can be related to Populism has been raised. Although this study will analyse Populism and Human Rights, it will include issues directly and indirectly linked to Human Rights, such as democracy, pluralism, nativism and constitutional liberalism. Furthermore, left and right wing Populism, as well as the rise of Populism in Europe and in Latin America, will also be discussed.

1.4. Research questions

From the researcher's review of literature on the topic of Populism and Human Rights, the researcher identified questions that he will attempt to answer through the systematic analysis of available literature on the topic and through observation of current affairs internationally, as well as in South Africa. The following questions will allow the researcher to analyse Populism and Human Rights:

The topic Populism and Human Rights will be analysed. An explanation of why the topic is relevant will be provided and examples of the relevance of the study will be provided.

The theoretical perspective that will be used for this study is critical realism. Critical realism holds that real structures exist independent of human

consciousness (Du Plooy-Cilliers *et al.*, 2014). Critical realists propose that our knowledge of reality is a result of social conditioning. Critical realism is emancipatory in nature. Critical realists do not see knowledge as something that is permanent, but as something that should be seen within its historical and social context. They prefer to focus their research on social issues that stand in the way of social change, towards a society without domination (Du Plooy-Cilliers *et al.*, 2014) Further theoretical perspectives that will be used include the Human Rights theory, capitalism, socialism, constitutionalism, neo-liberalism and deductive reasoning. The study will utilise qualitative data collection.

Historical background of the study. The origins of Populism will be traced to determine who the original populists were. The purpose is to determine if Populism emerged as a backward right wing model to suppress and divide societies.

The core of this study will form a conceptual analysis of Populism and Human Rights. The study will analyse left and right wing Populism, as well as the rise of Populism in other parts of the world, including in Central Europe, the USA, Latin America, as well as Africa, and more specifically South Africa. The study will investigate the causes of this rise in Populism and how it relates to the realisation of Human Rights, particularly in South Africa.

After a careful systematic analysis of the problem under study, a conclusion will be provided and recommendations for further study will be provided.

1.5. Literature review

1.5.1. Introduction

Ernesto Laclau (in Mueller, 2016: 1), perhaps the most sophisticated theorist on the topic of Populism, argued that Populism is about the creation of cultural hegemony, or, in other words, it is about domination. Populism is described by Egorov and Sonin (2013: 3) as an ideology that contrasts the interests of the people with those of the

elite, and calls for the defence of the former. Populism as a political strategy arises when voters fear that politicians may have a right wing bias. Both left and right wing politicians use it, as Populism increases when the need to be in office takes precedence over the interests of the voters. Populist leaders typically focus on one demand, which many people can identify with. Some believe that Populism is about the creation of enemies (Alegre, 2016: 3).

Populism as a term re-appeared in everyday public discourse in Greece where every articulation of a popular demand was denounced by the predominant power bloc as populist. A similar situation exists in South Africa where every positive step made by the ANC is denounced by the Democratic Alliance (DA) and the Economic Freedom Fighters (EFF) as populist. This is echoed by other opposition parties and makes the South African political sphere particularly interesting, and confusing at the same time.

What Populism denies is the pluralism of contemporary societies. From within the populist imagination there are only “the people”, on the one hand, and the illegitimate intruders, on the other hand (Mueller, 2017: 1). In South Africa, the right wing often is viewed as intruders because they are the descendants of a settler community from the Netherlands or British colonialists. Mueller (2017: 1) points out that Populism is not about a particular social class, but rather a form of political imaginary. It is a way of seeing the political world that opposes a fully unified, but essentially fictional people against small minorities, who are outside the authentic people. It is important to understand how we determine who is an authentic citizen and who is the intruder. In an attempt to explore this, one has to understand that one’s identity is developed according to nationalities, cultures, racial and ethnic backgrounds, as well as class.

Laclau argued that all politics is about the creation of popular identities through conflict (in Egorov and Sonin, 2013: 17). According to Laclau, (Egorov and Sonin, 2013: 17) the construction of “the people” is the main task of radical politics. Populism is a neutral term and whether or not it should be reactionary, depends on the content of its claims. Populism can be derived from any place in the socio-institutional frame and from any structure in the left-right spectrum. It does not define the practical politics of various organisations, but it is a way of articulating ideas (Egorov and Sonin, 2013: 17).

It seems as if Populism is used as a political tool to create an “us versus them” scenario, often boxing minorities into identities, which do not correspond with the majority. Majority rules are an essential, if not the most essential, characteristic of democracy. Hence, it can be argued that Populism forms part of democracy. However, Populism is not necessarily democratic.

Populists are perceived as taking a particular interest in minorities or the presumed disadvantaged, the forgotten people or dispossessed, and then portray themselves as the voice of “the people”. US President Donald Trump is part of a broad populist upsurge running through the Western world. It can be seen in countries of widely varying circumstances, from prosperous Sweden to crisis-ridden Greece. In most cases, Populism remains an opposition movement, albeit one that is growing in strength. In other countries, such as Hungary, it is now the reigning ideology (Zakaria, 2016: 9).

Different countries share different versions of Populism. What they usually have in common is a suspicion of and hostility toward elites, mainstream politics and established institutions. “The people” are always right and the governing elite are seen as wrong. To view politics in this fashion, one can argue that in South Africa the opposition parties, both left and right, frequently resort to populist political strategies. As such, to view democracy in this fashion of majoritarianism is to challenge the governing precepts of constitutionalism, which have been institutionalised in South Africa since 1994 (Vincent, 1999: 3).

1.5.2. Populism in Central and Eastern Europe

The Freedom House study, *Nations in Transit* (2007), indicates that Populism has spread over Central and Eastern Europe. Governments, political parties and political movements from Slovakia, Poland, Hungary, Romania, Bulgaria and Slovenia have declared that they represent the true voice of the people against the corrupt elite, a common cry of populist politics. Here populists publicly challenge policies and show little regard for the constitutional courts. Some of these governments have gone as far as curtailing the independence of the media and replacing disloyal civil servants. They show no hesitation in replacing experienced journalists with inexperienced journalists and replacing civil servants with unqualified but loyal civil servants.

A government's distrust in liberal institutions is often accompanied by attacks on the constitutionally granted rights and freedoms of ethnic minorities. Individuals who fall outside the organic ethno-related and culturally conservative concept of the nation often are mistreated and seen as outsiders. The Central Eastern European region has a weak and sometimes non-existent tradition on the protection of Human Rights. Almost the entire region has a strong history of ethnic nationalism aimed at suppression, rather than the accommodation of ethnic minorities (Panizza and Miorelli, 2009: 43, 44).

As opposed to the West, where the state creates the nation, in Central and Eastern Europe the nation had to create the state. Its primary attributes are its tribal nature and ethnic kinship. Jan Slota and his Slovak Nationalist Party is probably an extreme example of this development. In Slovenia, non-Slovenian citizens became a troubling example of the contravention of Human Rights (Panizza and Miorelli, 2009: 45). Slovenia has also adopted a principle of "separate but equal". In Slovenian schools, non-Slovenian children are schooled in separate classes. This strategy is touted as a mechanism to enhance their learning abilities, but it is not democratic in principle (Panizza and Miorelli, 2009: 45).

1.5.3. Populism in Latin America

As in Central and Eastern Europe, Latin American countries have also seen a rise in Populism. Probably the most prominent example of a populist leader in the region is the late Hugo Chavez of Venezuela. Economic deterioration, political ossification and rampant corruption brought sustained decay to Venezuela and paved the way for the radical former army officer Chavez to win the free and fair elections in 1998.

He remained head of state until his death in 2013. Chavez used plebiscitarian strategies to transform the country's liberal institutional framework, concentrate power, and entrench himself as ruler until his death. Chavez set about to strangle democracy and replace it with competitive authoritarianism (Weyland, 2013: 2). Venezuela was no longer a democracy when Chavez unfairly won the 2012 elections. Using intimidation tactics, tight restrictions on opposition parties, and the massive misuse of state apparatus, he secured the position and remained Venezuela's leader.

For the first time in decades, Latin America is facing a co-ordinated threat against democracy and pluralism. Latin America has seen populist leaders from the left, such as Chavez, and from the right, such as Argentina's Carlos Saul Menem (1989-1999) (Weyland, 2013: 4). Populist leaders, usually charismatic personalities, tend to view opponents not as adversaries but as profound threats, branding their rivals as enemies of "the people", turning politics into a struggle of "us against them". In this manner, populists undermine pluralism and bend or trample institutional safeguards that are there to protect all citizens. Populism as a strategy for winning and exerting state power inherently stands against democracy and the value that democracy places on pluralism. Therefore, Populism (whether from the left or right) is a threat to democracy, pluralism and individual Human Rights.

Panizza and Miorelli (2009: 46) point out that democracy and Populism have compatible normative grounds, both seeking to enact the sovereign rule of the people. However, democrats and populists diverge over how to respond to certain challenges, such as majority-minority relations, the safeguarding of individual rights and establishing a just and enduring political order. The co-existence of these two political logics within Latin American societies generates significant political fault lines reflective of the incomplete nature of democratic order in the region.

1.5.4. Populism in South Africa

South African citizens are not particularly supportive of democratic rule and display low levels of community and political participation. According to Mattes (2002: 23), economically, macroeconomic stability, fiscal discipline and low inflation sit alongside weak business confidence, low growth, unemployment and rising inter-racial inequality. Politically, a constitution designed to promote multi-party competition and individual rights is overshadowed by one party dominance and limited governmental accountability. Thus, South Africa's democracy appears to be healthy, but in essence shows signs of early decay (Mattes, 2002: 24).

Various features of the Constitution limit voters' control over their elected representatives. Constitutional provisions can eject from parliament any member who leaves or is forced out of a political party, further reducing any incentive for members of parliament to represent public opinions running counter to the party line.

This ability to substitute disloyal members with loyal ones also enables the governing party to preclude any vote of no confidence. Hence, what is a multiparty system in theory is dominated by one party (Mattes, 2002: 26).

The ruling ANC essentially has no need to worry about future voter reactions. Part of this dominance is due to positive voter evaluations, but part of it is because of disgruntled black voters who do not identify with the ANC but have thoroughly negative views of all other political parties. South Africans are more likely to reject authoritarian alternatives to liberal democracy when confronted with a choice between the two. While South Africans overwhelmingly prefer their present government to what they had before, their optimism on how they will be governed in future has declined noticeably (Mattes, 2002: 26).

A deeper understanding of African Nationalism can help to provide a deeper understanding of current national politics. According to Sabelo and Ndlovu-Gatsheni (2009: 62), three recent developments in Zimbabwe and in South Africa evoke the need to rethink African Nationalism and the current stage of African Nationalism and Human Rights. These events are as follows:

1. The reclaiming of land from settlers and giving it back to Zimbabweans as part of the fulfilment of the objectives of the liberation struggle (Mugabe, 2001; Ndlovu-Gatsheni, 2006).
2. The launch of the Native Club of South Africa in 2006 as the third pillar of the democratic transformation agenda with specific focus on issues of national identity, knowledge production, the revival of African cultures, and the critique of neo-liberal ideology (Ndlovu-Gatsheni, 2007; 2008).
3. The explosion of xenophobia in South Africa at the beginning of 2008 that left more than 60 people dead (Mbembe, 2008).

These developments compel one to rethink the African National Project in post-colonial Africa as it leaves the African project open for manipulation by both the elite, as well as the poor, in times of crisis. Shaped by the imminent logic of colonialism,

Third World Nationalism could reproduce racial and ethnic discrimination, a price to be paid by both the colonisers and the colonised (Chen, 1998: 14).

Questions of national identity embedded in various schools of liberation thought continue to influence the formerly colonised people's popular attitude towards issues of democracy and Human Rights. Halisi (1997: 78) stated that rival Populism permeated nationalism. This rival Populism was bound to have an impact on the evolution of perceptions of citizenship. For Zimbabwe and South Africa, which emerged from centuries of racial discrimination, it would be unrealistic to expect an ethos of non-racial citizenship to prevail unchallenged by older perceptions of nativism (Ndlovu-Gatsheni, 2009: 64).

While many commentators see the black liberation movement as an achievement, the post-liberation governments still have to cope with the sensibilities grounded in both non-racial and race-conscious politics. African nationalism that initially emerged as the character of developmentalism and a civic conception of the nation is gradually falling into cultural domination, Afro-radicalism and nativism. Under these circumstances, the rest of society is to be managed by articulating inequality as cultural differences (Desai, 2008: 668). Resurgences of populist ideologies of nativism and Afro-radicalism appear to have their roots in the crisis and decline of developmental nationalism.

According to Neocosmos (2014: 14), it is as if we find ourselves back in a historical period where the crisis or crises of capitalism and its democratic consort have become apparent in a manner that can no longer be ignored. Vulgar corruption and neo-patrimonial accumulation have taken place, much to the dismay of those in the ruling ANC and many others who have struggled for a better world, and especially to the disgust of the growing number of poor who battle to find employment. The rise of xenophobia and criminality in politics, although conforming to a worldwide trend, does not offer hope but rather fear as identity politics becomes more prevalent. Universal emancipation and the promotion of Human Rights no longer form part of thought politics, at least not within the mainstream.

1.6. Populism and Human Rights

In everyday vernacular, Populism is a term of abuse, denoting a dangerous dissatisfaction of the body politic. Populist leaders are said to be authoritarian demagogues who appeal to the emotions of the electorate in order to gain their support. They have little regard for democratic institutions and procedures; they tell the people what they want to hear without consideration of the long-term political and economic consequences (Panizza and Miorelli, 2009: 46).

This point is valid as Populism is not democratic and it leaves little room for individual rights. Democracy has been haunted by the threat to liberty posed by the unrestricted exercise of majority rule to the detriment of minority rights. Liberal democracies have addressed this danger through constitutional liberalism. While Populism's majority rule crystallises in the role of the leader who speaks for the people, constitutional liberalism privileges the role of office holders and emphasises the importance of these institutions in shaping and limiting political life.

However, constitutional liberalism is non-existent in populist governments as populist governments and parties distrust all traditional institutions of liberal democracy. According to Nichols (2017: 2), populist leaders claim that the public accepts violations of Human Rights as necessary to secure jobs, avoid cultural change, or prevent terrorist attacks. In fact, Roth (in Nichols, 2017: 2) points out that the disregard for Human Rights offers the likeliest route to tyranny. He further states that the election of Donald Trump as president of the USA poses a threat to Human Rights. Roth notes that Trump and other European leaders seek power through appeals to racism, xenophobia, misogyny and nativism (in Nichols, 2017: 2).

Populist rhetoric tends to "lionise" ordinary people (Jansen, 2011) by portraying them as simple yet noble defenders of a just and appropriate arrangement that some groups of elites are trying to upend, often through nefarious means. This language often includes allegations that these elites groups are trying to take something from the people that rightfully belongs to them, such as houses, jobs, land, and so forth (Kazzin, 1995). As Harris (2010: 20) puts it, "All populists revolts in history have seen themselves as engaged in justified rebellion against an arrogant elite".

The elite are seen as the “haves” and the ordinary people as the “have not’s”; hence, Populism tends to be critical of wealth, in particular wealth viewed as unjustly obtained. This can manifest itself in populist anger towards the wealthy. It can also manifest as populist resentment towards groups in society seen as receiving social welfare benefits, which they do not deserve.

The South African conundrum is that within the country there are the rich white elite who obtained their wealth through years of colonialism. Then, there are the rich black elite, consisting of people who became millionaires overnight because they have the right political connections, as well as those accused of corruption. All of these subcategories of elite versus the poor are generally divisible racially, but in South Africa, this is not the case. This makes it difficult to identify who the enemy is. Is the enemy the historically rich white elite or the post-1994 black millionaires who frequently cannot deliver on their promises to the poor? As mentioned earlier, this is a dangerous experiment as the frustrations and anger of the poor can go in any direction.

The failure of the liberation project has left everyone dissatisfied. The poor became poorer; the middle class is frustrated due to limited potential for upward mobility; and old as well as young whites resent their loss of privilege. Only the oligarchy of capitalists and politicians seem happy to have created a world in which all this bitterness simmers. The existence of a culture of common good, co-operation and collective national pride, which the people created for them during the 1980s and 1990s, has vanished (Neocosmos, 2014: 189).

1.7. What makes politicians populists?

Despite what one often hears, most analyses of voters for Brexit, Trump or other populist leaders across Europe find that economic factors are not the most powerful drivers of their support. It seems that cultural values are a more dominant driver than economics. The shift began, as Inglehart and Norris noted in the 1970s, when young people adopted post-materialistic politics centred on self-expression and issues related to gender, race and the environment. They were largely successful in introducing new ideas and recasting politics and society (Zakaria, 2016: 13). However, they also produced a counter-reaction, especially from older males who

were traumatised by what they saw as an assault on civilisation and on the values they held. Vincent (1994: 4) points out that it is not only an economic, political or social set of values that make a politician populist. He (Vincent; 1994: 4) asserts that it is rather an antagonism to existing orthodoxies, to elite values, and to existing hierarchies governing the way in which power is organised and distributed (Vincent, 1999: 4). As in the case of South Africa, the political orthodoxy emphasises liberal values, such as individual rights, gender equality, tolerance of moral diversity, and non-discrimination with respect to an individual's religious and lifestyle choices. Populist appeals target these values as being out of touch with the view of "the people" (Zakaria, 2016: 14).

The logic of populists' reasoning is to suggest that there is no outcome other than that with which they are aligned with. They do not simply disagree with opponents; their opponents are branded as "enemies of the people". In the case of South Africa, the rhetoric of populists celebrates the good, the wise and the simple people who are opposed to corruption and incompetent elites (Meny and Surel, 2002: 13). The elite is seen as removed from the people. In the case of contemporary South African politics, the worry is that what had been a vision of inclusive "rainbow nationalism" is now threatened by a pernicious racial exclusivity in the way in which the people are envisioned by the newly dominant ideological bloc in the ANC (Vincent, 2011: 4).

According to Neocosmos (2014), the defeat of popular politics in the 1990s and the absence of popular emancipatory politics made such elite compromises possible and inevitable. The people's representatives were going to govern, and not the people themselves. This is a stark contradiction, which is spelt out in the Freedom Charter (Neocosmos, 2014: 189), "The people shall govern". The Freedom Charter also says, "The people shall share", but it seems to be only professional politicians and connected elite who get to share (Neocosmos, 2014: 190). This is in stark contrast to the philosophy on which the liberation movement was based, and a free future promised.

During the 1970s and the 1980s there was the rise of the United Democratic Front (UDF) and the Black Consciousness Movement (BCM). At that time, the ANC was a banned organisation and the UDF did significant work to unify the masses. There

were no racial divisions within the UDF or the BCM. They formed the social, political and intellectual heartbeat of the liberation struggle.

During the 1990s, with the unbanning of the ANC, the liberation movement took on a new face and the UDF disappeared. In the absence of the popular political organisations of the eighties and early nineties, the citizens were abandoned for the suicide of the liberation movement on individual morality. Within this new context of state politics, interests rather than principles govern the nature of political actions (Neocosmos, 2014: 189). By the end of the eighties, the popular movements of “people’s power” had been soundly defeated. The alliance between the ANC and big capital became a reality and by the 1990s, politics was governed exclusively by state modes of thinking. This was not a politics characterised by the collective resolution of contradictions in order to ensure a majority behind every decision, a practice that was common in the UDF. Now, representatives of the people became the decision makers. The people did not need mobilising or empowerment. The people were capable of empowering themselves, and the UDF had given them the political space to do so.

1.8. What are Human Rights?

A question raised now is: “What are Human Rights?” This question is important because Populism relies on the need of humans to meet its needs. However, are the needs and the rights of humans met by Populism? For more than 300 years, the Human Rights of a large portion of the citizens of South Africa were not met. So, what are Human Rights? Human Rights are the universal and inalienable rights that every individual has irrespective of race, gender, culture or country. Every human being is entitled to these rights by virtue of being a human being. These rights are contained in the constitution of the country, as well as in the Universal Declaration of Human Rights, which was adopted on 10 December 1948. The declaration promises, “All human beings are born free and equal in dignity and in rights”.

It is important to learn about the history of Human Rights because the perpetrators of human rights violations frequently draw from historical examples to encourage their motives. The philosopher George Santayana famously declared, “Those who do not remember the past are condemned to repeat it” (Rosenblum, 2000: 2). Hitler, for

example, devoured stories of the American west. He enjoyed reading about how the white man conquered the land of the American Indians. To Hitler the story demonstrated that the removal of inferior races, even to the extent of mass murder, was necessary for the march of progress. Similarly, as this is true for the violators of Human Rights, the opposite is even truer for Human Rights advocates.

1.9. The History of Human Rights

The story of Human Rights is as old as time itself. There were guidelines within ancient civilisations regarding the treatment of others. The oldest Human Rights document is called the “The Cyrus cylinder”, as it is an inscribed clay cylinder. This document was drawn up in BC539 when Cyrus the Great freed the Babylonians. Cyrus the Great freed the slaves, pronounced freedom of religion, and established racial equality. After this significant victory for Human Rights, the idea of Human Rights gradually spread to India, Greece, and eventually Rome. However, there is scant reference to Human Rights in ancient literature, besides the Cyrus cylinder.

Another important document is the Magna Carta or “Great Charter” that was signed in 1215 by King John of England. The Magna Carta ensured:

1. The right of the church to be free from government interference.
2. The right of citizens to own property.
3. The right to be protected from excessive taxes.

During the French Revolution, the French fought for a system of government where the ordinary citizens had a say in how they should be governed. The Revolution led to the establishment of “The Rights of Man”, which gave rise to numerous rights, such as freedom of expression, freedom of speech, and self-determination. A similar situation arose in the USA when the Americans sought freedom from their colonisers. After the American Revolution, the new leaders drafted the Declaration of Independence on 4 July 1776. The Declaration stressed two important themes, namely:

1. Individual rights; and
2. The rights of revolution.

These ideas spread at an international level, influencing in particular the French Revolution. The people of France stormed the Bastille and brought about the abolishment of the complete monarchy, which led to the signing of the Declaration of the Rights of Man in 1789.

The Declaration of Independence, the Declaration of the Rights of Man, the Constitution of the USA, and the Bill of Rights of the USA are considered as landmark documents in the Western world.

During the aftermath of World War 2 in 1944 the United Nations (UN) was formed. It was the atrocities of World War 2, such as mass murder, genocide and a disregard for human life, which sparked the idea of forming an international body such as the UN. The goal of the UN was the promotion of world peace, as well as the prevention of future wars.

On 10 December 1948, the Universal Declaration of Human Rights was adopted. This document set the tone for the modern conception of Human Rights, as we know it today. The document proudly proclaimed, "All human beings are born free and equal in dignity and in rights".

1.10. Human Rights post-World War 2

Just after World War 2, the UN was formed in 1944, and in 1948, the Declaration of Human Rights was signed. It was the vicious and inhumane treatment of the Jews by the Germans, known as the Holocaust, which ignited the idea of an international body to promote peace and to prevent future wars. The Universal Declaration of Human Rights was signed on 10 December 1948. The major theme of the Declaration was the belief that "all human beings are born free and equal in dignity and rights".

The adoption and implementation of these Human Rights charters and statutes has an important function to fulfil in the pursuit of justice. Sen (2004) describes the importance of a Human Rights document as, "A pronouncement of Human Rights includes an assertion of the importance of the corresponding freedoms – the freedoms that are identified and privileged in the formulation of the rights in question

– and is indeed motivated by that importance”. Sen (2004) proceeds to make the following example to explain his point: “The Human Right of not being tortured springs from the importance of freedom from torture for all. But it also includes an affirmation of the need for others to consider what they can do to secure freedom from torture for any person. To a would-be torturer the demand is clear refrain and desists. The demand takes the form of what Immanuel Kant called ‘A perfect obligation’”.

1.11. Aims and objectives of the study

The study will analyse Populism and Human Rights. The researcher will provide a usable definition for Populism. The researcher will also draw distinctions between right wing and left wing Populism. The study will endeavour to determine if tension exists between Populism and the realisation of Human Rights within South Africa. Moreover, the researcher will investigate the phenomenon of Populism and how it has affected the realisation of Human Rights in other parts of the world. Therefore examples of Populism and Human Rights practises in other parts of the world will be discussed to provide essence to the analysis. In addition, the research aims to determine the effect that the rise of Populism and of populist leaders in South Africa has had on the realisation of true Human Rights, pluralism and equality.

South Africa became a democracy in 1994. A new constitution was adopted to protect the Human Rights of all citizens of South Africa. However, at grassroots level the ideal of true equality and Human Rights often eludes ordinary citizens. The study will endeavour to determine why this is important and, more importantly, why it still happens. In addition, the study will attempt to identify Populism and its various characteristics as a possible cause for the reason why the current government fails to deliver on the promise of Human Rights.

1.12. Research design and methodology

The study will utilise qualitative data analysis. In qualitative data analysis, the raw data to be analysed is texts and not numbers, as in a quantitative data analysis. Qualitative data analysis transforms data into findings. The main data to be analysed in this instance will be the writings of specialists in the field of Human Rights and

Populism. Academic journals, articles, books and theses on the topic will be scrutinised and analysed to link Populism to Human Rights. The qualitative approach is useful for various reasons, including the following:

- It reveals the nature of certain situations.
- It enables a researcher to gain new insights about a particular phenomenon.
- It enables a researcher to discover problems that exist within the phenomenon.
- It allows the researcher to test the validity of certain assumptions and claims.
- It provides a means through which a researcher can judge the effectiveness of particular policies or practices (Chambliss and Schutt, 2006: 198).

Analysis of the texts will involve both inductive and deductive processes. Literal reading of the texts will involve a focus on the literal content of the texts. Reflexive reading focuses on how the reader shapes his/her own interpretations of the text. During interpretive reading, the researcher tries to construct his/her own interpretation of what the text means.

Various techniques are used during qualitative data analysis. They include documentation of the data, organisation of the data into concepts, connection of the data to show how one concept may influence another concept, evaluating alternative explanations and, finally, reporting the findings (Chambliss and Schutt, 2006: 198).

Much of the data will emanate from a thorough review of the relevant literature. A literature review typically describes theoretical perspectives and previous research findings regarding the problem under study. The function or purpose of a literature review is to look at areas that are similar to the researcher's topic. The researcher should know and explore literature detailing the various aspects of his/her topic. A good way to start a literature review is to identify keywords. For the purposes of this study, keywords pertaining to Human Rights, Populism, disadvantaged communities, inequality, racism, elite, and constitution will be delineated and explored.

The results will be divided into sections and commonalities will be identified. The beliefs of writers, other researchers, politicians and the public will be identified from the data.

To ensure the validity of the research, the situation will be described in sufficient detail in order to allow readers to draw their own conclusions from the data presented. Content validity will be used. It will establish that the research covers the full meaning of the concepts to be investigated. To determine that extent of the full meaning, the researcher must elicit the opinions of experts and review the literature that identifies different aspects or dimensions of the concepts (Chambliss *et al.*, 2006). Measuring validity can also be established by relating a measure to other measures specified in a theory. This validation approach is known as construct validity and is commonly used in social research (Chambliss *et al.*, 2006). For example, Populism is not a physical, tangible thing, such as syntactic constructions that a linguist would research. It is a construct or an idea used to make sense of the world, and as such requires a more ontological method of research.

1.13. Layout of the mini-dissertation

The layout of this mini-dissertation is as follows:

1. Introduction. The topic and research problem will be introduced and discussed. An explanation of why the topic is relevant will be provided and examples of the importance will be introduced.
2. Conceptual framework. The theoretical perspective that will be used for this study is critical realism. Critical realism holds that real structures exist independent of human consciousness. Critical realists propose that our knowledge of reality is a result of social conditioning. Critical realism is emancipatory in nature. Critical realists do not see knowledge as something that is permanent, but as something that should be seen within its historical and social context. They prefer to focus their research on social issues that stand in the way of social change, towards a society without domination (Du

Plooy-Cilliers *et al.*, 2014) Further theoretical perspectives that will be used include the Human Rights theory, capitalism, socialism, constitutionalism, neo-liberalism and deductive reasoning. The study will utilise qualitative data collection.

3. Historical background. The origins of Populism will be traced to determine who the original populists were. The purpose is to determine if Populism emerged as a backward right wing model to suppress and divide societies; hence, was it always a movement that can be perceived as a threat to Human Rights.
4. Main discussion. The core of this study will form a conceptual analysis of Populism and Human Rights. The study will analyse left and right wing Populism, as well as the rise of Populism in other parts of the world, including in Central Europe, the USA, Latin America, as well as Africa, and more specifically South Africa.
5. Conclusion. After a careful systematic analysis of the problem under study, a conclusion will be provided and recommendations for further study will be provided.

1.14. Conclusion

Human Rights should be central in the pursuit to provide a good quality of life to all people as it reduces all players to their basic humanity; thereby it provides them with the disenfranchised opportunities they are lacking. An increased focus on Human Rights will also empower the poor to claim their rights and to participate in democratic governance.

Hobsbawm (in Mashele and Qobo, 2014: 78) cautions, “History, as inspiration and ideology, has a built-in tendency to become a self-justifying myth. Nothing is a more dangerous blindfold than this”. The past cannot be ignored or erased from memory, but using tactics to deploy history to blackmail future generations is dangerous. The ANC uses history as a prism through which it views contemporary society. This

attitude reinforces a sense of powerlessness among citizens in the face of the mighty and immortal ANC.

What became clear during the transition phase of 1994 is that leadership and values shape the psyche of a nation. American political scientist James MacGregor Burns refers to this kind of leadership as “transforming leadership”, whereby one or more persons engage with others in such a way that leaders and followers raise one another to higher levels of motivation and morality (Mashele and Qobo, 2014: 65). South Africa is yet to attain this level of democratic development.

The source of a developmental government is its authoritarian core. American academic Chalmers Johnson notes, “The source in the developmental state is not one of Weber’s holy trinity of traditional, rational, legal and charismatic sources of authority. It is rather revolutionary authority: the authority of a people committed to the transformation of social, political or economic power” (in Mashele and Qobo, 2014: 79). This begs the question whether the current South African government is populist, or not. An analysis of its commitment to the political, social and economic transformation of the country should clarify this point.

The goal South Africa needs to move to is an inclusive society. Such societies are characterised by low levels of inequality, strong and effective public institutions, and low levels of corruption, materially modest politicians, and respect for the law. In such societies, there are generally fewer scandals and low levels of politicians helping themselves to the public coffers, where the political culture is that of personal responsibility. Scandinavian countries are close to this ideal, though not perfect. The opposite is seen often in South Africa, where there is little accountability, and materialistic politicians and scant respect for the rule of law abound. A vibrant civil society movement is needed, which demands equality and has the ability to pressure politicians into respect for the rule of law. A further characteristic of inclusive government is that if a politician is found to have done something criminal, corrupt or immoral, they fall from grace.

To the right, the situation is equally perilous. White monopoly capital and Afrikaner nationalism goes beyond culture and involves a close emotional attachment with the state, nationalist institutions such as parliament, the army, and national symbols and values. Adam (1995: 461) noted that much of the talk about the peaceful transition of power in South Africa missed the fundamental point, that Afrikaners and the larger white nation considered their sovereignty as precious.

According to Alegre (2016: 8), the relationship between Populism and Human Rights fluctuates between convergence and conflict. Alegre (2016: 8.) holds that there are certain similarities between Populism and Human Rights, particularly concerning the remembrance of the victims of massive Human Rights violations and the use of street mobilisations as a method of political action. Populists claim to be promoters of a subset of Human Rights as they frequently mobilise their followers for social, economic and cultural rights. At the same time, they strongly deny being a threat to the classic civil and political rights. Argentina is a good example, where the relationship between Populism and Human Rights is practically symbiotic. The dominant populist discourse in Argentina is one of Human Rights and they hold Human Rights as their most prized flag (Alegre, 2016: 8).

On the other hand, the relationship between Populism and Human Rights is generally discouraging. Concerning political and civil rights, populist governments tend to restrict freedom of expression; they make it difficult for dissidents and weaken the controls on the state, including international controls monitoring Human Rights practices. They show a dislike of various forms of government restrictions, democratic institutions, and governmental checks and balances. However, given Populism's poor track record concerning economic and social rights, there is little reason to support Populism from a Human Rights perspective.

Chapter 2

Conceptual framework

2.1. Introduction

This chapter focuses on Populism, as well as on Human Rights in South Africa. There has been a marked increase in Populism globally, in the USA, Europe and Latin America, as well as in Africa, and in South Africa (Ndlovu-Gatsheni, 2009: 2).

The research will focus on an analysis of Populism and Human Rights. One of the first questions that has to be asked is “What is Populism?” Researchers, political scientists and politicians are not always clear on what precisely Populism is. Hence, for the purpose of this study, a key element will be to arrive at a suitable definition of Populism.

The second part of the research question relates to Human Rights. Once again, a suitable definition for Human Rights will also be provided. It is easy to talk about Human Rights and make claims for one’s rights, but what do these rights really mean? The definition of Human Rights will provide further impetus for such questions.

Why is this study important, or relevant? The study is relevant as there has been a worldwide resurgence of Populism (Ndlovu-Gatsheni, 2009: 4). Both left wing Populism as well as right wing Populism is on the increase. In Europe, as well as in the USA, there has been an increase in right wing Populism. Some populist calls are ethnocentric and thrive on calls of xenophobia and ethno-nationalism, as seen in the USA. Xenophobia and the deportation of immigrants, especially the poor treatment of immigrants, and not respecting the human dignity of foreigners, are of concern to Human Rights activists (Westbrook, 2016: 2).

2.2. What is Populism?

Populism tends to divide societies in an “us versus them”. Populists appeal to people who believe in “the original people” versus the establishment. There is a difference between left wing and right wing Populism. The difference lies within its calls. Right

wing populists tend to view people of different races or cultures as a threat to their own prosperity. In contrast to right wing Populism, left wing Populism focuses on the disenfranchised or forgotten people against the established and wealthy elite (Mudde, 2007: 543). The elite consist of wealthy business people and political officials.

Left wing populists usually begin with a developmental agenda. Their concern is with levelling the playing field. They often work hard to satisfy the basic needs of the people, such as housing, creating employment, and developing social programmes. The left often are informed by Marxist socialist ideals. After the fall of the Berlin Wall and the collapse of Communism, some governments moved to more Western modes of governance. Overspending on realising the goals of the people, coupled with politicians who helped themselves to the state coffers, has left many of these countries (such as those in Latin America) with debt, high inflation, and the citizens worse off than before (O'Neil, 2016: 2).

In South Africa, certain politicians also employ populist tactics. The Economic Freedom Front (EFF), with Julius Malema as its leader, can be regarded as populist. Malema frequently claims to be the voice of the disempowered and is particularly interested in challenging the ANC elite, as well as the minority white elite. The ANC, under the leadership of Jacob Zuma, also used populist tactics. Zuma frequently used populist tactics when he challenged Thabo Mbeki in his bid to become the new president of the ANC (Mbeti, 2010: 2).

Riker (1982: 238) defines Populism as follows, "The essence of populism is this pair of propositions. The wants of the people should be social policy and can only be regarded as free once their wishes are law". According to Riker (*ibid.*), populist political parties depend on the elimination of constitutional restraints and the populist understanding of voting justifies this belief. The leaders of populist movements frequently consider themselves "of the people". The people, on the other hand, see the leader as "of them", but also realise that the leader has a certain charismatic leadership skill to lead them (Riker in Pasquino, 2005: 7).

2.3. Theories and meanings of Populism

Ernesto Laclau (Muler, 2016: 1), perhaps the most sophisticated theorist on the topic of Populism, has argued that Populism is about the creation of cultural hegemony, or, in other words, it is about domination. Populism is described by Egorov and Sonin (2013: 3) as an ideology, which contrasts the interests of the people with those of the elite, and calls for the defence of the former. Populism as a political strategy arises when voters fear that politicians may have a right wing bias. It is used by both left and right wing politicians as Populism rises, when the need to be in office takes precedence over the interests of the voters. Populist leaders typically focus on one demand, which many people can identify with. However, some experts assert that Populism is about the creation of enemies (Alegre, 2016: 3).

What Populism denies is the pluralism of contemporary societies. From within the populist imagination there are only “the people”, on the one hand, and the illegitimate intruders, on the other hand (Muler, 2016: 1). In South Africa, the right wing often is viewed as intruders because they are the descendants of a settler community from the Netherlands or British colonialists.

Muler (2016: 1) points out that Populism is not about a particular social class, but rather a form of political imaginary. It is a way of seeing the political world that opposes a fully unified but essentially fictional people against small minorities who are placed outside the authentic people. It is important to understand how we determine who is an authentic citizen and who is the intruder. In an attempt to explore this, one has to understand that one’s identity is developed according to nationalities, cultures, racial and ethnic backgrounds, as well as class (Muler, 2016: 2).

Laclau argued that all politics is about the creation of popular identities through conflict (Egorov and Sonin, 2013: 4). According to Laclau, the construction of “the people” is the main task of radical politics (Egorov and Sonin, 2013: 4). Populism is a neutral term and whether or not it should be reactionary, depends on the content of its claims. Populism can be derived from any place in the socio-institutional frame and from any structure in the left-right spectrum. It does not define the practical

politics of the various organisations, but it is a way of articulating ideas (Egorov and Sonin, 2013: 4).

It would appear as if Populism is used as a political tool to create an “us-versus-them” scenario, often boxing minorities into identities that do not correspond with the majority. Majority rules are an essential, if not the most essential, characteristic of democracy. Hence, it can be argued that Populism forms part of democracy. But, Populism is not necessarily democratic.

Margaret Canovan, by no means an apologist for Populism, reminds us that many so-called populists favour direct democracy; that is, political decision-making by holding regular elections. Canovan poses the rhetorical question, if notions of popular power and decision are central to democracy “why then are populists not acknowledged as the true democrats they say they are” (Canovan, 1999: 1).

Populism tends to flare up when voters fear that politicians may have a right wing bias, or that the corrupt elite can influence the politicians, or if the politicians themselves are corrupt. During such times, left wing convictions are valuable. Left wing convictions are valuable to indicate to the people that the politicians are not corrupt or corruptible. Therefore, even a moderate politician may adopt populist political strategies as a means of seeking re-election. Right wing politicians may respond by choosing more moderate policies (Egorov and Sonin, 2013: 2).

At the core of this populist rhetoric lies the desire to remain in office. This populist bias of policy is observed most frequently when the value of remaining in office is higher than serving the people. In this regard, Populism can be described as an ideological corruption of democracy (Meny and Surel, 2002: 3).

Popular democratic traditions, of which Populism is one manifestation, have remained among the most durable sources of inspiration for democratic thinkers. Although Populism is a distinct ideology, it does not possess the same level of intellectual refinement as for example socialism or liberalism. Therefore, we can say that Populism is only a thin centred ideology exhibiting a restricted core attached to a narrower range of political concepts (Meny and Surel; 2002: 3).

2.4. The Populism theory

A new breed of Populism called neo-Populism became popular during the 1980s and early 1990s. Neo-populist was the term used to describe Latin American leaders who introduced neo-liberal policies, but still managed to remain popular. The term gained colloquial significance with the turn to the left when Hugo Chavez and Evo Morales began to implement policies reminiscent of the more “classic” Latin American populists, like Juan Peron (Jansen, 2011: 1).

More recently, the term has been associated with right wing politicians in Eastern and Western Europe, as well as in the USA. But, what exactly is Populism? Is it just a political term that can be thrown around with ease to the left or to the right and can be applied to almost any political leader or political party? Ernest Laclau, an astute scholar of Populism, stated, “Few terms have been defined with less precision”. The existing literature on Populism is varied and the debate within it is relatively rich. In fact, it is so rich that Margaret Canovan (1999) has called it the “many-headed monster”. The challenge for Sociology and Political Science alike is to impose discipline on the concept of Populism and Neo-populism without unduly undermining its richness (Jansen, 2011: 2).

The problem with defining Populism is that most academics rely on folk theories. Everyday usage of the term is very broad and it is applied to almost any regime, movement or person who makes claims by appealing to ordinary people. Such usage of the term Populism is over-simplistic and not appropriate for social scientific analysis. For one thing, this simplistic use of the term frequently implies that the populist individual in question is corrupt, undemocratic or cynically opportunistic. The most significant impediment in describing Populism has probably been that there has always been a general suspicion of it as a concept (Jansen, 2011: 2).

Riker describes Populism as “...what the people as a corporate entity want ought to be social policy and regards the people as free when their wishes are law” (in Laclau, 2004). This description of Populism has a strong focus on the elimination of constitutional restraints. Laclau differs with Riker, and emphasises that Populism is about the creation of cultural hegemony or cultural domination (Laclau, 2004: 363).

Egorov and Sonin (2013) are more in agreement with Laclau and describe Populism as an ideology that contrasts with the interests of the people, as well as with the interests of the elite, but calls for the defence of the elite at the same time. Politicians use populist tactics when the need to remain in office takes precedence over the interests of the people (Egorov and Sonin, 2013: 11). Muler has a different perspective, saying that Populism is a way of seeing the political world, which opposes a fully unified but essentially fictional people against small minorities who are put outside the authentic people (Muler, 2017: 12).

Jansen (2011: 14) argues that there is coherence to be found behind Populism, but that identifying it requires viewing the phenomenon from the perspective of political practice. This means that rather than trying to pin down flexible ideologies as if they have a consistent essence, or discover the class coalitional core of a given political form, Jansen (2011) focuses on enacted projects of populist mobilisation. Jansen defines populist mobilisation as a political means that can be undertaken by challengers and incumbents of various stripes in pursuit of a wide range of social, political and economic agendas (Jansen, 2011: 12).

This coherent definition of populist mobilisation by Jansen means that Populism should no longer be reified as a movement or regime, but rather be understood as a flexible way of animating political support. Jansen (2011) argues that reconceptualising Populism as populist mobilisation resolves old conceptual difficulties while illuminating new avenues for comparative research. The best way to move beyond the old debates around Populism Jansen (2013) proposes is a shift of focus from the social content of Populism and the ends toward which it is directed, to the means by which it is done. This requires investigating Populism as a mode of political practice and as a set of specific actions, which politicians and their supporters take, rather than as a type of movement (Jansen, 2011: 14).

The proposed shift in terminology from populist to populist mobilisation is meant to capture this important move from entity to practice. The first step, according to Jansen (2011), is to understand populist mobilisation as a political project. Jansen (2011) defines a political project as a set of political activities that maintain a degree of enduring coherence, both in terms of its rhetorical underpinnings and its ongoing

enactment. Jansen (2011: 14) defines populist mobilisation as a large-scale political project that mobilises ordinarily marginalised social sectors into publicly visible and contentious political action, while articulating an anti-elite, nationalist rhetoric that valorises ordinary people.

Albertazzi and McDonnell (2011), in turn, describe Populism as an ideology. They uniquely locate Populism as beliefs, which pit a worthy and similar people against the superior classes or elite (others) who plot together to deprive the original people of their civil rights, their value systems, prosperity, and their common identity (Albertazzi and McDonnell, 2011: 11).

Laclau (2004) purposefully avoids envisaging Populism in terms of definite communal bases, economic programmes and voting electorates. Albertazzi and McDonnell assert (2011) that Populism should not only be perceived against such ideas, but further and broader. Unlike fascism or ethno-nationalism, populist propaganda believes in the value of equality amongst all people, instead of a hierarchy, and further stresses the importance of the community rather than that of the state.

2.5. Characteristics of Populism

Weyland (in Chessman, 2015: 26) highlights four common characteristics of Populism as follows:

- Populist movements represent a multiclass or multi-ethnic alliance. This distinguishes them from class-based parties, as in Western Europe.
- In their modern incarnation, they typically are built on a mass support base of primarily urban workers.
- Populist leaders are popular and charismatic individuals who make direct emotional connections with their voters.
- Populism is often highly personalised. Campaigning relies on mass public rallies in which the candidate physically encounters the supporters. This method can be extremely effective.

Weyland (in Chessman, 2015: 26) overlooks the centrality of economic grievances, while the favoured focus of populist leaders is economic grievances. Populists typically pledge to radically improve their supporters' living conditions, often claiming that economic difficulties are at least partly due to the corrupt nature of the existing leadership.

According to Hoger the original American populists shared a few characteristics:

- Usage of the term populism assumed that there is an “anger in the room”. This anger may be justified or irrational, organic, economic, racial, cultural or regional or it might be directed at the elite.
- A strategy or technique of political persuasion. It is a method of identifying a villain.
- Someone is deliberately creating a perception of status differential (Hoger; 2010, 3)

According to Carbone (2005: 1), neo-populist leaders share the following characteristics:

- A strongly personalistic leadership style;
- Outsiderism;
- An anti-system, anti-institution, anti-organisation rhetoric, often targeting political parties and political corruption;
- A call for restoring “the power of the people”;
- A twofold mass mobilisation strategy aimed at both legitimising and implementing the above political project (i.e. restoring the power of the people);
- A leader who appeals directly to the masses for legitimacy; and
- The likely emergence of demagogic policies, notably xenophobic calls or irresponsible economic policies.

The above form of neo-populist leadership builds on ideas of Populism as a political approach through which a charismatic leader seeks to exercise government power based on direct, non-reconciled support from large numbers of disorganised followers.

Populism in itself does not have a standalone life. Canovan (1999: 8) argues that Populism, as a concept defining a political project, is always reactive. While it professes alternative politics, Populism is not sustainable as alternative politics, according to Canovan (1999: 8). This does not mean that Populism is conceptually hollow.

If we follow the analogy that Populism is a spectre or a shadow of democracy, it is still possible to conceptualise the conditions under which Populism is invoked. It seems that Populism becomes a popular alternative whenever a democratic deficit seems to appear.

According to Laclau (in Panizza, 2009: 6), despite the wide diversity in the uses of the term, we find in all of them the common reference to an analogical basis, which is “the people”. The people occupy a central place within Populism. If the structural location of the people were enough to define Populism, then the majority of political discourses in modernity would probably belong to the populist family.

Hence, Laclau (2006: 365) introduces a further characteristic that distinguishes Populism from other political discourses. For a popular positionality to exist a discourse has to divide society between the dominant and the dominated; that is, the system of equivalences should present itself as articulating the totality of a society around a fundamental antagonism. Surely, what gives the people its political appeal within populist discourses is its antagonistic representation (Laclau, 2006: 365).

In other words, Populism exists where there is an antagonism between “us” versus “them”. They and we can take different forms, from rich versus poor, corrupt versus non-corrupt, poor versus elite, or it can take the form of ethnic calls. This is why the phenomenon is so diverse and can manifest in any government or any part of the world. However, it tends to rise in unequal societies and ethnically divided societies, like South Africa more frequently than in countries that are equal in status and less divided according to different ethnicities (Egorov *et al.*, 2013: 5).

Egorov and Sonin (2013; 6) have identified instances when Populism is likely to rise or develop. When voters fear that politicians may have a right wing bias or that they may be influenced or corrupted by the elite, true left wing convictions are valuable.

Consequently, moderate politicians may adopt left wing policies. Given the high levels of inequality in societies like South Africa, political platforms built on redistribution are not surprising. Under such conditions, Populism tends to rise (Egorov *et al.*, 2013: 2).

Populist leaders are inclined to promise that they will reject traditional politics without suggesting how they will introduce new kinds, except that the new leader will avail himself to the people. This continuation of a political mentality, which counters mainstream political ideas, provides a good space for populist tendencies to develop (Pasquino, 2005: 3). Hence, Pasquino (2005: 4) goes on to argue that the most significant difference within societies focuses on the role and the relevance of politics as described by the different political cultures within a society or country. Where the public assigns an insignificant role to politics, but where political orientations are vital to the distribution of necessary resources, the possibility for anti-political sentiments and Populism increases (Pasquino, 2005: 4).

Widespread anxiety in a society over fears of unemployment, corruption, unexpected political changes, large numbers of immigrants, and identity challenges are all factors that provide a breeding ground for Populism. The fears do not only point to the unbearable present situation, but to the near future. In such instances the populist leader offer solutions to the problems and, more importantly, he/she identifies the enemies (Albertazzi and McDonnell, 2008: 6).

Of course, the Promised Land is not reached immediately and all the popular demands are not met. In fact, Albertazzi and McDonnell (2008) argue that the populist leader needs to prolong the transition phase and consequently needs more enemies or scapegoats. As long as the transition continues, he/she will be needed. Therefore, populist leaders do not attempt to institutionalise their power, draft new rules, abide by legal procedures, or construct permanent institutions (Albertazzi and McDonnell, 2008: 6).

Albertazzi and McDonnell (2008) suggest that ideological and collective factors may be defined as circumstances that make the surfacing of Populism possible. However, they point out the most important conditions that can be attributed to the spread of

Populism are usually political. According to Meny and Surel (2003), three important conditions usually give rise to the development of contemporary Populism. They are:

1. The predicament of the structures of political intermediation.
2. The personalisation of political power.
3. The increasing role of the media in political life.

However, they point out that despite the existence of these socio-political conditions, the major role is that of a leader; a leader that is willing to exploit the socio-political conditions and feed on the anxiety and fears of “the people”. The role of the charismatic leader cannot be underestimated, for without such a leader no populist force will emerge (Albertazzi and McDonnell, 2008: 7).

2.6. Patterns of Populism

It is important to realise that Populism does not have a standalone life. Canovan (1999: 23) argues that Populism as a concept defining a political project is always reactive, while it professes alternative politics. However, this does not mean that Populism is conceptually hollow.

If we follow the analogy that Populism is a spectre or a shadow of democracy it is still possible to conceptualise the conditions under which Populism is invoked. It seems that Populism becomes a popular alternative whenever a democratic deficit seems to appear. Populism is not entirely alien to democracy. There has always been tension between representative and direct democracy. Populism and elitism are both outcomes of this tension (Canovan, 1999: 23).

It could be argued that extreme versions of either elitism or Populism could be detrimental for democracies' ability to function as a mode of governance. Can this statement be justified when looking at the current political situation prevalent in South Africa? According to Hart (2017: 14), “South Africa is no longer an avatar of open democracy with a vibrant economy and an equitable government, but rather a poster child for unequal distribution of wealth and opportunity”.

2.7 What are Human Rights?

Human Rights are the universal and inalienable rights that every individual has irrespective of race, gender, culture or country. Every human being is entitled to these rights by virtue of being a human being. These rights are contained in the constitution of the country, as well as in the Universal Declaration of Human Rights, which was adopted on 10 December 1948. The Declaration promises, “All human beings are born free and equal in dignity and in rights” (Christie, 2009: 14).

Sen (2004) points out that those declarations are “ethical affirmations of the need to pay appropriate attention to the significance of freedoms incorporated in the formulation of human rights”. An appropriate starting point Sen (2004) argues must be the importance of the freedoms of human beings to be recognised. Sen (2004) further points out that while rights involve claims, freedoms in contrast are primarily descriptive characteristics of the conditions of human beings.

The Office of the High Commissioner of Human Rights (OHCHR) defines Human Rights as “rights inherent to all human beings, irrespective of our nationality, place of residence, sex, ethnic or national origin, colour, religion, language or any other status”. The OHCHR points out that we are all equally entitled to our Human Rights without discrimination. These rights are all interrelated, interdependent and indivisible. Human Rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect, and to fulfil Human Rights (OHCHR, 2016).

The Equality and Human Rights Commission (2007) defines Human Rights as the basic rights and freedoms that belong to every person in the world, from birth until death. They apply regardless of where you are from, what you believe, or how you choose to live your life. These rights can never be taken away, although they can sometimes be restricted; for example when a person breaks the law or in the interests of national security.

The Equality and Human Rights Commission holds that these rights are based on values like dignity, fairness, equality, respect and independence. It is important to understand that Human Rights are not just abstract concepts, but they are defined

and protected by law. In South Africa, citizens' rights are contained and protected by the Constitution.

The United Nations (UN) (1948) describes Human Rights as inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human Rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work, and education. Everyone is entitled to these rights without discrimination. According to the UN (1948), international Human Rights law lays down the obligations of governments to act in certain ways or refrain from certain acts, in order to promote and protect Human Rights and the fundamental freedoms of individuals or groups.

According to Turner (1993: 490), Human Rights are social claims for institutionalised protection. Turner uses a sociological perspective in analysing Human Rights and points out that it is because of a collective sympathy for the plight of others that moral communities are created, which support the institution of rights (*ibid.*). Contests over rights, as claims or entitlements, are a major feature of modern social life (Turner, 1993: 490).

Given the legacy of relativistic sociology of knowledge, sociology finds it difficult to accept the notion of Human Rights without also acknowledging a universalistic human ontology. While sociology rejects an ontological grounding for Human Rights, it may recognise rights merely as claims for services or privileges by social groups involved in competitive struggles (Turner, 1993: 491).

The French Declaration of the Rights of Man in 1789 proclaimed Human Rights to be natural rights belonging to all humans. Immanuel Kant provided an eloquent interpretation by arguing not to locate the basis of rights in nature, but in the rational capacities of autonomous human beings. Kant provided a template of the sovereign individual, capable of courageous reasoning, and possessing a moral consciousness (Christie, 2009: 7).

Universalist concepts of rights may be utilised in ways that acknowledge that they are historically constructed and contestable. Christie (2009: 7) suggests that we approach the concepts of rights as a historical construction that is radically

incomplete. Viewing it from such a perspective, Christie (*ibid.*) opens it to continual reconstruction without foreclosing future forms or constructions of rights.

2.8. Characteristics of Human Rights

Human Rights have certain characteristics. While investigating the definitions of Human Rights, one can identify some characteristics. There are certain words or phrases that appear within all the definitions of Human Rights. Highlighting these will point to the characteristics of Human Rights. According to Wahab (2013: 2), Human Rights have the following characteristics:

- Human Rights are inherent because they cannot be granted by any person or authority.
- Human Rights are fundamental rights because without them, the life and dignity of man will be meaningless.
- Human Rights cannot be taken away; no one has the right to deprive another person of them for any reason. People still have Human Rights even when the laws of their countries do not recognise them. In other words, they cannot be rightfully taken away from any individual.
- Human Rights do not prescribe and cannot be lost even if man fails to use or assert them, even over a long period of time.
- Human Rights are indivisible. To live in dignity, all human beings are entitled to freedom, security, and decent standards of living. It is not possible to divide Human Rights.
- Human Rights are interdependent because the fulfilment or exercise of one cannot be had without the realisation of the other.

2.9. Elements of Human Rights

According to Sen (2004: 318), the Human Rights theory consists of six elements:

- What kind of statement does a declaration of Human Rights make?
- What makes Human Rights important?
- What duties and obligations do Human Rights generate?

- Through what forms of actions can Human Rights be promoted and, in particular, whether legislation must be principal or even a necessary means of implementation of Human Rights.
- Can economic and social rights (the so-called second-generation rights) be reasonably included among Human Rights?
- Last, but not least, how can proposals of Human Rights be defended or challenged and how can their claim to a universal status be assessed, especially in a world with much cultural variation and widely diverse practices.

Number 4 and 5 of the aforementioned elements are particularly important to this study because populist politicians can manipulate claims to these rights. Populist politicians call for rights to land and property, for example, and they present these as necessary entitlements. Whether these are in fact necessary rights is a contention that needs scrutiny and further analysis. As Turner (1993: 490) aptly says, these contests over rights as claims or entitlements are a major feature of modern social life.

The downside or negative side of such promises is whether it is economically feasible for a government to implement such policies. It is a tendency of populist governments to introduce macroeconomic policies that they cannot afford. Furthermore, these second-generation rights are promised to voters when the need to get or remain in office is more important than the long-term economic prospects of the country.

2.10. The essence of Human Rights

What is the essence of Human Rights? Enlightenment philosophers have described Human Rights as inalienable and as natural laws. They belong to every human being by virtue of being human, irrespective of class, gender, race or nationality. The US Declaration of Independence took Human Rights to be self-evident; that everyone is endowed by their creator with certain inalienable rights. The French Declaration of the Rights of Man asserted that men are born and remain free and equal in rights (Sen, 2004: 314).

It did not take Jeremy Bentham long in his *Anarchical Fallacies*, written during 1791 and 1792, to propose the total dismissal of all such claims. Bentham insisted that natural rights are nonsense (in Sen, 2004: 314). Bentham's suspicion of human rights remains alive today, and despite the use of the idea of human rights in practical affairs there are many who see the idea as no more than "bawling upon paper", to use another of Bentham's portrayals of rights claims (Sen, 2004: 314).

It is no surprise then that for 150 years after the French Declaration of the Rights of Man there was no real commitment to Human Rights in France. In the USA, slavery was abolished 80 years after the Declaration of Independence, and even after that there was still segregation and widespread discrimination. This shows that declarations do not always deliver what they set out to deliver (Humphrey, 1984: 24).

After the atrocities of the Second World War, the United Nations was formed. On 10 December 1948, the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR). At the time, the delegates noted that the Declaration was not a binding treaty, but rather a statement of principles. American political figure, diplomat and activist Eleanor Roosevelt stated, "The declaration set up a common standard of achievement for all peoples and might well become the Magna Carta of all mankind" (Humphrey, 1984: 24). From a sociological perspective, rights are social claims for institutionalised protection (Turner, 1993: 491). Because of the collective sympathy for the plight of others, moral communities are formed, which support the institution of rights (Turner, 1993: 491).

Did the UDHR and other treaties before that deliver on their promise of equal human rights for all? Sen (2004) argues that declarations of Human Rights are ethical affirmations of the need to pay attention to the significance of freedoms incorporated in the formulation of Human Rights. An appropriate starting point must be the importance of freedoms of human beings to be so recognised (Sen, 2004: 315).

Liebenberg (2000:21) pointed out that without effective policies and laws to implement the Human Rights commitments in constitutions and international instruments, these rights will amount to little more than paper promises. Hence, a coherent framework of laws and policies are needed to translate broad Human

Rights commitments into detailed and concrete programmes that have a real lasting impact on the lives of millions of people (Liebenberg, 2000: 21).

In 1994, South Africa became a new nation, the so-called Rainbow Nation, following democratic elections. Within this new South Africa, unity replaced segregation, equality replaced legislated racism, and democracy replaced apartheid, at least in terms of the law. Despite the transition from authoritarian rule to democracy, prejudice, racism, poverty and violence continued to mark contemporary South Africa (Harris, 2002: 21).

Since the 1990s, the discourses of rights have been supplemented by discourses of goals and targets, and by the conceptually more elaborate discourses of capabilities, made famous by Sen (2004: 316). Despite this, the realisation of Human Rights for all remains elusive. The reason for this is that rights do not always deliver what they promise. Despite their apparent clarity, statements of rights are not simple tools for achieving their desired outcomes.

Christie (2009) points out the importance of recognising the Westernising hegemonies that rights discourses may encourage. In Nandy's (1983: 5), words, "We do not turn away from the plurality of critical traditions of human rationality". While engaging in the discourses of rights it is important to remain alert to the ambiguities and silences at play. A discourse of rights does not merely deliver what it promises to deliver and may indeed mask injustices. The human rights language has at some point succeeded in silencing the voices of indigenous and colonised people, women, alienated minority groups, urban and rural workers, and the property less poor. At some point, it has deepened the deafness, which has systematically excluded the voices of those constituted as inferior or as outcasts (Christie, 2009: 24). This is the point where Human Rights and Populism meet as populist leaders frequently seek to represent the outcasts.

Immanuel Kant (in Christie, 2009: 25) provides an approach by locating the basis of rights not in nature, but in the rational capacities of autonomous human beings. Kant provided a template of the sovereign individual capable of courageous reasoning and possessing a moral consciousness. The realm of morality, he argued, stood outside of the realm of nature and its unchanging elements stemmed not from an

external entity (such as God), but from human nationality (Kant in Christie, 2009: 25). The essence of Human Rights lies not in the treaties, declarations, policies, governments and constitutions, but in the desire to create an equal society: a society where the basic needs of all sectors of society are met, where the humanity of all humans are respected irrespective of culture or creed, and where all humans are protected against any form of violence.

Referring back to the realisation of Human Rights in South Africa the researcher stands in agreement with Kant by pointing out that the essence of Human Rights lies not in the elaborate promises of political leaders. Be it from political leaders of the left like the ANC or the EFF or leaders from the right like the DA. The fundamental nature of Human Rights lies within the desire to create an equal society.

In Western Europe, the human rights project has been widely acknowledged as successful. The unique success of the West European system lies not in the transformation of undemocratic regimes, according to Moravcsik (2006), but in the improvement of democratic ones. West European Human Rights regimes harmonise and perfect Human Rights and democracy among nations that already effectively guarantee basic rights, rather than introducing them to new ones. It is these countries, groups or governments that wish to employ international Human Rights regimes to strengthen their own democratic systems that benefit most from international Human Rights (Moravcsik, 2006: 5).

2.11. Conclusion

All human beings are equal. However, over the years, we have seen many leaders and governments who have ignored the equality of human beings and the most despicable treatment of humans has led to the institution of treaties and policies to guard and protect vulnerable sectors of societies. Vulnerable sectors include, but are not limited to, children, women, minorities and foreigners. It was the poor treatment of the French that led to the French Revolution and to the French Declaration of Man. In the USA, it was the poor treatment by the British and the desire for independence from British colonial rule that led to the Declaration of Independence. The Holocaust during World War 2 established the need to form the United Nations and the Universal Declaration of Independence.

In divided societies, politicians can garner the support of the excluded or marginalised sectors of society. Creating a “us versus them” logic, this forms the basis of Populism. However, it is difficult to define Populism as different forms of the phenomenon have developed in different parts of the world under different circumstances. Populism can develop in the left or the right wing.

Although the earliest signs of Populism developed in the USA, it is a particularly Latin American phenomenon (Beasley-Murray, 1998: 197). This is not to say that it does not exist in other parts of the world. Europe, as well as the African continent, has also experienced the phenomenon. The problem with Populism is that, as seen in the Latin American experience, it leads to overspending on social programmes, which leaves the country in debt and the marginalised sectors of society worse off than before. The elite in these societies has a strong influence on the governance and decision making of the government. Hence, frequently the elite is viewed as the anti-people or the enemies of the people (Beasley-Murray, 1998: 197).

Dahl (in Meny and Surel, 1999: 14) emphasised that we are witnessing a paradoxical combination of increasing widespread support for democracy, on the one hand, and declining confidence in its functioning, on the other hand. Part of the problem, Dahl (Meny, Surel; 1999: 14) points out, is that the sorts of skills and expertise needed in governments are associated with meritocracy rather than with democracy. Therefore, those who can win the modern game of elections are not necessarily seen as those best suited to governing our democracies (Dahl in Meny and Surel, 1999: 14).

So, is the egalitarian human rights vision wishful thinking? And, can Populism and Human Rights exist together? Without one threatening the other, this research will attempt to answer these questions. This section of the study is concluded by a question posed by Sayer (2000: 5): “What reasons have we for accepting the basic realist proposition of the mind independence of the world?” (Sayer; 2000:5) further argues, “It is the evident fallibility of our knowledge – the experience of getting things wrong, of having our expectations confounded and crashing into things, that justifies us in believing that the world exists regardless of what we happen to think about it. If by contrast the world itself was a product or construction of our knowledge, then our

knowledge would surely be infallible, for how could we ever be mistaken about anything” (Sayer, 2000: 5).

Chapter 3

The History of Populism and Human Rights

3.1. Introduction

This chapter will investigate the History of Populism in countries such as the USA, Latin America, as well as in Africa, and particularly South Africa. Populism have already been discussed and explained and this chapter will focus more particularly on the History of Populism. The study will also examine the results of populist policies in certain countries, particularly in Latin America for example Argentina, Venezuela, Bolivia and Brazil. These countries were chosen because of their detailed Populist histories as well as the fact that the Populist narrative has played itself out on more than one occasion. Hence the chapter will explicitly be an historic account of Populism and Human Rights and suitable examples from other countries are provided.

Historically, historians identified three waves of Populism. First was Agrarian Populism in the USA and Russia during the 19th century. The second wave was post-Second World War Populism in Latin America. The third wave is New Populism, which is a predominantly European right wing phenomenon. However, the third wave of Populism (even in Europe) needs to be supplemented with the emergence of left wing populist leaders, parties and movements like Podemos in Spain and Syriza in Greece, Hugo Chavez in Venezuela, and Evo Morales in Bolivia (Hurt and Kuisma, 2016: 3). These waves of Populism will be discussed and analysed.

3.2. The History of Populism in the United States of America

The first signs of a populist movement within the USA were seen in 1840. This group was a secret xenophobic and racist organisation that arose in reaction to the huge influx of Irish, Catholic and German immigrants. The members of this secret society

were instructed to say, “We know nothing” when asked about the movement. Therefore, the movement was called “the know nothings” by historians. Besides their xenophobic tendencies, they saw immigrants as a “job stealing” threat to America’s cultural and religious identity (Hoger, 2010: 2). Here we see early on that immigrants and the perception held by Americans towards immigrants gave rise to the first-ever populist movement. Populist leaders within America have used this negative reaction towards immigrants, or xenophobia, frequently, as will be evidenced later in this study (O’Neil, 2016: 30).

In 1855, the so-called “know nothings” came out of the closet and formed the American Party. Later the movement splintered into two factions, one that was pro-slavery and the other anti-slavery. Such a split can be viewed from the left-right spectrum within politics. One can argue that the anti-slavery camp was left wing, pro-humanity and equal rights, while the pro-slavery camp can be seen as right wing. During the 1800s in the USA, slavery was a common feature. A pro-slavery position was probably not frowned upon, and could be used to garner valuable support at the ballot box. Hence, the pro-slavery position, similar to the xenophobic reactions, can be regarded as populist. Furthermore, with every successive wave of immigrants who arrived in America the American Party flared up because of its hatred for immigrants (*The Week*, 2015).

Farmers, who suffered because of plummeting cotton prices in the South, started the first left wing populist movement in America in the 1880s. As these cotton farmers sunk into debt, their resentment for the Eastern elite was ignited. The farmers, the labour unions and their sympathisers formed what was formally called the People’s Party. Historians called these groups populists (*The Week*, 2015).

Some American populist movements went as far as to call for the nationalisation of the railroads and telegraph networks. These populists saw government intervention as a solution to their economic problems. At this time, these populists were regarded as dangerous radicals. They however had a deep understanding of what was happening to them economically, but for complex cultural reasons they believed that it could only be happening as a result of conspiratorial action taken against them (Hoger, 2010: 3). Hoger (2010:3) further states, “From its first appearance in popular

vernacular in America the term populist has always been an adjective expressing an attitude, a popular anger against elites, perceived as distant and antagonistic to the struggles of ordinary Americans". In fact, this upsurge introduced the term populist in 1892.

These American populists came into existence at the same time as the world, including America, was moving into the Industrial Revolution. The question to ask is whether these populists were forward looking. Alternatively, were they backward thinking, clinging to an agricultural utopia? Were they a radical force trying to restructure American society, or forward-looking reformers?

Postel (2008) presents the American populists as overtly modern and progressive, arguing that these populists strongly believed in the power of science and technology to improve their world. Their appeal to their economic situation drew labourers and the urban middle class into their ranks as co-victims of corporate greed. According to Postel, the American populists were ultimately logical and sympathetic reformers, well ahead of their time (in Miller, 2009: 18).

Hicks (in Miller, 2009: 19), on the other hand, portrayed populists as the politics of oppressed farmers. Hicks (*Miller; 2009:18*) could not see populists as progressive, but rather as a group of disgruntled farmers who were unwilling to change with the Industrial Revolution. Hofstadter (1955: 7) agreed with Hicks and regarded populists as backward looking, irrational, and given to scapegoatism. They represented the "agrarian myth" that spoke to the superiority of farming.

3.2.2. Populism in modern America

In recent years, Populism has resurfaced within American politics. Texas governor Rick Perry observed that Donald Trump is the modern day incarnation of the "know nothings" (*The Week*, 2015). According to Hoger (2010: 2), American Populism has changed in its specific political views over time. The 2008 financial crisis sparked widespread anger at Wall Street and Washington. This left a space for populists to garner the anger of the unhappy working class. This anger had to be directed at someone or at some group and, as usual, the anger was directed at the elite.

In Bernie Sanders, left wing Populism came full circle. His stump speeches would have played well in the 1890s. Trump, on the other hand, took the age-old nativist message and turned his movement into a cult of personality (*The Week*, 2015).

Trump has little to say about the apparent inequality present in the USA. His new tax plans are disproportionately favourable to the wealthy. Although he denounces corruption, his solution seems to be that of nominating billionaires (such as him) who can pay their own way (Westbrook, 2016: 5). As with the People's Party, the heart of Trump's appeal is a xenophobic nationalism that centres on his proposals for immigration and trade reform, building a massive wall on the Mexican border, deporting millions of undocumented immigrants, and denying Muslims entry into America (Westbrook, 2016: 5).

Today the democratic deficit is huge within the USA. The economic elite and organised groups representing business interests have substantial independent impact on American government policy. Ordinary citizens, on the other hand, find their preferences realised only when they coincide with those of wealthy Americans and corporate lobbyists (Westbrook, 2016: 4).

American Populism seems to be influenced by two important aspects. First, it can be seen through the influx of immigrants into the country. This was an issue in 19th century America and it remains a problem today. Second is the economic perspective. Trump is seen adopting economic policies that favour the wealthy and show little regard for the plight of the ordinary working class citizens. Trump, who is a populist, rose to power through his xenophobic nationalism, but now he shows little regard for the same people who voted him into office. But, this is the normal populist narrative, as will be seen later in this study.

According to David Brooks, voters generally dislike the "us versus them" mentality of populist leaders. Generally, they spark media frenzy but do not last long and frequently they do not do well in elections. According to Brooks (2015), history has shown Populism to be "the history of defeat".

3.2.3. Conclusion

The populist movement is an old phenomenon within the USA. What Populism does is that it divides the plurality of contemporary societies. America consists of various cultural, ethnic and religious divisions. That is besides the class divisions, dividing society between the elite, urban workers and the unemployed poor. Some of the richest people in the world reside in the USA.

Populist politicians like Donald Trump, a billionaire himself, taps into the divisions of American society to gain popularity and valuable support at the ballot box. Xenophobic calls, like denying Muslims entry into the USA, signal to American society an act of protection in their fight against terror, a fight that never seems to end. Trump calls for ethno-nationalism and a return to traditional American values. But, these tactics are a threat to democracy and to Human Rights.

3.3. Populism in Latin America

3.3.1. Introduction

Latin America has a rich history of Populism. The area has seen wave after wave of populist leaders. There have been populist leaders from the left, like Hugo Chavez, and from the right, like Argentina's Carlos Saul Menem (Weyland, 2013: 4). The populist cycle has come full circle within Latin American politics on more than one occasion and in more than one country. Why they keep repeating the same flaws is a matter of interest to those interested in studying Populism. Populism has been an active influence within Latin American politics since the 1930s with the ascension of Getúlio Vargas in Brazil. There was also a revival of neo-populists in the 1970s. According to Castaneda, these populists can be seen as the "Creole pioneers" of Populism (in Beasley-Murray, 1998: 194).

It has been suggested that Populism is a particularly Latin American phenomenon. Populism has always been the Latin American temptation, representing a desire for change, without the violent rupture that both socialist and capitalist processes experienced (Castaneda in Beasley-Murray, 1998: 43).

A careful analysis of the history of Populism is important because valuable lessons can be learnt from history. The Latin American experience regarding the phenomenon of Populism demonstrates that democratic decline is not inevitable, that citizens movements can reform institutions and defend them against would-be populists, and that the disenfranchised will not tolerate empty promises forever.

3.3.2 Populism in Argentina

Argentina saw its first populist upsurge on 17 October 1945. Thousands of protestors in Buenos Aires marched to Argentina's main executive building, the Casa Rosada, to demand the return of vice president Juan Peron who was forced to resign a week earlier. The day was hot and many of the males took off their shirts. This earned them the nickname "Los descamisados", the shirtless. Peron's supporters took the nickname and turned it into a badge of honour (O'Neil, 2016: 31).

Peron rose to power initially by means of military force. He was a member of a group of army officers who ousted a military operation in 1943. Peron was given the post of vice president and minister of war. Soon after these appointments, Peron began to spend more time on a less important portfolio, as head of the national department of labour. He began to receive huge support from workers and the trade unions. This newfound popularity made him unpopular with the Argentine elite and the right wing military. Thus, he was removed from his posts and imprisoned in 1945. A few days later Peron was released after massive protests led by the unions demanding his release (O'Neil, 2016: 32).

When Peron ran for president in 1946, he toured Argentina in a train called "Los descamisados". The shirtless and those like them were integral to the spread of Populism in Latin America. Peron made promises of a better future and economic stability to the disenfranchised. He won 52% of the votes and became Argentinean president in 1946 (Dornbusch and Edwards, 1991: 190).

Peron had the support of the unions, his wife Evita Peron, and populist connections he made before running for president. While in office, Peron worked to deliver on his promises, to solidify the country, and at the same time expanding his powerbase. He relied on the great economic growth of the time to keep his popularity. With the help

of his wife, they worked in traditional populist style that resulted in widespread support amongst inconsistent ideological lines, which was known then and today as Peronism (Dornbusch and Edwards, 1991: 191).

The economic prosperity was short lived and Argentina's economy plunged towards the end of 1948. This left the citizens dissatisfied and Peron was overthrown in a military coup in 1955. Peron remains a prominent political and historical figure in understanding Argentina's history and politics (Dornbusch and Edwards, 1991: 191).

Peron was able to shift position, constantly defining and redefining anti-Peronism (the anti-people) according to the situation and circumstances. He was able to do this while leaving the actual substance of Peronism relatively undetermined and yet retaining the apparent referent both in his own charisma, his own name, and in the notion of an ideal. The fact that anyone could form part of Peron's coalition meant that no one was essential to it (Beasley-Murray, 1998: 195).

A further populist upsurge was seen years later in Argentina in 2003 when Nestor Kirchner came to power. This populist upsurge was propelled by the rage of thousands of Argentineans who suffered during the 2001 debt default the country experienced. Early on in Kirchner's rule all went well when he managed to negotiate away a large portion of the country's debt. This boosted the economy and commodity prices. Taking advantage of the new economic boom Kirchner upped the minimum wage, increased public pensions, expanded welfare programmes and tripled the public payroll. By 2015 one in every five workers worked for the state (O'Neil, 2016: 33).

The economic boom and public spending was short lived. All the public spending created huge fiscal deficits, rampant inflation, and helped to push the country into a recession in 2006. Populist leaders tend to adopt unsustainable macroeconomic policies; policies, which once they fail, leave the poor worse off than before. Populist moments can be described as those moments when ordinary citizens become aware of the democratic deficit around a particular set of issues, overcome their apathy, find political vehicles to manifest their discontent, and move to close this shortfall (Westbrook, 2016: 8).

3.3.3. Populism in Venezuela

In countries such as Venezuela, populists took advantage of the economic hardships suffered by most of the population. During the 1980s, economic growth stagnated and incomes plummeted. This was because of economic austerity, trade liberalisation and privatisation. The International Monetary Fund, the World Bank, and the US Treasury recommended these policies (O'Neil, 2016: 35). The economic deterioration that followed, as well as political ossification and rampant corruption, brought sustained decay to Venezuela and paved the way for the radical former army officer Hugo Chavez to win the elections in 1998. He remained head of state until his death in 2013 (O'Neil, 2016: 35).

Chavez promised to abolish poverty and to create a more authentic democracy. Venezuela's oil reserves furnished Chavez with more money than any of his Latin American counterparts. He spent it lavishly, creating numerous social programmes. He introduced massive subsidies for housing, food and basic goods. Chavez implemented free medical clinics for the poor and a land redistribution programme, which took from the wealthy and gave to the poor. He took control of the national oil company and nationalised many other sectors of the economy (O'Neil, 2016: 35).

Chavez used plebiscitarian strategies to transform the country's liberal institutional framework, concentrate power, and entrench himself as ruler until his death. He set about strangling democracy and replacing it with competitive authoritarianism (Weyland, 2013: 2). Venezuela was no longer a democracy when Chavez unfairly won the 2012 elections. Using intimidation tactics, tight restriction on opposition parties, and the massive misuse of state apparatus, he secured the position and remained Venezuela's leader (Weyland, 2013: 3).

Chavez harnessed the power of the once excluded masses by rallying against the establishment and promising a more prosperous future for his followers. All too often these promises remain a prosperous future, which never come. The lavish spending of Chavez was short lived. He passed away in 2013 and left the country with huge debt. In 2016, Venezuela had debt of 120 billion dollars (O'Neil, 2016: 4). Egorov

and Sonin (2011: 2) had the following to say about Chavez, “If we define populism in strictly political terms as the presence of what some scholars call a charismatic mode of linkage between voters and politicians and a democratic discourse that relies on the idea of a popular will and a struggle between ‘the people’ and ‘the elite’, then Chavismo is clearly a populist phenomenon”.

Venezuela with Juan Peron and Argentina with Hugo Chavez followed the same narrative. These leaders harnessed the use of ordinary citizens to garner power. Once in power, they adopted unsustainable macroeconomic policies and indulged in lavish government spending, which left their countries worse off.

3.3.4. Conclusion

The populist leaders from Latin America built mass movements to increase their personal power, but not to truly change the system. In fact, the populist leader needs to prolong the transitional situation and consequently requires yet more enemies. Hence, the popular demands of the people are rarely institutionalised. The reasoning goes, as long as the transition continues, he/she will be needed (Albertazzi and McDonnell, 2008: 3).

Populists often create new social programmes, ramp up spending, and take control of parts of the economy. The resulting short-term benefits make life better for their supporters. As a result of overspending on social programmes, debt piles up, inflation spirals, and an economic crisis ensues. Those who benefit from the boom soon see their short-term prosperity come crashing down.

3.4. Africa

The African continent has its fair share of populist leaders of various kinds; curiously, the continent has been an understudied continent in terms of populist politics (Hurt and Kuisma, 2016: 4). The continent has produced populist leaders like Qaddafi, Sankara, Mugabe and Museveni. However, when investigating Africa one frequently encounters a picture of how its wars never end, its people remains poor and its leaders are easily labelled as ill-advised. The struggles of Africans are overlooked by historians, political scientists and the mainstream media, and a bleak picture of the

continent is presented to the world of people who create and are unable to solve their own problems (Hurt and Kuisma, 2016: 4).

3.4.2. Populism in Africa

Western capitalism with its neo-liberal policies versus Marxist Leninist policies rallied against each other on the African continent during the 1980s. Resulting from the demise of the Marxist Leninist and Socialist ideologies in the post-Cold War era, African leaders began in 1990 to progressively and officially abandon Marxist ideologies. Others, like Muammar Qaddafi and Robert Mugabe, continued to implement African Marxist policies, for example the land reform policies in Zimbabwe (Martin, 2012: 5). African populists, such as Qaddafi and Thomas Sankara, while agreeing with the basic tenets of socialism, focussed strictly on transforming their polity, economies and societies for the benefit of their people (Martin, 2012: 4). Land reform, property rights, and neo-liberalism with a capitalist agenda seem to be the proverbial thorn in the flesh of the African continent. The shared colonial history of many African countries, the loss of land, and the plundering over decades of the mineral wealth of the continent have doomed the continent to a seemingly unending crisis. All this is coupled with ethnic divisions that leave an ideological space for ethno-populists to take over the leadership of countries, albeit radicals turned populists (Carbone, 2005: 12).

For some the Zimbabwean crisis is political and not an effort to redress the long deferred land inequalities. Although this is partially true, the regime of Robert Mugabe instigated the land invasions only when it feared it would lose the 2000 parliamentary elections. Thus, the invasions were not the spontaneous efforts of subjects of an artificially prolonged communal mode of production wanting to become capitalist farmers. The crisis-ridden regime turned to the land issue precisely because it had not been resolved in the 20 years of Mugabe's rule (Moore, 2001: 2).

Land reform may be termed a pro-people perspective. The issue of land reform is shared by many other African countries, including Namibia, Tanzania, Malawi, and South Africa. The land reform call is Populist in nature and it is a call that is used by various African leaders on the continent (Moore, 2001: 3).

Apart from land reform and rampant poverty, the African continent also has to deal with the issue of ethnic divisions. Ethnic divisions are visible at the ballot box, as people prefer to vote according to their ethnicity rather than political issues. Horowitz (in Martin, 2012: 8) argued that in diverse countries, such as Kenya and Nigeria, elections are nothing more than an “ethnic census” in which each party represents a different segment of the community. This is why Ugandan President Yoweri Museveni introduced the no-party system in his country. Following the reintroduction of multi-party elections in the 1990s, many countries seemed to conform to this model. Ethno-regional voting patterns also were observed in other countries considered diverse, such as Benin, Malawi, Nigeria and South Africa (Martin, 2012: 8). Ethno-regional voting patterns leave a space for ethno-populists to garner votes.

3.4.3. Uganda

For the purpose of this study, the Populism of Museveni will be discussed and some of his policies will be related to other parts of Africa. Museveni and his guerrilla military entered Kampala in 1986, taking over the leadership of the country. However, he was no stranger to Ugandan politics. Despite radical attacks on the political establishment launched through a military campaign, unremitting propaganda, and an anti-party political framework, Museveni had his job cut out for himself as the new Ugandan president (Carbone, 2005: 3).

The first legal act of the Museveni administration was to ban all political parties. The ideological underpinnings of the no-party politics were provided by an interpretation of Uganda’s post-independence history as a spiral of conflicts prompted by ethnically-based political parties. The bulk of Museveni’s argument for a no-party system was that Western representative democracy cannot be imported into an African country (Carbone, 2005: 4).

One can conclude that Museveni wanted to unify the country and rid it of ethnic divisions. He believed that conventional Western democracy would promote the polarisation of communal antagonisms. An immediate return to multiparty politics was inappropriate for Uganda and a transitional period was necessary in which alternative participatory arrangements would be adopted. Once again, we can witness the reluctance of the transformational project, as was witnessed in Latin

America. Populist leaders prefer to strengthen their power base, instead of spearheading transformation. The prolonged transformation process helps to keep the leader in power. As long as the transformation process is not finished, the leader is needed (Albertazzi and McDonnell, 2005: 4).

Popular participation would be retained, but party pluralism was rejected as the dangerous embodiment of politically organised ethnicity. In this no-party model of Museveni, elections were to be held strictly as competition amongst individuals, as opposed to parties (Carbone, 2005: 5).

Can a no-party state with elections among individuals, as opposed to political parties, be considered populist? Indeed, it can, as Populism is often a characteristic of a leader as opposed to a political party. The populist politics of political parties are frequently espoused by a charismatic leader, such as Museveni. From the time of the Bush War, he demonstrated a capacity to strike the right chords when talking to ordinary people. One of his traits was the frequent use of metaphors and images, which were close to the people's lives, or proverbs and phrases taken from vernacular languages (Carbone, 2005: 8). The use of distinctive language is a populist trait.

The Ugandan leader rarely appealed to the people by promising only over-simplistic, unsustainable or inapplicable solutions to their problems (Carbone, 2005: 10). However, on a number of occasions he did tell and sell the people things they did not want. For example, Museveni crucially insisted, "Patriotism demands that Asian property be returned to those who had been dispossessed by Idi Amin in 1972" (Carbone, 2005: 11). This proved to be a far-sighted move when compared to the xenophobic appeals that contributed to the conflict in countries such as the Democratic Republic of Congo and Ivory Coast (Moore, 2001: 3). The Asian property move was also a contradiction of Museveni's resistance against ethnic polarisation. For someone that saw ethnicity as a threat to his country this move was rather apprehensive. Museveni insisted on a no-party administration because he believed it polarised society and promoted ethno-regional antagonism. However, at the same time he insisted on the return of Asian property without considering the ethno-conflict such a move could cause. The stance adopted on Asian properties was part of a

broader neo-liberal policy. Under the Museveni administration, four million people were lifted out of poverty within one decade, albeit with significant imbalances. Neo-liberal policies thus appeared to be counter-intuitively compatible, if not functional, to neo-populist policies (Moore, 2001: 3).

3.4.4. Conclusion

As with Carlos Menem in Argentina, as well as with Alberto Fujimori of Peru, initial revolutionary phases during which tough economic reforms were adopted helped to demonstrate the leaders' capacity to cope with economic crises and stabilise the economy to the benefit of large sections of the population. Land reform was partly addressed from what may be termed a pro-people perspective. The emergence of internal pressures to address the issue of land reform was shared by other countries on the African continent, including South Africa, Namibia, Malawi, Zimbabwe and Tanzania.

Ethnicity is a problem on the African continent. Moore (2001: 5) has described elections on the continent as a mere ethnic census as people tend to vote according to ethnicity, rather than according to pressing political issues.

3.5. South Africa

One cannot understand the key dynamics of the current resurgence of ethnic nativism and Populism in South Africa without a proper historical grasp of the complex definitions of the national question and the different imaginations of the post-apartheid nation, as well as of the contestations over the teleology of the National Democratic Revolution. There are indeed complex antinomies of black thought that have not been laid to rest and that continue to play a role in the definition of the transformational agenda in South Africa (Ndlovu-Gatsheni, 2008: 51).

3.5.1. Populism in South Africa

Peet (2002: 66) ably recounted the history of South Africa in terms of three economic-discursive transitions, namely:

- 1) The Dutch mercantilist system based in bonded labour and slavery was conservatively transformed in the early 19th century by British liberal notions of universal humanity that insisted on respect for markets and private property.
- 2) In the late 19th century transition to industrial capitalism, discourses of innate racial differences were employed to limit the political enfranchisement of the black petty bourgeoisie and regulate the supply of African labour to the rapidly growing mining industry.
- 3) After World War II, a revitalised American-based discourse of universal humanity, which nevertheless maintained white dominance increasingly expressed as class rather than race, was forced on the governing National Party by continuing protests against apartheid. In the post-apartheid period, the pretensions of the new (ANC-led) South African state were held in check by the “prescriptions of a newly assertive post-Cold War West” (Lester, Nel and Binns, 2000: 144).

Discursive adaptations, Lester *et al.* (2000) state, set the agenda for counter discourses by limiting the practical opportunities available to oppositional movements. They see the abandonment of apartheid and the normalisation of South Africa’s position in the global system as implying consent to free-market doctrines that impede large-scale redistributions of resources to the black population. Thus, “It is difficult to imagine that the [post-apartheid] South African state could have pursued an alternate course of action [other than moving to a neoliberal policy position], given the demise of state socialism internationally and the neoliberal discursive prescriptions of the global economic powers” (Lester *et al.*, 2000: 145). Yet, until a few years ago, it was difficult to imagine the ANC following anything but a socialist development policy. To appreciate this transformation in imaginary, we need to retell the legend of South African liberation (Peet, 2002: 66).

3.5.2. Populism during the Resistance to Apartheid Struggle

The ANC produced no real economic policies until 1990 (Natras, 1994: 344). However, at grassroots level, individuals and organisations produced a series of statements on social and economic transformation. The crucial founding event was called The Congress of the People, in 1955, where the Freedom Charter was adopted. The Freedom Charter was based on grievances from hundreds of meetings

convened under difficult circumstances. It is an eloquent document written by intellectuals who worked on behalf of the oppressed people (Peet, 2002: 67).

Sections 4 and 5 of the Freedom Charter, dealing with economic rights and land reform, are particularly important for social transformation (Peet, 2002: 67). These sections outline how the land and the rich minerals within the land will be shared among those who work it.

Clearly, the intellectuals who wrote the Freedom Charter had Marxist-Leninist underpinnings. The vision set out in the Freedom Charter is socialist in nature. At the time of the writing of the Freedom Charter and during the years of apartheid and the liberation movement's resistance it was logical to assume that once the ANC was in government they would adopt socialist policies.

However, with the demise of socialism after the fall of the Berlin Wall, the adoption of an appropriate economic policy became a predicament. Ironically, the fall of the Berlin Wall coincided with the release of political prisoners from Robben Island in 1989. Perhaps it was not ironic, but a calculated move, as the ANC would have no alternative but to adopt a pro-capitalist stance once they were in power. A few months after the first wave of releases of political prisoners, Nelson Mandela, the leader of the liberation movement, was released. However, Mandela had been in talks and negotiations with the ruling National Party long before his official release in 1990 (Ndlovu-Gatsheni, 2008: 51).

The ANC and the SACP exiles returned home after many years. Post-apartheid South Africa saw a new class of leaders, officials, intellectuals and politicians running the country from above in a rigid fashion similar to that of the apartheid regime. This created a space for radical Populism to emerge (Ndlovu-Gatsheni, 2008: 51). This Populism emerged because the ANC, now in government, moved away from the socialist promises as set out in the Freedom Charter. The new class of ANC leaders were no longer the radicals who led the liberation movement, but a group of elite political leaders. Besides the emergence of populists, what also needs to be explored is the antinomies of black liberation thought that continue to pulsate within the Tripartite Alliance, provoking nativism and Populism.

Two contesting liberation approaches emerged within the Tripartite Alliance (Lester *et al.*, 2000: 145). First was the workerist-Marxist oriented approach that understood the struggle in class terms, primarily the conflict between capital and labour. This version is still seen in the South African Communist Party, as well as in COSATU (Ndlovu- Gatsheni, 2008: 53). The second approach is nationalist liberation, whose key contours are the end of racial oppression, repossession of land, seizure of political power, and the nationalist re-imagination of nationhood. The inability of the Alliance partners or the unwillingness of the ANC, who is increasingly adopting neo-liberal policies, provides further breeding ground for populists (Ndlovu-Gatsheni, 2008: 53).

However, effective governance under a new ANC, with its socialist Alliance partners in the SACP and COSATU, remained the main objective. Activist and former Constitutional Court Judge Albie Sachs stated, “If good non-racial, non-sexist, democratic and open government is the main guarantee that the effects of apartheid will be overcome then the organs of civil society are the principal guarantors that good government will exist”. This theory implies that a combination of good government, on the one hand, and other associations, on the other, will build the new society. Fine (1992: 19), however, pointed out that the ruling ANC was frequently on the defensive as corruption was rife and there were frequent service delivery protests, which could be seen as signs of poor governance.

The ANC founded its political project on a moral appeal taken from the leadership role it played during the liberation struggle. It also played a leading role in the transformation process since 1994. However, events in the country have left the ANC compromised as Populism reared its head in the country (Peet, 2002: 67).

Populism as a political style does not stand in opposition to the basic beliefs of democracy. However, in South Africa, Populism is seen as a necessary alternative to the shrinkage of democracy. Thabo Mbeki, who was Mandela’s successor, with Jacob Zuma as a deputy minister, was able to mobilise popular support among different structures within the ANC and within the trade unions. Populist tactics became a viable alternative for Zuma in comparison with Mbeki’s style of leadership (Ndlovu-Gatsheni, 2008: 53).

Mbeki adopted a market friendly pro-capitalist style of politics. His second term in office could be considered as a contradiction because of pro-capitalist policies that were implemented despite increasing inequalities and poverty within the country. Mbeki's leadership style labelled him as centrist, technocratic, non-responsive and essentially illiberal. As seen in the Latin American experience with Populism, it seems to emerge when the citizens hope for a more responsive, more idealistic, and more engaging locally-based democratic system (Huffington, 1999: 9).

If Populism is a spectre of democracy, we can conceptualise the conditions under which it tends to develop (Canovan, 1999: 3). In other words, we can ask the question, "What happened in South Africa that Populism became an attractive alternative?" Arditi (2004: 124) opines, "Populism is a spectre of democracy; perhaps a permanent spectre becomes relevant and attractive whenever a democratic deficit seems to appear".

In South Africa, populist reactions emerged as a result of the perceived centralisation or shrinkage of democracy in the country. Discontent built up against Mbeki's centrist elitism. With unhappiness against Mbeki's economic policies mounting within the ANC, as well as his perceived unwillingness to engage with relevant stakeholders such as trade unions on economic policies, ANC branches became the breeding ground for Populism. The much-touted "battle for the soul of the ANC" began here. Essentially, the populist strategy undermines democratic practises of accountability as the executive branch of government overwhelms the entire government and the political party (Mathekga, 2007: 133). Towards the end of Mbeki's second term as president, Populism came as a demand for the expansion and reinstatement of democracy. Hence, it appears that the dissidents wanted a more responsive form of government. This is a populist demand in many developing countries. It usually appears as a struggle for a more responsive government, and is opposed to rising poverty, as well as rising inequalities. These demands are conveniently blamed on market-based economic policies. Further blame could also be placed on Mbeki's elitist approach to governance. Hence, the argument for the extension of democracy is ironically invoked, while at the same time undermining democracy (Mathekga, 2007: 134). Usually there is also widespread anxiety, which is the consequence of fears concerning unemployment, unforeseen political changes, identity challenges,

and waves of immigration. These fears do not only relate to the miserable present, but also into the near future. The populist leader identifies solutions to the problems and most importantly clearly identifies the enemies or the scapegoats (Albertazzi and McDonnell, 2005: 6).

Albertazzi and McDonnell (2005) identify one feature above all that needs to be present for a successful populist bid to emerge. The feature is the presence of a leader who is willing and able to exploit existing social conditions of anxiety and availability. If the social conditions exist without a willing leader to exploit the conditions, no populist force can emerge (Albertazzi and McDonnell, 2005: 8). All this seemed to create a space for a populist bid in South Africa. According to Mathekga (2007: 136), “Jacob Zuma has little to do with the space that this political populist project seems to occupy. If Zuma did not exist, the leftist movement in South Africa would have invented him”.

3.5.4. The Economic Freedom Fighters

The Economic Freedom Fighters (EFF), led by Julius Malema, can be understood as a particularly African articulation of left wing Populism. The EFF has a more Pan-Africanist approach, rather than a pure nationalist stance. However, its approach to Populism seems to side against the elite, understood as both white capitalists as well as the leadership of the ANC (Mbetse, 2014: 36).

Mudde (2007: 543) defines Populism as an ideology that considers society to be separated into two homogenous and antagonistic groups: the pure people versus the corrupt elite. Further, Mudde (2007; 543) argues that politics should be an expression of the will of the people. This definition fits with the EFF’s founding logic that it represents the poor, marginalised masses of South Africa, who continue to be exploited by capital and those who hold political power (Mudde, 2007: 543).

At the core of Malema’s challenge is a re-articulation of nationalism in terms of race and nature, and the theft by white colonisers of the land and the rich mineral resources of South Africa, and linking that to a powerful appeal for economic freedom, while underscoring the compromises that the older generation of ANC leaders made. His calls for nationalisation of the mines and expropriation without

compensation of white-owned land expanded the language of contention well beyond the terms on which Zuma had challenged Mbeki (Hart, 2014: 204).

What distinguishes populists from other organisations or political parties is their evocation of “the people” as the true holders of sovereignty, as opposed to the exploitative or corrupt elite. In this regard, the EFF’s diagnosis is that after 1994, black South Africans became a voting but powerless majority. According to the EFF, true economic and social power still resides within white hands.

The EFF strategically launched the party in Marikana in 2013. It was a strategic move that provided impetus to its agenda of being the revolutionary alternative to what it argued was a politically compromised governing party. The EFF was formed out of crisis after its leader, Julius Malema, and its head of policy, Floyd Shivambu, its impetus from various other crises, including the Marikana Massacre, anti-government protests in several communities, and the controversy over the development of President Zuma’s residence at Nkandla (Mbetse, 2014: 38).

3.5.4 The Democratic Alliance

The Democratic Alliance (DA) with its liberal school of thought is the official opposition party within government alongside other smaller political parties. Connected to the DA but distinct from it are far right groups such as the Freedom Front Plus and Afriforum. According to Dikeni (2017) the liberal school of thought obscures the positive political merits of national movements within the so called third world. Positives such as achieving self government and some measures of social development are underplayed by the liberal thinking prevalent in the DA. The statements (or tweets) by the DA premiere of the Western Cape, Helen Zille, on colonialism and racism are a good affirmation of this liberal theoretical model (Dikeni; 2017).

According to Dikeni the dominant form of populism in South Africa is a revolutionary populism, which rejects elitism and progress. This form of populism leads to a rejection of political institutions in favour of the seizure of power by the people, or in favour of charismatic leaders who claim to represent the people. This includes political parties and organisations like the EFF, BLF, Black management forum,

Afriforum, DA as well as other opposition powers. Evidence of their prejudiced rhetoric is the various populist theoretical bubbles that they feed the citizens. They employ the media to spread these theoretical bubbles. It is meaningful in this instance to realise that these bubbles as Dikeni calls it, have no theoretical or methodological basis of existence and hence he sees it as theoretical bubbles. Concepts like radical economic transformation, white monopoly capital and land redistribution are all but carefully orchestrated populist sloganeering, which are used by populists for their own interests and not for the advancement of society (Dikeni; 2017. 4).

It is usually assumed that populism is the product of political entrepreneurs. However public actors do not create political positions out of nowhere. Populist parties or politicians have to address views already held in some form by a significant part of the population. Hence support for populism stems from feelings of lack of political efficacy or competency. For example in South Africa there is a great concern or even worry about corruption within government. The Democratic Alliance is aware of people's unhappiness with corruption and feeds them this through the media and through press statements and even election slogans (Spruyt, Keppens, Van Droogenbroeck; 2016. 3).

3.5.5. Conclusion

What distinguishes populists from other organisations or political parties is their evocation of the people as the true holders of sovereignty, as opposed to the exploitative or corrupt elite. The elite or political class are constructed as the source of some crisis or breakdown that is based on or has resulted in the people being let down, exploited or poorly governed. According to Moffit and Tormey (in Mbete, 2014: 36), populists distance themselves from the elite or power bloc in several ways, including the use of popular language, gestures and fashion.

According to Mbete (2014: 38), the EFF fits into a global pattern of Populism in electoral politics. It uses the political style developed by Benjamin Moffit and Simon Tormey. The EFF represents a good example of an African Populist party that draws inspiration from its sister parties across the world, but especially from the most recent Latin American wave of broadly left wing Populism. The EFF appeals to the

people defined as black Africans, who are variously referred to as the powerless black majority. The working class, the black majority, and specifically poor black people all fall into the EFF's definition of "the people". This group of people is placed in opposition to historically advantaged white capitalists and the newly advantaged ANC elite. The EFF's diagnosis is that after 1994 black South Africans became a voting but powerless majority (Mbetse, 2014: 38).

3.6. Populism in Central and Eastern Europe

The Freedom House Nations in Transit Study (2007) indicated that Populism spread over Central and Eastern Europe. Governments, political parties and political movements from Slovakia, Poland, Hungary, Romania, Bulgaria and Slovenia declared that they represented the true voice of the people against the corrupt elite, a common cry of populist politics. Here, populists publicly challenged policies and showed little regard for the constitutional courts.

A government's distrust in liberal institutions often is accompanied by attacks on the constitutionally granted rights and freedoms of ethnic minorities. Individuals who fall outside the organic ethno-related and culturally conservative concept of the nation are often mistreated and seen as outsiders. The Central Eastern European region has a weak and sometimes non-existent tradition concerning the protection of Human Rights. Almost the entire region has a strong history of ethnic nationalism aimed at suppression, rather than the accommodation of ethnic minorities (Panizza and Miorelli, 2009: 43).

3.6.1. The rise of Populism in Europe

The end of World War 2 marked the beginning of a new period of marginalisation for the extreme right in Western Europe. The outcome of the War and the genocide delegitimized the extreme right. It rendered its ideological master frame impotent. Neither biologically based racism, anti-Semitism, nor overt anti-democratic critique of the prevailing social order would attract more than marginal popular support. The main aim of the extreme right master frame had become highly stigmatised and so did anything that could be associated with Nazism or fascism. Hence, the extreme right became insignificant in Western Europe (Rydgren, 2005: 336).

It took the development of a new master frame during the 1980s that made it possible for Extreme Right Parties (ERPs) to escape marginalisation. Today ERPs are represented in Austrian, Belgian, Danish, Italian, Norwegian and Swiss parliaments. The prevailing answer to why ERPs emerged during the 1980s and 1990s is that the post-industrialisation of Western European countries both undermined the salience of the economic class cleavage and created the new “loser” groups susceptible to a political message combining cultural protectionism, xenophobic welfare chauvinism, critique of the establishment, and a reactionary call to return to the “good old values of yesterday” (Rydgren, 2005: 337).

In June 2009 an unknown group, calling itself the English Defence League (EDL), organised a protest march in Luton outside London. The march was in response to the planned demonstration of a radical Muslim group against the Afghan War and the British Armed Forces. The EDL claimed to be defending England and English culture against “Sharia law” and radical Muslims. The following year Geert Wilders of the Dutch Freedom Party took 16 percent of the vote in the Dutch national elections. The same year the Swedish democrats entered Swedish parliament for the first time (Bartlett, Birdwell and Miller, 2011: 21).

These seemingly unrelated events are indicative of a shift in European politics. The shift signalled the emergence of a growing group of activists, street groups and political parties, who often are grouped together under the label of “populist extreme parties” (Bartlett *et al.*, 2011: 26). Although these groups are not aligned there seems to be a growing trend towards an informal alliance between them, including expressions of mutual support and the sharing of electoral tactics. The groups have a tendency to combine left and right wing philosophy mixed with populist rhetoric. What the groups essentially share is a deep concern about maintaining national and, in particular, European culture and identity. They see European identity as under threat from high levels of immigration, especially from Muslim majority countries (Bartlett *et al.*, 2011: 26).

Benfield, Howard and Morris (2011: 27) suggest that there is an expansive body of research examining why people in general vote for populist parties. Most explanations emphasise one of three sets of grievances that motivate citizens to vote

for populist parties. They are economic grievances, disillusionment grievances and immigration grievances (Benfield *et al.*, 2011: 27).

Rydgren (2005) argues that in explaining the emergence of ERPs, the surfacing of niches in the political arena is important. A niche in this regard is understood as gaps in the political arena. With the innovation of a new potent master frame combining ethno-nationalism based on cultural racism, the so-called ethno-pluralist doctrine, and a populist but not anti-democratic rhetoric, the extreme right was able to free itself from enough stigmas to be able to attract voter groups who never would have considered voting for an “old” right wing extremist party (Rydgren, 2005: 338).

3.6.2. Slovenia

Jan Slota and his Slovak Nationalist Party is probably the most extreme example of right wing populist development in Slovenia. In Slovenia, non-Slovenian citizens became a troubling example of the contravention of human rights violations (Panizza and Miorelli, 2009: 45).

Slovenia adopted a principle of separate but equal development. In Slovenian schools, non-Slovenian children are placed in separate classes. According to the education minister, this strategy is a mechanism to enhance the children’s learning abilities, but it is not democratic in principle (Panizza and Miorelli, 2009: 45).

According to Bugaric (2006: 81), populist parties distrust all traditional institutions of liberal democracy, which stand between them and the wishes of the people. In Slovenia, the Human Rights Ombudsman lodged a complaint with the Council of Europe’s Human Rights Commissioner about the situation in schools. Subsequently, the government accused the Ombudsman of damaging the country’s name and asked him to resign (Bugaric, 2006: 81).

3.7. Human Rights

3.7.1. Human Rights’ historical background

Just after World War two, the United Nations was formed in 1944. In 1948, the Declaration of Human Rights was signed. The vicious and inhumane treatment of the

Jews by the Germans (known as the Holocaust) ignited the idea of an international body to promote peace and to prevent future wars. The Universal Declaration of Human Rights was signed on 10 December 1948. The major theme of the Declaration was the belief that “all human beings are born free and equal in dignity and rights” (Rosenblum, 2000: 2).

Some regional documents for the protection and promotion of Human Rights also came into existence and extended the International Bill of Rights:

- I. In Africa - the Charter of Human and People’s Rights (1981); and
- II. In Muslim states - the Cairo Declaration on Human Rights in Islam.

The adoption and implementation of these Human Rights charters and statutes has an important function to fulfil in the pursuit of justice. Sen (2004: 2) describes the importance of a Human Rights document as follows: “A pronouncement of human Rights includes an assertion of the importance of the corresponding freedoms – the freedoms that are identified and privileged in the formulation of the rights in question – and is indeed motivated by that importance”. Sen (2004) makes the following example to explain this point further; the human right of not being tortured springs from the importance of freedom from torture for all. However, it also includes an affirmation of the need for others to consider what they can do to secure freedom from torture for any person. To a possible torturer the demands are clear, refrain and desist. The demand takes the form of what Kant called “A perfect obligation” (in Sen, 2004: 2).

Not only was the Declaration of Human Rights signed in 1948, it was also the year that the National Party came into power in South Africa. The result was the system of apartheid, formally introduced by the newly elected National Party. It is ironic that as the world was gearing up for a new era of Human Rights, South Africa took a step backwards with the introduction of apartheid.

3.8. The History of Human Rights in Argentina

The Populist History of Argentina was discussed earlier in this chapter. In this section, an investigation and discussion of Human Rights abuses in Argentina will be

provided. The Latin American region has a rich and disastrous History of crude Human Rights violations. The people of Argentina first suffered under dictators, followed by a military coup d'état. One would assume that the situation would improve after the military takeover, but then the government almost went to war with its own people. The Human Rights violations that took place during the period of the late 1970s and early 1980s will be discussed in this section (Brysk, 1993: 262).

3.8.1. Human Rights violations in Argentina

What began in 1976 as a fight against terrorism in Argentina resulted in massive Human Rights violations and a virtual war against its own people? In March 1976, the Argentinean military staged a coup d'état ousting Isabel Peron who had been the president since her husband died in 1974. The country was racked by terrorism, perpetuated by both right wing and left wing extremists. It was in chaos (Kalikoff, 1980: 5).

When the military junta took power, it declared a war on "subversion". After dissolving the congress and establishing itself as the supreme power, the junta replaced all judges. Thousands of Argentineans labelled as subversive or terrorist were arrested. One would think that after thousands were arrested and detained without trial that these drastic measures would stop. Instead, thousands more were arrested and detained without trial. In January 1978 the new president, Rafael Videla, announced that a "terrorist is not only someone with a bomb or a gun, but also someone who spreads ideas that are contrary to Western and Christian civilization" (Kalikoff, 1980: 6).

Moreover, thousands of Argentineans mysteriously disappeared. Some were abducted, tortured and murdered by their own government. Some of the abductees were kept in secret concentration camps. Thousands more were held as political prisoners under inhumane conditions. The nation suffered authoritarian rule as the military pursued a sweeping political programme oriented by structural transformation of the economy and the extension of an anti-insurgency campaign to a brutal repression of all dissidence. The congress was closed, unions and other social organisations were terrorised, and the judiciary was silenced (Brysk, 1993: 262).

3.8.2. Resistance against human rights violations in Argentina

France, Mexico, Spain and Venezuela hosted large numbers of Argentinean exiles. According to a January 1982 article in *La Prensa*, these exile communities served to disseminate information and lead protests against human rights violations. One march in Paris drew 15 000 people. There were several protests internationally to draw the world's attention to the human rights atrocities within Argentina (Guest, 1990: 175).

Women's solidarity groups protested on behalf of Las Madras in France and Holland. The International Commission of Jurists and the World Council of Churches used their own legitimacy and expertise to defend Argentinean lawyers and Protestant activists. The New York Bar Association visited Argentina to investigate the situation of Argentinean lawyers, and subsequently testified on their behalf before the US Congress in 1979 (Guest, 1990: 175). The American Jewish community pressed for the release of Jewish publisher Jacobo Timmerman, while Asemblea Permanente por los Derechos Humanos (APDH) leader and teacher Alfredo Bravo was aided by the lobbying of international educators associations (Brysk, 263: 1993). In May 1980, the military junta was outraged by an OAS report of human rights violations and a list of recommendations by the Inter American Commission of Human Rights (IACHR), and decided to crack down once again on "subversive activity" (Kalikoff, 1980: 3).

The Permanent Assembly for Human Rights (APDH) was established in 1975. This organisation worked with victims and the families of abductees, as well as for the promotion of human rights in Argentina in general. Susana Gallart (1987) recalls: "I was part of the group that promoted our organisation. At that time, I was working with the representatives of my party and we were flooded by daily denunciations of lootings of homes, kidnappings, disappearances of people all done with total impunity. Such distressing events fostered meetings of people to denounce and mobilize so that such criminal acts could be investigated and brought to trial" (in Jelin, 1994: 39). Alfredo Bravo (1984) recounts: "Our meetings combined people with the same idea, although with diverse political, ideological and religious outlooks. We can say with pride that the gatherings included around the same table Catholics, Protestants and Jews. Political participation ranged from socialism to radicalism. We

had very valuable people, but let's be clear; we were far from a hundred" (in Jelin, 1994: 40).

3.8.3. Conclusion

From 1976 to 1983, Argentina suffered brutal military dictatorship, during which thousands disappeared and thousands were detained. These human rights abuses formed the backdrop to the subsequent democratisation efforts and ultimately the 1994 constitutional reform. Unlike many Latin American countries, Argentina's constitution was a portrait of longevity, dating from 1853 (Levit, 1999: 287).

Argentina's constitution largely echoed the US constitution, especially regarding the separation of powers and federalism. The 1853 Constitution did not address human rights treaties or even international law in general. When President Raul Alfonsin, a member of the radical party ushered in democracy in the wake of military dictatorship, he promised to fight human rights abuses prospectively and principally through legislative action. Toward this end, he established an advisory commission for the consolidation of democracy and a study of major constitutional reform. After extensive consideration, the advisory commission recommended that the President convene a constitutional assembly to undertake the first comprehensive constitutional reform since 1853. Concerning human rights, the advisory commission implored to "amplify and strengthen" individual rights and, under no circumstances, diminish or limit such rights (Levit, 1999: 288).

The difference between South Africa and Argentina concerning its human rights history is that at no point in South African history the nation suffered under a dictatorship, while in Argentina the people suffered under the dictatorship of Juan Peron, followed by the military dictatorship of the junta. The dictatorship was in fact a war on its own people, while in South Africa a section of the population was privileged at the expense of the oppressed. South Africa went through three phases within its history, slavery enforced by the Dutch, British colonisation, followed by legalised segregation or apartheid. The human rights history of South Africa will be discussed in the following section.

3.9. The History of Human Rights in South Africa and apartheid violations

What is apartheid? In some parts of the world, the word apartheid has no meaning for they might have no frame of reference on how to describe it. In South Africa, however, it is an unavoidable part of the country's History. Even the so-called Born Free generation, born after 1994, have a distinct relation to it and can still see the consequences of it within current South African society.

But, what is it? Apartheid was a policy that was formally adopted in 1948 by the then National Party. It consisted of enforced segregation of all people along racial lines. Race was the most important denominator for participation in the political, economic and social life within South Africa. The white government controlled all formal institutions of power, for example, the police, the parliament, the municipalities, the defence force and the prisons. At the same time, white citizens enjoyed all the privileges and rights while the rest of the population was disadvantaged on every front, economic, cultural, educational, as well as social (Neocosmos, 2014: 25).

The problem with apartheid is that it was not only a straightforward denial of rights, for example, as in denying people the right to vote. But, that it was based on a false belief that people of colour are not deserving of rights because they belong to an inferior race. For whites to believe in apartheid they had to believe that they were from a superior race and blacks were from an inferior race.

The majority of the white population bought into the idea of racism and belonging to a superior race. Hence, the apartheid government had buy-in from its citizens. For those who were not prepared to believe in this false belief the options were simple, imprisonment or fleeing the country. Whites were the only group of people deserving of human rights and the only group deserving of ruling South Africa. The black African was only handy as a labourer. Other than that, he/she had no significant role to fulfil as a citizen of South Africa. He/she was denied the full spectrum of human rights enshrined in the Universal Declaration of Human Rights (Harris, 2002: 141).

3.9.1. Human Rights violations under apartheid

The rights of black Africans were violated on a large scale under apartheid. An important characteristic of apartheid was that it oppressed the different race groups in varying degrees. For example, in the Western Cape, there was a Coloured work preference policy. These policies caused tension between race groups. The human rights of the oppressed were grossly violated. Freedom of speech, freedom of movement, freedom of association, and the right to vote were all denied to them.

However, violations under apartheid should not be seen only in terms of the denying of these rights. The black African was deliberately underdeveloped in South Africa. The denial of economic rights formed an important part of the system of apartheid. Black Africans were not allowed to own land and were forcibly removed to the so-called “homeland reserves”. All the best jobs were reserved for whites. Black men became migrant workers on white-owned farms and in mines, while women had to forge out a living for themselves and their children in the homeland reserves. There were very few economic opportunities for blacks (Landsberg, 2006: 11).

Moreover, blacks were denied the right to form a meaningful existence at a social and cultural level. Recreational amenities were reserved for whites only. Access to parks, beaches, park benches and restaurants were also reserved for whites only. In certain areas, blacks, Coloureds and Indians were not allowed to walk on the pavement. Black communities were denied adequate sanitation, water and refuse removal systems, adequate housing, clinics and schools. This blatant oppression continued within education. Separate schools, colleges and universities were built for the different race groups. White schools received the best services and facilities. The education system for blacks was called the Bantu Education System and was designed by HF Verwoerd. With the introduction of this system in parliament, Verwoerd said, “There is no need for the black to receive a proper education when he is only going to become a labourer” (Landsberg, 2006: 11).

3.9.2. Human Rights post-apartheid

- **Transition to democracy**

On 27 April 1994, for the first time in the history of South Africa, free and fair democratic elections were held. The ANC emerged victoriously and Nelson Mandela was inaugurated as the first democratically elected president of South Africa. Mandela led the country for only one term from 1994 to 1999. Denouncing the myth of the “African leader till death”, Mandela illustrated that he was a true steward of democracy.

Mandela’s primary objectives were to unify the country and stabilise the new democracy. An interim constitution was adopted, which stated, “All laws and conduct inconsistent with the constitution would henceforth be of no force and effect”. The interim constitution guaranteed new fundamental human rights, for example, freedom of speech, access to information, fair administrative practice, free pursuit of economic activity, the right to security, and educational rights. In addition, important constitutional institutions were established, including the Constitutional Court, the Human Rights Commission, and the Commission on Gender Equality (Landsberg and Mackay, 2006: 9).

If the 1994 elections was a victory for democracy, the final constitution was a victory for human rights. The final constitution was negotiated between 1994 and 1996; it came into force on 4 February 1997. The preamble to the Constitution states that it was adopted to “heal the divisions of the past and establish a society based on democratic values, social justice, and fundamental human rights” (Landsberg and Mackay, 2006: 9).

- **Healing the past: The Truth and Reconciliation Commission**

Although the newly elected government had the challenge of building a unified country and stabilising a democracy, there were various other challenges as well. One of the challenges was that of dealing with the human rights violations committed during the apartheid era. The Truth and Reconciliation Commission (TRC) was formed with Archbishop Desmond Tutu as the chairperson. According to the Human Development Report of 2000, the TRC had the following objectives:

1. Establishing as complete a picture as possible of the causes, nature and extent of human rights abuses.

2. Facilitating the granting of amnesty on condition of a full and truthful disclosure of the acts.

3. Establishing and making known the fate of victims and restoring their dignity by granting them an opportunity to relate their own accounts of the violations they have suffered.

4. Compiling a report of the findings (Liebenberg, 2000: 10).

- **Democratic yet unequal**

The Nelson Mandela era was followed by that of Thabo Mbeki. He became the second democratic president of South Africa in 1999. Mbeki focussed on the delivery and extension of essential services, the transformation of society, black economic empowerment, as well as the cultural, political and economic revival of Africa. By 1999, it was clear that South African society was democratic, but far from equal, especially on the socio-economic front (Liebenberg, 2000: 11).

According to Landsberg (2006: 16), there was a focus by the Mbeki administration to give blacks, Coloureds, Indians, as well as women and the physically disabled a larger share of the employment opportunities to counterbalance the effects of apartheid exclusionism. Affirmative action and black economic empowerment became key government priorities (Landsberg, 2006: 16).

Both Mandela and Mbeki were keen to introduce new policies to steer transformation. Sometimes these policies were excellent policies that worked well in developed countries. There was however a tendency to introduce policies without proper consultation with all the relevant stakeholders. Moreover, some policies were only accessible to a certain sector of the population. For example, the introduction of school governing bodies (SGBs) works well in affluent communities, but in deprived communities, parents feel intimidated to engage with teachers. In addition, the e-government system was only accessible to people who have access to the internet. Therefore, in many instances, the policies were designed to fail (Liebenberg, 2000: 13).

Numerous policies were adopted to see to the needs of the disadvantaged, but implementation was inferior and poorly coordinated. New developments, like the building of houses, did not seem to reach the neediest groups equally. This also gave rise to racist sentiments when developments took place in black areas, which led other groups to feel marginalised or forgotten.

- **Constitutional and societal emphasis on Human Rights in post-apartheid South Africa**

Within post-apartheid South Africa, the state enjoys high a degree of legitimacy. However, this new legitimate state is inundated with enormous socio-economic and other challenges. A new constitution was adopted in 1996. The Constitution provides the government with a progressive framework for the realisation of both political and socio-economic rights. Landsberg and Mackay (2006: 10) describe the impact of the Constitution as follows: “It makes a commitment to break away from the atrocities of the apartheid and establishing a society based on human dignity, freedom and equality”.

It was clear that the new government was determined to replace the apartheid order with a rules-based democratic society based on the principles of equity, non-racialism and non-sexism. Hence, there existed a clear framework of laws and policies to translate broad human rights into programmes of action, which could have a real impact on the lives of ordinary South Africans. Thus, a violation of a person’s human rights was now an offence to be judged within a court of law. However, according to Liebenberg (2004: 22) it would be misleading to assess the impact of human rights based on court cases. The court does serve as an important safeguard for the violation of any right in the Bill of Rights, but the court should not be seen as the main institution for the realisation of human rights. “All organs of state are under a duty to respect, protect, promote and fulfil the rights in the Bill of Rights” (Liebenberg, 2004: 14)

Equality forms a cornerstone of human rights and is integrally linked to the Bill of Rights. Equality includes the full and equal enjoyment of all rights and freedoms in the Constitution. Therefore, by prioritising the needs of disadvantaged groups, as well as providing opportunities, resources and services to disadvantaged groups

irrespective of race, sex, culture or creed would be consistent with the right to equality as enshrined in the Bill of Rights.

- **Continuing human rights challenges, for example** xenophobic uprisings, homophobic violence, criminality and persistent violence, as well as new forms of racism.

Despite South Africa's ground-breaking Constitution, the commitment to the Bill of Rights and a myriad policies and development programmes, the country still experiences certain human rights challenges. Amongst these are persistent racism, homophobic violence, xenophobia and criminality.

For fellow Africans, South Africa is often regarded as the mecca of Africa. Consequently, refugees from unstable countries such as Somalia, Zimbabwe, Ethiopia and Nigeria flee their countries to seek refuge in South Africa, as they regard it as safe. However, once they are here, they are met with contempt (Tshitereke, 1999: 4). These foreigners are often viewed as competitors for scarce jobs, as drug smugglers and thieves; they are accused of spreading viruses; are ridiculed for wearing their cultural attire; and are called names. As Harris (2002: 143) puts it, "The foreigner (especially the African foreigner) stands at a new site where identity, racism, and violent practice are reproduced".

During the last couple of years, South Africa has had several community uprisings where disadvantaged communities were dissatisfied with the pace of service delivery. It was not uncommon for these protestors to turn on the shops of foreigners, and plunder and burn them down. Tshitereke (1999: 4) suggests that within post-apartheid South Africa people are more aware of their deprivation than ever before and warns that such a situation is an ideal breeding ground for xenophobia to take root. In this context, Tshitereke (1999) notes that people create a scapegoat to blame for their ongoing deprivation and poverty. The foreigners become the scapegoats because they are viewed as a threat to the citizens receiving houses, jobs, education and healthcare (Tshitereke, 1999: 4).

A similar situation occurs with the different racial and ethnic groups within South Africa. Coloured and white communities tend to treat black communities as

scapegoats and this gives rise to, or produces racism. The Coloured and white community want someone to blame. Tshitereke (1994: 4) talks about “relative deprivation theory”, considering it as a key factor in social unrest. This phenomenon is a subjective feeling of discontent based on the belief that one is getting less than what one is entitled to (Tshitereke, 1999: 4).

3.10. Conclusion

Historically, Populism has been the universal mode of expression for unique national, cultural, class, ethnic or racial identities of “the people” derived from interpretations of national experience. In multi-racial societies like South Africa, the challenge is often to make non-racial citizenship a popular identity. After centuries of racial oppression, it would be unrealistic to expect an ethos of non-racial citizenship to prevail unchallenged by older political perceptions (Halisi, 1998: 425).

For the immediate future, however, successive governments will have to cope with the implications of both non-racial and race-conscious political sensibilities. Although non-racialism is and will continue to be the government’s social stance, new forms of populism are bound to give voice to inescapable fears and frustrations. In racially stratified societies, democratic development is affected profoundly by traditional polarities of thought. These include separation versus integration, racial consciousness versus non-racialism, Afro-centrism versus Euro-centrism, and black power versus civil rights (Halisi, 1998: 426).

Conjunctures of race and class stimulate populist approaches to thought and action at the expense of the realisation of the human rights project. Essentially, the liberation struggle was not only a struggle for the liberation of a particular group, or the creation of a non-racial society, but also for a society that promises to protect, enhance and realise the rights of all citizens of the country.

Hence, the populist project, which essentially seeks to divide society, needs to be carefully monitored and analysed. The apparent convergence of racism and capitalism contributes to the leftist populist view that black liberation and capitalism are necessarily incompatible. In South Africa, the liberation project was successful, the peaceful transformation from an oppressive regime to a free and democratic

government was also successful, but the governance of a society divided along various angles of race, class and culture seems problematic.

According to Laclau (2005), “Progressive populist movements are the result of those instances where working classes themselves incorporate context specific popular democratic themes and defend egalitarian values rather than national, ethnic or racial chauvinism”. This statement by Laclau holds a valuable lesson for South African society, which is divided along so many different ideological lines. According to Martin (2005: 10), political thought usually precedes and informs political action. Political theory and political practices are thus inextricably linked. In other words, African political thought provides practical solutions to political, economic, social and cultural problems and it varies according to historical circumstances and a constantly changing African and world political environment.

From the Latin American experience, we can see that populist promises lead to overspending and ever-increasing debt. If Latin America provides us with one lasting lesson it is to keep checks and balances of representative government before having to experience its absence. Many countries face the same challenges of rising populism, for example the USA, and many European and African countries, including South Africa. If these countries let populist demagogues come into power, they are all vulnerable to experiencing the same effects of countries that have already walked this road.

Chilea (2014: 78) points out that successful governance must inevitably focus on the promotion and protection of human rights and fundamental freedoms, as without this protection there can be no meaningful democracy. Chilea (*ibid.*) further argues that the spread of a culture of human rights is not just the implementation of global law; it is also a perplexing procedure of constitutional engineering in situations that are antagonising at times.

The tendency of populism and the willingness of populist leaders to divide societies in an “us versus them” scenario pose the main threat to human rights. Populists tend to identify scapegoats. The scapegoats can range from the elite to ethnic and minority groups. This is where the challenge to human rights lies. The populist leader in his/her quest for political supremacy can infringe on the rights of others, as seen in

the USA, where the denial of Muslims from entering the country is encouraged, as well as the land reform policy that was encouraged in Zimbabwe. Whether populism can exist without infringing on the human rights of citizens remains the question that this research will attempt to answer.

Chapter 4

Populism and Human Rights in South Africa

4.1 Populism in South Africa

According to political scientists like Ernesto Laclau, we live in the “era of populism” (2006: 9). Some of the most influential leaders in the world, like Donald Trump, have been labelled as populist. Despite this, the term Populism is effectively unclear and many theorists and political scientists have difficulty in defining what exactly it is.

The rhetoric of Populism celebrates the good, wise and simple people who are counter posed with the corrupt and incompetent elite. The elite are charged with having become increasingly removed from “the people”, and thus pursue policies that run counter to those wanted by the people (Meny and Surel, 2002: 7).

Panizza (2009) has a different view and argues that Populism is a term of abuse, denoting a dangerous malaise of the body politic. According to Panizza (2009), populist leaders are said to be authoritarian demagogues who appeal to the emotions of the electorate in order to gain their support, pandering to prejudices and resentments to turn voters against the established political order. They have little regard for democratic institutions and procedures; they tell the people what they want to hear without consideration of the long-term political and economic consequences (Panizza and Miorelli, 2009: 23).

Usually Populism revolves around a personalistic leadership who feed on quasi-direct links to a loosely organised mass of heterogeneous followers. The leader is often a charismatic leader and enjoys establishing face-to-face contact with large numbers of citizens. The populist leader treats opponents not as adversaries in a fair and equal competition, but rather as profound threats. He/she brands rivals as enemies of “the people”; with this tactic changing politics into a struggle of “us versus them” and undermining the pluralism of contemporary politics. Populism to the left or the right is a threat to democracy, pluralism and human rights (Weyland, 2013: 20).

4.2. Populism trends in South Africa

A trend refers to a general way in which something is developing or happening, a general development or change in a situation, or in the way people are behaving. Hence, trends of Populism would refer to developments concerning the populist behaviour of politicians and political parties. This section will look specifically at populist trends among South African politicians.

In order to discuss the trends of Populism within South Africa, political leaders who demonstrated the traits will be investigated. Jacob Zuma and Julius Malema are regarded as populist politicians. Thus, the political actions of these two political leaders will be examined to identify populist trends. As well as other opposition parties like the DA, which also makes use of populist tactics.

Perhaps the most extravagant claim for Zuma's popularity, or Populism, was that by Achile Mbembe, who likened support for Zuma to a collective suicide impulse akin to the 1856-1857 Xhosa cattle killings. He likens it to populist rhetoric and a millenarian form of politics, which advocates, uses and legitimises self-destruction or national suicide as a means of salvation (Mbembe, 2006: 2). Hart (2104) states, "In my initial effort to come to grips with this issue, I argued that part of what Zuma represents is a move to seize the mantle of the liberation struggle and to present himself as its rightful heir". Zuma carefully executed this idea by speaking the language of the oppressed and singing their songs (Hart, 2014: 15).

South Africa labours under its racial legacy. The race question appears at the same time as the class conflict between the affluent white establishment and the impoverished black proletariat. Horowitz (1997) is realistic about the South African situation and points out that there is conflict in South Africa that relates to race. Beyond this conflict, there is disagreement over the extent to which the conflict is really about race, as opposed to being about oppression merely in the guise of race, or about nationalism among groups demarcated by race, or about contending claims to the same land. Populist leaders, as the mouthpiece of their followers, exploit these needs, rather than lead. They feed on the existing predispositions and real anxieties of "the people" (Horowitz, 1997: 463).

Ndlovu-Gatsheni (2009) has argued that one cannot understand the key dynamics of the current resurgence of nativism and Populism without a proper historical grasp of the complex definitions of the national question and the different imaginations of the post-apartheid nation, as well as contestations over the teleology of the National Democratic Revolution. There are indeed complex antinomies of black thought that have not been laid to rest and that continue to play a role in the definition of the transformational agenda in South Africa. Nativism is a form of response to the triumphant neo-liberal inspired philosophy of non-racialism that appears to have benefitted mainly the white establishment at the expense of the poor (Ndlovu-Gatsheni, 2009: 81).

Zuma's capacity to connect with and speak to the painful articulations of race, class, gender and security in the everyday lives of many poor black South Africans is closely linked with his wresting ownership of the liberation struggle from the then Mbeki faction. Central to this process was his signature song, "Awethu Umshini wami" (Bring me my machine gun). People recognised it as a language they know. Barely five months after Polokwane, where Zuma was elected as the president of the ANC, an outbreak of xenophobic attacks occurred in May 2008; a hideous manifestation of how the anger of the poor can go in any direction (Hart, 2014: 205; ch1 page 24).

Weyland in Cheeseman (2015; ch 2 pg 41) highlights four common characteristics of populists, namely:

- Populist movements represent a multi-class or multi-ethnic alliance. This distinguishes them from class-based parties, as in Western Europe.
- In their modern incarnation, they are typically built on a mass support base of primarily urban workers.
- They are led by popular and charismatic individuals who make direct emotional connections with their voters.
- Populism is often highly personalised. Campaigning relies on mass public rallies during which the candidate physically encounters the supporters. This method can be very effective in gaining popular support.

Weyland (in Cheeseman, 2015) overlooks the centrality of economic grievances. The favoured focus of populist leaders is economic grievances. Populists typically pledge to radically improve living conditions, often claiming that economic difficulties are at least partly due to the corrupt nature of the existing leadership (Cheeseman, 2015: 124).

What distinguishes populist movements from other organisations or political parties is their evocation of “the people” as the true holders of sovereignty as opposed to the exploitative and corrupt elite. This has been the EFF’s trump card since its formation. The elite or political class is constructed as the source of some crisis or breakdown that is based on or has resulted in “the people” being let down, exploited or poorly governed (Cheeseman, 2015: 124).

According to Moffit and Tormey (2014: 125), populists distance themselves from the elite or power bloc in several ways, including the adoption of popular language, gestures and fashion. The EFF’s founding logic is that it represents the poor, marginalised masses of South Africa who continue to be exploited by capital and those who hold political power (Moffit and Tormey, 2014: 125).

South Africans labour under poor service delivery and service delivery protests have become a normal feature in our daily news. Haysom argues that the promise of goods which is not delivered or intended to deliver constitutes a form of constitutional fraud, which demobilizes the citizenry. Inherent in this position rest the assumption that if political or civil rights are rigorously respected, democracy will function and socio economic needs will inevitably met (Haysom, 1992: 24).). However in South Africa unmet needs and basic services are used and abused by populist politicians. Dikeni (2017) refer to the use of this myopic rhetoric as theoretical bubbles. South African politicians especially opposition parties are explicitly keen to feed the public these hollow concepts such as radical economic transformation, white monopoly capital, poor service delivery and land redistribution. Not that these terms mean absolutely nothing and that there is no truth to it but it is used to obscure the positive political merits of the national movement. Further it is also done for the own narrow interests of the people instead of for the advancement of society (Dikeni; 2017. 4)

4.3. Patterns of Populism in South Africa

To start this section, the difference between a trend and a pattern should be clarified. A trend is usually the general tendency of a set of data. The data may change, but usually moves in one direction. A pattern, on the other hand, refers to when data repeats itself in a predictable manner.

Despite the ascendancy of liberal constitutionalism in South Africa, populist beliefs associated with class as well as racial identities persist strongly in the arenas of both mass and legislative politics. In racially stratified societies, democratic development is affected profoundly by traditional polarities of thought. These polarities are relevant to the distinction between moral and legal conceptions of citizenship. In a society such as South Africa, which was divided forcibly for centuries along lines of law, culture and custom, identity politics remains a relevant feature of political perceptions (Halisi, 1998: 424).

Populist thought thrives in the intersections between conceptions of popular and democratic government. Popular sovereignty, the right of ordinary people to self-rule, is a fundamental principle of government for democrats and populists alike. In a multi-racial society like South Africa, the challenge is often to make non-racial citizenship a popular identity. However, after years of racial segregation it would be unrealistic to expect an ethos of non-racial citizenship to prevail unchallenged by older political perceptions. Therefore, for the immediate future, successive governments will have to cope with the implications of both non-racial and race-conscious political sensibilities. New forms of Populism are bound to give voice to those inescapable fears and frustrations that accompany rapid political and social change (Halisi, 1998: 425).

Weyland (2001) defines populist strategies as a form of mobilisation, which is characterised by an anti-elitist course of action that aims to correct the exclusion of economically marginalised constituencies. This discourse is usually led by a charismatic leader who professes “closeness with the common people” (Weyland, 2001: 14).

Keeping this definition in mind, Resnick (2010) argues that the appearance of populist modes among the urban poor in Africa can be ascribed to two important factors. In the first instance, Resnick (2010) points out that Populism is suggestive of the nature of existing African party systems. Furthermore, the failures of African parties to design effective programmes that appeal to the poor as well as to the donors from other countries are common in African countries. Secondly, urbanisation in some African cities has occurred at such a fast pace that governments cannot keep up with the rate of urbanisation. This urbanisation without appropriate economic growth has exacerbated poverty in African cities. Usually, large African cities have been the centre of political power (Resnick, 2010: 116).

Prior to the 2009 elections in South Africa, Jacob Zuma launched a populist strategy. The focus of his campaign was on poor urban areas; his message was relevant to the economically disadvantaged classes. He used his charismatic image to forge strong ties with the underclass masses. In the months before his official campaign began, Zuma toured the townships near Johannesburg to hear the complaints of the people. Many people complained about water and electricity and Zuma promised greater public spending to create jobs and to improve service delivery (Resnick, 2010: 117).

In a study of voters' intentions in Soweto, voters who supported Zuma were more likely to be poorer (Hart, 2007). Zuma grew up as a goat herder with no formal education. Thus, he was able to endear himself to the poor; the poor saw him as much more approachable, compared to then president, Thabo Mbeki. Indeed, "Zuma held widespread appeal to the poor by simultaneously portraying himself as a liberation hero, a leftist, a traditionalist and an anti-elitist" (Hart, 2007: 97).

The difference between the trends and the patterns of Populism lies in repeated behaviour. The Zuma tactic to play to the poor and present himself as the saviour of the people has been seen in other countries from populist leaders like Juan Peron. Patterns are predictable because they repeat themselves, while trends are general tendencies. In this case, the trends refer to the general tendencies of populist leaders. According to Mbete (2014: 71), the EFF fits into this global pattern of Populism in electoral politics.

4.4. Elements of Populism in South Africa

An element refers to an essential or characteristic part of something abstract. Therefore elements of populism would refer to essential or characteristic parts of populism. Which elements of populism can be witnessed in South African politics?

The eyes of the world are on Cyril Rhamaphosa, the new South African President, to see whether he can continue the legacy of the Rainbow Nation of iconic leader Nelson Mandela. It is in the interest of the country to work together under the leadership of Rhamaphosa. However, a strident African Nationalist Populism has metastasised into the ANC (Oosthuizen, 2018: 2).

The ANC now calls for the expropriation of land without compensation and the nationalisation of the South African Reserve Bank. At present, these are the policies of the ANC. In much of sub-Saharan Africa, the narrowness of private property in particular the rural sector means that land can easily be mobilized as a patronage resource. Rights to land can be allocated and reallocated by regimes seeking electoral advantage by rewarding their constituencies at the expense of losers, rivals and minorities. The threat or reality of expropriation can provide a powerbase for exclusionary nationalisms and other forms of politics where the losers have few incentives but to abide by the outcomes generated through elections (Boone;2009,21).The land issue in South Africa is of particular interest and have immense populist possibilities.

What needs to be explored, according to Alexander (2012), are the antinomies of black liberation thought that continue to reverberate and pulsate within the Tripartite Alliance, provoking nativism and Populism. Two broad definitions of the national question are identifiable:

1. The workerist – a Marxist-oriented definition that understood the struggle in class terms; primarily the struggle between capital and labour. This version still resonates in the SACP and COSATU.
2. The nationalist liberation definition, whose key contours are the end of racial oppression, repossession of land, seizure of political power, and the nationalist re-imagination of nationhood.

In South Africa, non-class ideologies of Negritude, Garvism, Pan Africanism, nativism and traditional ethnic culturalism intersected with modern global ideologies of nationalism, socialism, Marxism and republicanism within the nationalist liberation movement. The result was an out of the ordinary mixture of black liberation thought. Out of this complex ideological liberation terrain emerged questions about the teleology of the liberation struggle, the nature of democratic transformation, imaginations of the South African nation, as well as the definition of citizenship. These questions, Ndlovu-Gatsheni (2009: 87) holds, are at the root of the current problems of identity, which are provoking the rise of nativism and Populism.

The ANC had a general direction of the struggle, but no clear path for realising it. It had no clear ideological underpinnings because it absorbed too many differing ideologies within the liberation struggle. The ANC was largely forced to project the non-racial strand as its public transcript for strategic and pragmatic purposes (Scott, 1990: 58).

Albertazzi and McDonnell (2008: 29) assert that ideological and social issues may be described as important conditions, which allow for the emergence of Populism. However, the most important circumstances for the resources of Populism are mostly political. Meny and Surel (2002: 5) indicate three crucial political conditions as being significant for the surfacing of the current Populism:

1. The crisis of the structures of political intermediation.
2. The personalisation of political power.
3. The increasing role of the media in political life.

However, for Populism to surface and have a real influence on the current political conditions within a country there is one major factor; that is, a leader who exploits and uses societal conditions of fear and uncertainty. Populism can never emerge and succeed if these conditions do not exist (Meny and Surel, 2002: 114).

Cohen (2018) highlights three elements of populist ideology frequently highlighted in the literature on Populism:

1. Populism revolves around a central antagonistic relationship between the people and the elite.
2. Populists try to give back the power to the people and to restore popular sovereignty. Populists believe that politics should be based on the immediate expression of the general will of the people.
3. The transparency of the will of the people is possible because Populism conceptualises the people as a homogenous unity.

According to Cohen (2018), all populist movements need to supplement their thin centred populist ideologies with additional values and beliefs that give content to this substantive unity. The presumed unity of the people also implies that Populism cultivates antagonistic relationships towards those who do not fit in and therefore threaten the presumed homogeneity. Depending on the specific nature of the populist image of the people, this might include the cultural and economic elite, foreigners, minorities and welfare recipients (Cohen, 2018: 11).

4.5. Characteristics of Populism in South Africa

A characteristic is a feature or quality belonging typically to a particular person, place or item and it serves to identify the particular item. Populism is by no means a new theme within the ANC. In fact, the occurrence of Populism within the ANC can be regarded as a running theme. Usually, the leaders are a group of charismatic leaders who are regarded as high profile leaders. Their support base usually comes from the marginalised sectors and the poor within the ANC. Their ideas and operations are often in opposition with those of the leadership and they consider themselves to be the true voice of the people (Johnston, 1995: 3).

Populism is usually associated with a major reallocation of national or international economic resources within the same mode of production. Such reallocation may involve a transfer of resources from the agricultural or extractive sectors to industry, between industrial sectors, or from industrial sectors to the service sector. However, such displacement implies the rupture of existing ideological consensus and the necessity of new articulations of hegemony across broad and diverse components of social totality (Beasley-Murray, 1998: 17).

These associations would begin to explain the apparent shift of Populism from the global periphery to the metropolis over the past 20 years. Extensive dissatisfaction bordering on communal apprehension is frequently the result of uncertainties about unemployment, unanticipated political amendments, and large-scale immigration and identity issues. These fears are not limited to the poor current situation, but are anticipated for the future (Albertazzi and McDonnell, 2008: 19).

A host of factors that were not meant to happen has altered the notion that globalisation and capitalism will naturally bring good. Some of these factors are obvious, for example the election of Donald Trump as the president of the USA and the rise of populist parties all over the world. On South African soil, former president Jacob Zuma was known for his populist tactics, as well as the rise of the EFF under the leadership of Julius Malema. A charismatic Malema frequently presents himself as the voice of the poor, the marginalised, as well as the victims of the Marikana Massacre (Cohen, 2018: 2).

The charismatic populist leader claims he/she has solutions to the problems and, most importantly, he/she identifies the enemies. However, the Promised Land is not always reached and popular demands are not always met. In reality, the populist leader prefers to prolong the transitional period. The logic behind this is that as long as the transitional phase continues the leader will be needed. Therefore, populist leaders rarely institutionalise their authority; they do not change the rules and do not establish new institutions. Populist leaders believe that this logic is crucial to their survival and to the functioning of democracy (Albertazzi and McDonnell, 2008: 24).

ANC leaders, including Winnie Mandela, Bantu Holomisa, Peter Mokaba and Julius Malema, are examples of ANC members who had support amongst ANC members, but they had little influence within the party itself. These types of leaders also have the inclination to self-destruct.

However, Populism is likely to remain an important feature within South African politics for the foreseeable future. Much depends on the ANC leadership to contain the influence of populists within the party itself and within government.

4.5.1. The rise of Populism under the Mbeki administration

Several factors can be put forward for the rise of Populism under the Mbeki administration. The consequences of his leadership style and economic policy, and how the two interchanged, seemed to be the dilemma. Towards the end of the Mbeki era, there was a demand for a return to a more democratic style of leadership and a more responsive form of government. Zuma seemed to be the man for the job as he portrayed himself as one of the people and made promises of reinstating a more responsive form of government. This populist demand is similar in most developing countries (Mathekga, 2008: 27).

Mathekga (2008) identified the following features:

- Populism usually manifests itself as a struggle against growing poverty and inequality, associated with market-based economic policies.
- Growing poverty and inequalities were conveniently blamed on Mbeki's out of touch elitist approach to governance.
- The argument for the expansion of democracy is ironically invoked to undermine democracy.
- Ever-growing poverty amid experimentation with market reforms is seen as the leadership's diversion from the party mandate and poses a threat to institutional stability, as seen in reactions to Mbeki.

4.6. The challenges and problems of Populism in South Africa

Populism as a concept defining a political project is usually a reactive project (Canovan, 1999: 11). It does not possess a standalone life and is not sustainable as an alternative form of politics. This by no means implies that Populism is conceptually hollow. In the words of Mathekga (2008: 31), "If we follow the analogy that populism is a spectre or a shadow of democracy, it is still possible to conceptualise the conditions under which populism is invoked".

Arditi (2004: 124) puts forward the argument that if we complement Canovan's argument that Populism is a spectre of democracy, it does possess the ability to become a permanent force of alternative politics that becomes relevant when there seems to be a shrinkage or perceived shrinkage of democracy. Within South Africa,

a populist reaction seems to flair anew with the perceived centralisation or shrinkage of democracy (Arditi, 2004: 124).

From a democratic perspective, citizenship is a moral conception, as well as a legal category. This dual connotation is particularly pertinent to the evolution of democracy in South Africa. Despite the ascendancy of liberal constitutionalism, populist beliefs associated with class as well as racial identities persist strongly in the arenas of both mass and legislative politics (Halisi, 1998: 429).

Populism is not entirely alien to democracy. There has always been tension between representative and direct democracy and populism or elitism is both possible outcomes of this tension. Hurt and Kuisma (2016) argue that extreme versions of either might be detrimental for democracy's ability to continue functioning as a mode of governance. As such, it is not surprising then that Populism is not always viewed as an exclusively negative aspect of democracy. In some estimates, for instance, Populism has been considered as a useful tool of regeneration and revitalisation of democratic politics. Hence, while some see it as a threat to democracy, others consider it as a corrective force (Hurt and Kuisma, 2016: 21).

Electoral Populism is also a concern in South Africa. Within the contest of weak property rights, electoral populism is a configuration common to parts of sub-Saharan Africa. For example, Boone (2009: 21) has argued that, under capitalism, the institution of private property limits or "devalues" democratic rights by stripping citizens of direct power over the economy. However, in an inversion of the kind of politics produced by liberal constitutionalism, basic issues about the status and distribution of property are central to the everyday debates and ongoing struggles in the open electoral arenas of many African countries, including South Africa (Boone, 2009: 21).

Economic despair in developing countries is so rife that most of the concerns of the people and grievances with the government have an influence on the citizens of the country. Therefore, these grievances can easily be mobilised to validate a shift in the country's approach to governance. This phenomenon can be seen in most developing countries in Africa, including in South Africa. Populism then comes to the forefront, presenting itself as against globalisation and against dependency on the

West. Populism raised its head in South Africa with the vision of an expansion of democracy. Paradoxically this expansion of democracy was invoked to actually undermine democracy. This is a common theme of Populism in most developing countries. Populism usually professes itself as an attempt against rising poverty, unemployment and inequalities (Mathekga, 2008: 22).

4.7. Examples of Populism in South Africa

ANC populist leaders include Winnie Mandela, Bantu Holomisa, Jacob Zuma and Julius Malema. Winnie Mandela was the leader of the ANC Women's League and Julius Malema was the leader of the ANC Youth League. Populist leaders tend to be elevated public figures with widespread support among party members, particularly within the marginalised sectors of the ANC, or in the country at large, but with relatively little power in government.

The EFF under the leadership of Malema can be regarded as populist. According to Mbete (2014), the EFF fits into a global pattern of Populism in electoral politics. What distinguishes populists from other organisations or political parties is their evocation of "the people" as the true holders of sovereignty, as opposed to the exploitative or corrupt elite. The elite or political class are constructed as the source of some crisis or breakdown that is based on or has resulted in the people being let down, exploited or poorly governed. Populists distance themselves from the elite in several ways, including the adoption of popular language, gestures and fashion. The EFF's founding logic is that it represents the poor, marginalised masses of South Africa that continue to be exploited by capital and those who hold political power (Mbete, 2014: 71). The EFF also have a tendency to portray themselves as true revolutionaries and revolutionary populism is a popular form of populism in South Africa (Dikenj; 2017)

Jacob Zuma was also a marginalised member within the ANC. After he was fired as deputy president of the ANC in 2005, he garnered support from various groups. Populists like face-to-face interaction or representation at large rallies. Zuma gained support from the Youth League and the Women's League, workers, business tycoons and evangelists. He adopted the popular speech of the people and frequently sang his signature song 'Umshini wami' (Bring me my machine gun) at rallies. He embodied himself as the voice of the people and as a true revolutionary

from the liberation struggle. Zuma gained huge support among the people and managed to oust Mbeki as president of the ANC in 2007. Mbeki's aloof and technocratic leadership style made him unpopular with the people (Mathekga, 2008: 23).

After Jacob Zuma was removed from office as the deputy president of South Africa in 2005, he built a left-populist coalition of disgruntled grassroots activists. The left wing of the ANC Tripartite Alliance, plus the Young Communist League, formed the bulk of the foot soldiers that traversed the country, mobilising grassroots opinion against Mbeki's stern, distant and aloof leadership style. They won the public relations battle, blaming the ANC government's failure to share South Africa's prosperity with the poor. They directly blamed Mbeki's centrist economic and social reforms, known collectively as the growth, employment and redistribution strategy (GEAR), as a failure to provide in the needs of the poor (Gumede, 2008: 121).

When the political space for the ANC to pursue pro-poor policies, used to deepen democracy within both the ANC and society, finally opened up, the leadership of COSATU and the SACP squandered it in favour of Zuma's presidential campaign. The result was a fierce tussle within the ANC between Mbeki's centrist group in government and Zuma's left populist group, which undermined decision making and hence much needed service delivery (Gumede, 2008: 123).

It is important to take note of the fact that Populism does not necessarily deflect from the basic postulation of democracy as a political venture. In fact, in South Africa, Populism is seen as a necessary style of politics, especially in the period under President Mbeki's pro-capitalist agenda (Mathekga, 2008: 25).

As pointed out earlier, populists have a tendency to self-destruct. Jacob Zuma is such a case. His involvement in several corruption charges, constant cabinet reshuffles to assist and protect him, and dealings with unscrupulous businessmen like the Gupta brothers led to his demise. Jacob Zuma's poor governance also led to investor distrust in the country and a weaker Rand. This had a negative impact on the already high levels of unemployment in the country and left the poor worse of than before. Following the Zuma story is almost like a carbon copy of Juan Peron.

Consequently, Zuma resigned as president in 2018. He was replaced by Cyril Ramaphosa, who is also the president of the ANC (Du Preez; 2018).

According to political commentator Max du Preez (2018), the biggest challenge facing the incoming president is not his “hostile party manager”, Ace Magashule, the resentful nationalists in KwaZulu-Natal, or the ANC NEC, but the ANC’s newly found Populism. Ramaphosa will have to be careful with the handling of issues like land expropriation and free tertiary education. Du Preez sees it as a tough choice between joining the populists and being popular, and having a collapsed economy, increasing unemployment and poverty, and possible public revolt. The way out for Ramaphosa would be to talk the populist talk and quietly do the right thing (Du Preez, 2018: 1).

The Democratic Alliance (DA) is the official parliamentary opposition. Maloka (2000, 5) argues that the dominant parliamentary opposition is rooted in traditional white electoral politics. This Maloka holds is in essence a political expression of the tendency in African post settler transitions for white parties to see themselves as an undifferentiated and endangered interest group. Furthermore these white opposition parties like the DA and the Freedom Front tend to represent the interests of the white minority (Maloka; 2000, 5).

The challenge for the DA is to attract black support, while at the same time not losing white support. The fact however remains that South Africa have not de-racialised enough for this to happen. The DA has only managed to gather some support within colored and Asian communities (Lange; 2000, 8). The DA has focussed their campaigns on the compromised morals of ANC leaders and attacks on democratic institutions. This may have resonated in black, white and colored middle classes, but fell on deaf ears amongst those who live in poverty in shacks, without jobs or food (Resnick; 2010, 22)

Populists regard themselves as “true democrats”. It is they, the populists who provide a voice to the people whose grievances and points of views have been systematically ignored by the governing elites (Canovan; 1999, 2). The DA falls into this group of populists. The DA are fluent in pointing out the flaws of the ruling elite as well as instances where the ANC have failed to deliver on their promises, while at

the same time claiming that they have the answers to the problems of the people. The rhetoric of populism celebrates the good, the wise and the simple people who are counter posed to the corrupt and incompetent elites (Meny and Surel; 2002, 13).

The governing elite are accused of being removed from the people and pursuing policies which are counter to those actually wanted by the people (Ware; 2002, 102). In some right wing formulations the people in fact implies something similar to “our people”. This is why the DA is struggling to make inroads in black support because they are seen as representing white interests exclusively.

4.8. Conclusion

Populism as a form of politics seems to be here to stay. The South African political space has allowed it to develop as alternative politics. If one investigates the numerous socio-economic problems experienced by the disenfranchised communities within South Africa one can see that it is easy for populist politicians to speak the language of the poor to rally against the ruling and elite classes.

This form of politics was seen in the rise of Jacob Zuma, as well as Julius Malema. The challenge for new leadership in South Africa is to decide between being popular and doing the right thing. This does not imply that Populism is always the wrong option. Complicated issues like land expropriation and free tertiary education for all cannot be solved with simplistic ideas, as populists tend to do. The impact and possible consequences of these issues have to be carefully analysed.

As mentioned above, populists generally have a tendency to offer simplistic solutions to complicated issues. As seen in Latin America, Zimbabwe, Uganda and several other countries, populists tend to over-invest in expansive social programmes, emptying the state coffers and leaving their countries with a collapsed economy, huge unemployment and rampant poverty.

A country like South Africa with large numbers of unemployment and millions living in abject poverty cannot afford to make the costly mistakes of populist leaders, like those in Latin America or elsewhere in Africa. As Max Du Preez suggests, it would

be wise for Cyril Ramaphosa to talk the talk of a populist leader but quietly do the right thing (Du Preez, 2018: 3).

This strategy of Du Preez obviously runs the risk that Ramaphosa may be presented as a leader who does not deliver on his promises. This will be exploited by opposition populist leaders in the EFF and the Democratic Alliance (DA). All eyes are on President Ramaphosa to see whether he will strive to establish a united, prosperous and equal South African society (Du Preez, 2018: 3). It is in the interest of all South Africans to work with Ramaphosa to realise that dream. But, a determined African Nationalist Populism has metastasised into the ANC. This leftist populist segment calls for the expropriation of land without compensation, the nationalisation of the Reserve Bank, and free tertiary education for all. This leftist policy drift signals a coming collectivist populist revolution within the next two decades, under the guise of “redress for apartheid”. Such a collapse of the social contract will fundamentally change South Africa (Oosthuizen, 2018: 2).

4.9 Human Rights

On 10 December 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR). At the time, the delegates clearly noted that the Declaration was not a binding treaty, but rather a statement of principles. The key question to pose almost 70 years later is whether the principles articulated in the Declaration had any effect on the actual behaviour of states towards their citizens (Risse and Sikkink, 1999: 274).

Forty-six years after the adoption of the Universal Declaration of Human Rights, South Africa had its first democratic elections in 1994. Finally, South Africa joined the rest of the world and moved in the direction of becoming a democratic society that protects and respects the human rights of all its citizens. In 1996, South Africa adopted a new constitution and established the South African Human Rights Commission. In the preamble of the South African Human Rights Bill, it states that the Constitution provides that the South African Human Rights Commission must:

- Promote respect for Human Rights and a culture of Human Rights.
- Promote the protection, development and attainment of Human Rights.

- Monitor and assess the observance of Human Rights in the Republic.
- Annually require relevant organs of state to provide it with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment (Liebenberg, 2000: 5).

The Constitution, the South African Bill of Rights and the South African Human Rights Commission form the foundation of Human Rights in South Africa. However, Human Rights are often contested and differing interpretations exist. According to Kollapen (2006), more and more people have come to rely upon and assert their rights. Kollapen (2006) asserts that this is healthy for South Africa's democracy. However, he (2006: 1) also warns that it is important that as people assert and claim their rights, they accept the responsibilities that come with having rights.

The South African liberation project has left most of its citizens unhappy. The poor have become poorer; the middle class are unhappy because attempts at a better life are frequently unsuccessful; and whites in general are resentful of their loss of privileges. The Rainbow Nation of cooperation that existed in the 1990s, as well as the existence of a culture of common good, which was built by the people themselves during the 1980s, has vanished. Criminality in politics and the rise of xenophobia, although conforming to a new world trend, does not offer the country signs of hope but rather despair as the politics of identity become more and more prevalent (Neocosmos, 2009: 189).

The concept of Human Rights is wide and open to various interpretations and there are many acts against citizens and non-citizens that can be regarded as Human Rights violations. The purpose of this chapter is to investigate the trends, elements, characteristics and challenges for realising Human Rights in South Africa.

4.10. Human Rights trends in South Africa

What is a trend? According to the Cambridge Dictionary, a trend refers to a general way in which something is developing or happening; a general development or change in a situation or in the way people are behaving. Hence, trends in Human

Rights would refer to the general way people are behaving with regards to Human Rights, as well as the general developments in a country concerning Human Rights.

4.10.1. Cultural relativism

There is a widely held belief that developing countries, including South Africa, should focus on development instead of on human rights. The reasoning behind this belief is that freedom of speech, for example, means little for a hungry or homeless person. It is also reasoned that Human Rights hinder development, especially in less developed countries with problematic ethnic divisions (Freeman, 2002: 278).

If Human Rights were literally the rights everyone has simply by virtue of being a human being, Human Rights would seem to be universal by definition. However, moral rules, including Human Rights, function within a moral community. Therefore, in order to preserve complete universality for basic Human Rights, the radical Universalist must give absolute priority to the demands of the cosmopolitan moral community over all other moral communities. This complete denial of national and sub-national ethical autonomy and self-determination is dubious at best (Donnelly, 1984: 278).

A cultural relativist account of Human Rights seems to be guilty of a logical contradiction. If Human Rights are based on human nature, on the simple fact that one is a human being and if human nature is universal, then how can Human Rights be relative in any fundamental way? The simple answer is that human nature is itself in some measure culturally relative (Donnelly, 1984: 280).

In any particular case, human nature, the realised nature of real human beings, is a natural as well as a social product. It is important to realise that national societies are defined not simply by geography or even by a history of interaction, but by cultural values that make insiders different and in many cases superior to outsiders.

4.10.2. The Khoisan question and new developments

The Khoisan debate arises in conjunction with the cultural argument surrounding Human Rights. First, it is of imperative importance to articulate clearly what or who

the Khoisan is. Historically the San are the original inhabitants of South Africa. They were hunter-gatherers, as well as nomadic. Hence, they did not settle in one area of South Africa, but moved mainly along the South and West coast, as well as the area that is today known as the Northern Cape.

Adams (2018: 1) writes that President Ramaphosa addresses many issues, but does not mention the Khoisan. According to Adams, this is an indication that the President is uncomfortable about addressing the plight of the Khoisan. He believes that government's refusal to acknowledge the indigenous status of the Khoisan is a planned strategy to rewrite history and replace the Khoisan. Adams (2018: 1) further states that the Khoi and the San are the original owners of South Africa and the original sin of land removal was committed against them.

The claim that South Africa, or a section of it, belongs to the Khoisan has a long history and contested meanings. Land means different things to different people. It can mean place, space and resources. It is also a powerful means of dominance and exclusion.

According to Wisborg (2006), a retired farm worker gave an account of the colonial experience. He said the coloniser asked for land from the Bushmen and an old Bushman took some with his hand and gave it to the coloniser, handing him a handful of soil he had picked up. The coloniser said he did not want land in that way. The Bushmen then gave away their land, after which they were chased off the land or killed (Wisborg, 2006: 6).

Colonial and apartheid rule continued to strengthen the links between national sovereignty and control over land. Legislation, forced removals and unequal development excluded the majority from valuable farmland and from institutions of ownership (Wisborg, 2006: 7). In an open letter to the Airports Company of South Africa (ACSA), Samuel van Wyk writes, "Name Cape Town international Airport for the Khoisan". According to Van Wyk, Cape Town International Airport was built on land that belonged to the Khoisan and emancipated slaves who settled in the area, known as the Downs, around 1837 (Van Wyk, 2018: 1). Van Wyk adds, "Our forefathers bought 330 morgen of land under the auspices of the then Apostolic Union to establish a missionary station and safe haven". The Khoisan was not

allowed to own land or to receive titles to the land they bought and occupied. During 1952, some of the land was expropriated for the building of the Airport. Hence, Van Wyk (2018: 2) says it is only appropriate to name the Airport after the Khoisan.

The major symbol of exclusion and oppression was the Natives Land Act of 1913. Sol Plaatje, a journalist and writer and the first general secretary of the ANC, documented the politics, meanings and effects of the prime symbol of exclusion, the “Black Land Act of 1913”. He wrote that the Act deprived Africans, including the Khoisan, of “the bare Human Rights of living on the land except as servants in the employ of whites” (Plaatje in Robins, 2001).

During the Khomani San land claim process, the San appeared as a highly cohesive and consensual community with common cultural heritage and continuity. Thabo Mbeki, who was the deputy president at the time, was optimistic that the return of the land to the Khomani San would heal the pain of loss of land in the past. In Mbeki’s speech, he spoke of the dreams of the return from exile for the Khomani San who were scattered across the Northern Cape. Many of the Khomani San were living in poverty on communal areas and on white-owned farms (Robins, 2001: 12).

However, soon after the successful resolution of the land claim, conflict and social fragmentation began to emerge. A standout characteristic of the conflict was the emergence of intra-community tensions between self-appointed “traditionalists” and Westernised Bushmen. This new division drew on indicators of cultural authenticity, which included genealogies, language, bush knowledge, bodily appearance and clothing. The question which Robins (2001: 14) poses is, “Why had what was widely perceived to be a cohesive and harmonious San community so quickly come to be seen as a deeply fractured group of individuals struggling to constitute themselves as a community?”.

In 2013, President Zuma pledged to allow pre-1913 land claims. Zuma said that an exception to the 1913 cut-off date for land claims would be provided for to accommodate historical landmarks, heritage sites and descendants of the Khoi and San who lost their land long before 1913. In response to Zuma the chief whip of the Khoisan Traditional Council, Barry Bosman, said that the Khoisan people welcomed the move and that it was not just about getting back a piece of land, but the

restoration of dignity that many people who first lived in South Africa deserved. Bosman said that the pledge by Zuma meant that their people was one step closer to realising true freedom and living in a democratic South Africa. Prof. Ruth Hall of the UWC institute for Poverty, Land and Agrarian Studies however said that the special waiver was mentioned at least once per year for the last ten years by members of the cabinet (Mpofu, 2013). According to Hall, the waiver had been used as a populist draw card. The rural land question has become more central within ANC politics and the ANC has to be seen to be doing something about the matter. According to Hall, there has been more rhetoric than action concerning land reform (Mpofu, 2013: 1).

However, land expropriation without compensation seems to be high on the ANC's political agenda. There is much rhetoric on the matter and it is not clear which direction the government will take on the matter. Some of the Khoisan leaders see this as a key time to cash in. For example, King Khoebhaha Calvin Cornelius the third has served the parliament in Cape Town with an eviction notice. Seen as an act of defiance by some and as an act of insanity by others, on 16 July 2018 the Khoisan Nation proclaimed the Cape of Good Hope an independent homeland. The action went by mostly unnoticed and did not receive much media coverage. The King however saw the act as legitimate and lawful. He pointed out that the secession move was based on the fundamentals of international law, which include:

1. The principle of self-determination.
2. The recognised principles of international law that a state may qualify for international recognition when it meets the criteria of a permanent population, defined territory and level of governance and the capacity to manage its foreign relations (Daniels, 2018: 3).

The Khoisan generally is perceived to be a cohesive and harmonious community. With the Khomani incident, however, we saw a deeply fractured group of individuals struggling to define themselves as a community. The Khomani conflict drew attention to the ambiguities and contradictions embedded within the development discourses on San tradition and citizenship and explore how this contributes to intra-community divisions and leadership struggles within a deeply divided community. The divisions also draw attention to the problematic ways in which notions of San traditions and "first people" status can be deployed as strategies of exclusion that promote intra-

community division. During the 1980s, anti-apartheid activists focussed on populist class-based forms of political mobilisation and popular land struggles, rather than “cultural struggles”. The anti-apartheid activists and intellectuals were usually affiliated with the UDF and formed part of the broad left coalition. The intellectuals in the leftists movements of the 1980s and 1990s tended to be dismissive of “cultural struggles” and ethnic mobilisation strategies, which were regarded as playing into the hands of the apartheid “divide and rule” policies (Robins, 2001: 16).

Populism, Human Rights and conflicts of cultural authenticity as well as ethnic mobilisation all feature within the debate for the San’s land claims. This debate on the San claims is important as it is happening at a time when land expropriation without compensation features high on the national agenda. Many authors and opinion leaders have come forward to explain that the land issue is not only about money, but also about restoring the dignity of those who lost their land. However, the fears that the situation could escalate into a Zimbabwe land grab situation are real. Opposition leaders however claim that it is populist manoeuvring by the ruling ANC. A feature of particular importance to Human Rights scholars and activists alike is that whichever direction the ANC takes it will do so without impeding on the Human Rights of its citizens. How this will unfold remains to be seen.

4.10.3. Xenophobia

Migration and the “multiculturalization” of societies around the world are facts of history, as well as increasingly predominant features of this contemporary age of globalisation. Increasing migration for positive and negative reasons means that nearly all states have become or are becoming more multi-ethnic, multi-cultural, multi-racial, multi-religious and multilingual. Addressing the newfound realities of increasing diversity means finding political, legal, social and economic mechanisms to ensure mutual respect, as well as the mediation of relations across differences. This implies an end to the traditional nation state in the modern global era.

In May 2008, the rest of the world reacted with dismay, outrage and disgust as South African citizens violently attacked foreign nationals in communities across the country. Tens of thousands of migrants were displaced amid mass looting and the destruction of foreign-owned homes, property and businesses. Media coverage

documented the killing of more than 60 migrants, widespread and vicious assaults, and allegations of rape (Crush, 2008: 84).

On 26 May 2008, Safety and Security Minister Charles Nqakula reported that 1384 suspects had been arrested, 342 shops had been looted and 213 had been burnt down. Statements from senior officials and politicians suggested that they were perplexed by the outbreak of xenophobic violence. The Minister for Intelligence Services, Ronnie Kasrils, conceded, "Of course we were aware something was brewing. It is one thing to know that there is a social problem and another to know when that outburst will occur" (Crush, 2008: 85).

Xenophobia is defined as "a hatred or fear of foreigners" (Oxford Dictionary, 1994). More commonly, the term is used to denote a dislike of foreigners. "In this understanding xenophobia is characterised by a negative attitude towards foreigners, a dislike, a fear or hatred towards foreigners (Harris, 1999: 54).

Kollapen (in Harris, 1999: 56) warns that xenophobia should not be detached from the violence and abuse that tends to accompany xenophobia. In this regard, Kollapen (*ibid.*) suggests a rewriting of the dictionary definition of xenophobia. In most instances, xenophobia is not just an attitude, but also a practice. People tend to view xenophobia as just a dislike or a fear of foreigners, but in many instances, it is a violent practice. The foreigner who experiences xenophobia does not only experience the dislike and negative attitude, as the dictionary suggests, but physical harm and damage to their possessions. It is also of particular interest that the target of xenophobia should be identified. In South Africa it has been noted that not all foreigners experience the same victimisation. The immigrants, legal or otherwise, from Africa comprise the majority of the victims of this violent practice called xenophobia (Harris, 1999: 56).

One in every 50 human beings lives outside their country of origin as refugees, migrants or permanent immigrants. Assisting these people concerning their Human Rights is an awesome and intimidating task. Awesome because there is relatively little literature or sustained engagement in this area and intimidating because it is an unpopular issue. Despite the lack of research, there is more than enough experiential and anecdotal evidence to state categorically that the violation of

migrants' human rights is so generalised, commonplace and widespread that it is a defining feature of international migration today (Taran, 2002: 5).

4.10.4. Racism

Persistent racism remains a human rights problem in South Africa. Racism is valid to this study because the entire system of apartheid and the accompanying Human Rights violations were built around social isolation and racism. Apartheid's principal imaginary was of a society in which every "race" knew and observed its proper place, economically, politically and socially (Oosthuizen, 2017: 2).

Human Rights development under the new democratic government can only be understood with a clear understanding of South Africa's History. South Africa has an extensive History of colonialism and apartheid. These systems violated the full spectrum of individuals' rights. Apartheid consisted mainly of forced segregation according to race. The white race, who was the master class, monopolised all formal institutions of power and enjoyed numerous rights and privileges that were denied to other races. Certain privileges were allowed to Coloured and Indian communities. The black African majority were the most disadvantaged economically, politically and socially (Liebenberg, 2000: 25).

The Holy Grail of apartheid was the Population Registration Act of 1950. All citizens were classified according to their ethnicity or race. In a sense, this can be understood not only as an act of racial classification, but also as the foundation of apartheid and racial segregation. People were literally told what race they belonged to. During this period, race became the inescapable standard for participation in economic, political and social life (Liebenberg, 2000: 29).

The results of a survey during 2006 revealed widespread ethnic separation among people of colour; undecided attitudes to racial incorporation among whites who tend to support integration in principle but are against it personally; and contrasting outcomes of contact for blacks and whites (Durrheim and Dixon, 2006). Where there was high intergroup contact it was associated with less stereotyping and positive attitudes towards transformation. Attitudes of blacks and whites towards Coloureds

and Indians were negative in provinces with high intergroup contact (Durrheim and Dixon, 2006: 273).

In South Africa, little is being done for the promotion and reconciliation of different race groups. In a certain sense, poverty is higher, the middle class feel betrayed when their attempts at upward mobilisation are not met, and whites experience a sense of loss of their white privilege. During the 1980s there was a culture of cooperation amongst South Africans that was created by the people themselves and this continued into the 1990s with Mandela's Rainbow Nation ideology? This has all vanished. Instead, South Africans live in an age of populism, criminality within the political sphere, ever-increasing xenophobia, and rampant racism. Although this conforms to a worldwide trend, it offers South Africans little hope (Neocosmos, 2014: 189).

The apartheid policies of "separate development" clearly separated blacks from whites with the creation of homelands and poor townships on the outskirts of cities for blacks, while whites lived in the wealthy inner cities and suburbs. During the late 1980s, there was a "greying" of city centres. This was done in the name of so-called "political reforms" by the apartheid government (Maharaj and Mpungose, 1994: 12).

It was not until the 1990s that apartheid and segregation was officially disbanded. The next few years saw the entire juridical structure that built apartheid dismantled. To undo the centuries of racial segregation and domination the new government not only banned apartheid laws but it also passed laws to help prepare the disadvantaged for full participation in public and economic life. A power shift from the hands of the white minority to the black majority occurred. The power to implement change was now officially within the hands of the group who sought to benefit the most from such changes (Durrheim and Dixon, 2006: 275).

The newly elected government under the leadership of Nelson Mandela was in a sense preoccupied with breaking all ties with the legacy of apartheid. New institutions that would be democratic and accountable were instituted. The new South Africa was committed to achieve its goals of non-racialism and gender equality as part of its human rights vision. This is an ideal that is an important part of the Bill of Rights. Now, as then, with all the transformational measures that were put in

place, blacks continue to be the poorest of the poor in South Africa, the vision of gender equality is questionable, and blacks comprise the largest section of the unemployed (Landsberg, 2000: 31).

4.10.5. Poverty and Socio-economic Rights

Everyone has the right to a standard of living adequate for the health and wellbeing of himself/herself and of his/her family, including food, clothing, housing and medical care (Universal Declaration of Human Rights, Article 25). According to UNICEF, every 3, 6 seconds one person dies from hunger or a hunger-related disease. A further 10 000 die annually from preventable diseases caused by drinking unsafe water. Women earn and own disproportionately small fractions of the total annual income and property, and the richest one percent in the world earn as much as the poorest 57 percent earn together (UNDP, 2003: 19).

There is no doubt that the freedom from severe poverty is among the most important human interests. We need access to safe food and water, clothing, shelter and basic medical care in order to survive. People living in severe poverty lack secure access to sufficient quantities of these necessities. With the World Bank's two dollars per day international poverty line, nearly half of all human beings live in severe poverty (Pogge, 2003: 27). The 2018 edition of "piecing together the pieces of the poverty puzzle" provides a new and broader definition of poverty; it presents the latest measure of societal poverty. The new edition provides new notions on the concept of extreme poverty and relative poverty indicating the different needs within different countries. According to the edition the international poverty line is 1 dollar and 90 cents (US) but it broadens the measure to include access to education and infrastructure (World Bank report, 2018: 5).

The ANC approach has been to formulate a framework for the progressive realisation of identified basic socio-economic needs, particularly nutrition, health, shelter and employment. Certain core enforceable rights constitute the foundation of this framework. Criticism has been levelled at the extent formulation of some of these provisions, questioning whether the formulation will actually give effect to the right sought to be protected. This criticism must however be distinguished from the

fundamental criticism against the constitutionalisation of any rights relating to economic needs (Haysom, 1992: 21).

From 1994 to 1999 the newly elected government had an expansive programme of transformation. The idea was that South Africa should transform drastically from a repressive state of oppression, racism and inequality. Hence, the country was not only to be changed politically but societal changes also needed to be implemented. This transformational project had numerous challenges, including state reform, the democratisation of a formerly oppressive state regime, service delivery, and a much-needed plan to solve the poverty crisis among the disadvantaged sectors of South Africa. The transformation project therefore had to deal with economic, political and social relations alongside a comprehensive plan to change the lives of the deprived groups in South Africa.

According to Haysom (1992), the case for socio-economic rights rests primarily on the question of legitimacy. Indeed, it is eloquently acknowledged by both protagonists and antagonists alike that, for a constitution to have a meaningful place in the hearts and minds of the citizenry, it must address the pressing needs of ordinary people. It cannot be seen to institutionalise and guarantee only political rights and ignore the real survival needs of the people. Hence, it must promise both freedom and bread. If it does not do so, it will not find lasting resonance among the true guardians of the constitution, which are not the courts but the citizenry (Haysom, 1992: 24).

Over the past decade or longer, the ANC has been avowedly committed to creating a unified state, and to establishing and consolidating an effective government that would bring about a better life for all. The state has committed itself to progressively realising the political and socio-economic rights of its citizenry. The task of rebuilding the state from its apartheid and racist past was no easy feat. Until today, South Africa remains a country that possesses a dual economy. One is modern and well developed, the other is characterised by underdevelopment and an entrenched crisis of poverty. The Organisation for Economic Cooperation and Development (OECD) and the African Development Bank argue that South Africa has inherited from

apartheid a highly unequal economic and social system, which threatens social cohesion (Landsberg, 2004: 25).

4.10.6. Reconciliation/Victims and perpetrators

South Africa's first post-apartheid government led by the ANC embarked upon a nation-building project, consciously predicated upon the creation of a "culture of human rights". This involved a number of classic liberal institutional reforms such as the incorporation of international human rights law into the Bill of Rights of the 1996 Constitution and the setting up of an array of new bodies, such as the Human Rights Commission and the Truth and Reconciliation Commission (TRC) (Wilson, 2000: 7).

Wilson (2002) poses the question, "How does transnational human rights talk relate to everyday moralities and normative understandings of justice?" Wilson (2002) poses a further question, "Do human concepts have any purchase in areas affected by political violence, and if so then how and why?" According to Wilson, the TRC represents one effort on the part of the new regime to reformulate justice and establish a unified and uncontested administrative authority. This is a common strategy of regimes emerging from authoritarianism, which seek to unify a fragmented legal structure inherited from the former regime (Wilson, 2000: 7).

According to Mutua (2001), the human rights movement is marked by a damning metaphor. The grand narrative of human rights contains a subtext that depicts an epochal contest, pitting savages, on the one hand, against victims and saviours, on the other hand (*ibid.*). This rendering of the human rights corpus and its discourse is unidirectional and predictable, a black and white construction that pits good against evil. Mutua (2001: 17) asserts that there is an unflinching belief that drives the human rights project that human beings and the political societies construct can be governed by a higher morality.

Mutua (2001) holds that the good state contains its demonic proclivities by cleansing itself with and internalising human rights. The "evil state", on the other hand, expresses itself through an illiberal, anti-democratic, or other authoritarian culture. The redemption or salvation of the state is solely dependent on its submission to human rights norms. Borer (2003: 14) explains that in human rights discourse,

victims and perpetrators usually are referred to as two separate and homogenous groups of people: victims versus perpetrators.

In the worst cases, the two are set up as diametrically opposed; that is, victims versus perpetrators. This has been the case especially in the debate surrounding amnesty in South Africa. This implies that the rights of victims were sacrificed and perpetrators got off scot free with amnesty. These groups however are not as homogenous as we might think of them. Hence, not all victims are the same and not all perpetrators are the same (Borer, 2003: 15).

Wilson (2000) makes a point about the notion of reconciliation found in human rights talk as the discursive linchpin in the centralising project of post-apartheid governance. The idea of human rights performs a vital hegemonic role in the democratising societies of Africa; one which compels social conformity, guiding the population away from punitive retribution by characterising it as illegitimate mob justice (Wilson, 2000: 18).

Mutua (2000), on the other hand, describes the role of the victim and the perpetrator as well as the essence and the idea of victimhood. A human being whose “dignity and worth” have been violated by the savage is the victim. The victim figure is a powerless, helpless innocent whose naturalist attributes have been negated by the primitive and offensive actions of the state or the cultural foundation of the state (Mutua, 2000: 19).

The new values of a human rights culture are formulated primarily by intellectuals and lawyers representing the new political elite, who have sought to super impose them upon a number of semi-autonomous social fields. These values engender new discursive and institutional sites of struggle and their impact is uneven and emergent, raising questions such as “Has the centralizing project as pursued through the TRC altered the debate on post-apartheid justice?” (Wilson, 2000: 19).

4.11. Human Rights patterns in South Africa

According to the Cambridge Dictionary, a pattern refers to any regularly repeated arrangement. It could refer to something that is used as an example. A pattern is the

repeated or regular way in which something happens or is done. This section will examine the regular repeated effects that occur within South Africa in relation to human rights.

Ake (1987: 21) describes the idea of human rights in simple terms. According to Ake (*ibid.*), human beings have certain rights simply by virtue of being a human being. That is the essence of human rights. These rights, Ake (1987) holds, are a necessary condition for a good life. Because of their singular importance, individuals are entitled to, or required to claim them and society is obliged to allow them, or else the quality of life is seriously compromised (Ake, 1987: 21).

The idea of human rights or legal rights in general presupposes a society of endemic conflict. It is a society that is atomised and individualistic. It presupposes a society of people conscious of their separateness and their particular interests and anxious to realise them. The legal right is a claim, which the individual may make against other members of society, and simultaneously an obligation on the part of society to uphold this claim (Ake, 1987: 22).

In contrast to legalistic societies, traditional societies put less emphasis on the individual and more on the collective. Traditional societies do not allow the individual to have any claims that may override that of the society. Traditional societies assume a harmonious society and no divergence of interests, and are more aware of their obligations to other members of society rather than that of their own claims against society (Ake, 1987: 23).

According to Cobbah (1987), there is an ongoing debate among scholars and human rights activists about whether or not the concept of human rights is an entirely Western concept. Cobbah (1987: 24) asks the question, "Can we really expect non-Western people to uphold the international human rights instruments which are by and large Western in character. If non-Western cultures do not possess the Western conception of human rights, do they have other approaches to the enhancement of human dignity?"

There seems to be some consensus that the idea of human rights, as generally understood, is historically a Western concept. Africans have not attempted to

articulate for the international human rights community an African sense on human dignity, or perhaps human rights, or move towards human rights that flow from an African perspective on the self and one that perhaps the rest of the international community can also use (Cobbah, 1987: 25).

In South Africa, the increase in xenophobia and corrupt politicians who conform to a new world trend causes more fear than offering hope. More and more citizens seem to prefer identity politics over cooperation. Kollapen (2006) points out that verbal communication and a memorandum of human rights relates to critical processes such as laws and policies, as well as the relationship between the citizens and in many instances foreigners.

It is also important to realise that human rights is a contested concept and different understandings exist. However, Kollapen (2006) indicates that more citizens have come to rely on and stand up for their rights. Furthermore, as more people have come to claim their rights, people also accept the responsibilities that come with having rights. This is healthy for a young democracy (Kollapen, 2006: 17).

The question remains, "What are Human Rights?" In general terms, it refers to a list of Human Rights considered suitable within a specific community, for example civil and political rights, and social and economic rights. Donnelly (1987) however is more interested in understanding the meaning of the concept, "What kind of thing is a Human Right? Rather than, is this a Human Right?"

Dworking (in Donnelly, 1987) argues that certain ideologies, such as to be treated fairly or the avoidance of cruel and unfair punishment, have an established connotation although this understanding is rather abstract in significance. What is to be understood as cruel and unfair punishment might differ within different timeframes and circumstances (Dworking in Donnelly, 1987: 134).

Donnelly (1987: 402) posits that Human Rights are rights and not benefits or duties. Rights, in turn, are special entitlements of persons. Not just any benefit is a right; only those benefits to which one is entitled to are, or rather may be, rights. Not even all benefits that another person is obliged to render to one are one's rights. For

example, although one is morally obliged to aid the needy, a particular destitute person does not ipso facto have a right to my money (Donnelly, 1987: 402).

According to Freeman (2002: 279), many developing countries like South Africa have poor human rights records; there are internal, as well as external explanations, for this. The internal explanations include poverty, ethnic tensions, authoritarian governments and legacies of colonialism. The external explanations include support for dictatorships by the great powers and the global economic system, which many believe is biased against developing countries and thereby hinders their capacity to develop the institutions necessary to protect Human Rights (Freeman, 2002: 279).

In Hart's (1955: 201) well-known categorisation, rights are general rights, rights that arise from no special undertaking beyond membership to the human race. Hence, to have Human Rights one does not have to be anything other than a human being. As rights are grounded in human nature, Human Rights are generally viewed as inalienable, at least in the way in which one's nature is inalienable. Finally, Human Rights are conceived as being held primarily in relation to society and particularly to society in the form of the state. As the natural rights of the person, they are seen as logically and morally to take precedence over the rights of the state and society, which are viewed as major contributors to the realisation of these rights but also the greatest potential violators of basic Human Rights (Hart, 1955: 201).

The adoption of a new constitution in 1996 represented a major milestone in the history of human rights in South Africa. The preamble to the Constitution states that the constitution is adapted to "Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights" (Liebenberg, 2000: 14).

The Constitution lays the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law; it improves the quality of life of all citizens and frees the potential of each person; and it builds a united democratic South Africa able to take its rightful place as a sovereign state in the family of nations. The Bill of Rights is the cornerstone of democracy in South Africa and affirms the democratic values of human dignity, equality and freedom (Liebenberg, 2000: 12).

According to Freeman (2002: 278), there is a widely held view that developing countries such as South Africa must give development priority over human rights. The fundamental institution underlying this view is that starving people cannot benefit from the right to free speech, and that without development, human rights are not possible and perhaps not even desirable. It is said that human rights, especially economic and social rights, are simply too expensive for poor developing countries (Freeman, 2002: 278). However, the protection of basic human rights is one of the most pressing and yet most elusive goals. The South African Constitution provides the state with a progressive framework for the realisation of both political and socio-economic rights. Moreover, the Constitution makes an explicit commitment to break away from the atrocities of the past by establishing a society based on human dignity, freedom and equality (Landsberg and Mackay, 2004: 15).

In South Africa, there is a large gap between the rights enshrined in the Constitution and the daily realities of people's lives. It is a key challenge of the government and all sectors of society to close this gap. The factors that impede the realisation of these rights and human development are complex and varied. According to Liebenberg (2000), the factors include:

- Budgetary constraints;
- A lack of capacity, particularly at local government level, to ensure the effective delivery of services;
- Insufficient coordination of poverty reduction programmes between various government departments and the three spheres of government;
- In certain instances, an over reliance on time-consuming and overly bureaucratic legal processes for accessing subsidies, grants and other resources;
- A lack of awareness and knowledge among communities of their rights and how to enforce them;
- Inadequate support to communities to enable them to make optimum use of available resources and other opportunities;
- Unacceptably high levels of violent crime, particularly violence against women; and

- The Aids epidemic, which has serious implications for the labour market and is placing South Africa's social security systems under increasing strain.

These issues mentioned by Liebenberg (2000), along with high levels of corruption, xenophobia, persistent racism and populist politics, make the realisation of human rights for all citizens as well as non-citizens an increasingly difficult project to master. Some of these issues will be addressed in the following section on the elements of human rights in South Africa.

4.12. Human Rights elements in South Africa

According to Sen (2004: 318), a human rights theory consists of six elements, namely:

- What kind of statement does a declaration of human rights make?
- What makes human rights important?
- What duties and obligations do human rights generate?
- Through what forms of actions can human rights be promoted and, in particular, whether legislation must be principal or even a necessary means of implementation of human rights?
- Can economic and social rights (the so-called second-generation rights) be reasonably included among human rights?
- Finally, yet importantly, how can proposals of human rights be defended or challenged, and how their claim to a universal status should be assessed, especially in a world with much cultural variation and widely diverse practices.

This section covers the elements of human rights not only as a theory, but also as a reality in South Africa. Despite the Constitution and the Bill of Rights, as well as bodies that were created to ensure and promote human rights, such as the Human Rights Commission, there are still numerous human rights violations that characterise the human rights features of South Africa.

First, to provide a proper understanding of Human Rights, Metz's (2011) definition is utilised. According to Metz (2011), "One has a human right to something by definition

insofar as all agents have a stringent duty to treat one in a certain way that obtains dignity because of some quality one shares with nearly all other human beings and that it must be fulfilled". This definition makes human rights a moral right against others; that is, a natural duty that ought to be taken into account at all times. Metz (2011) assumes that to observe human rights is to treat an individual as having dignity. Alternatively, a human rights violation is a failure to honour people's special nature, often by treating them merely as a means to some ideology, such as racial or religious purity or to some prudentially selfish end (Metz, 2011: 533).

Without effective policies and laws to implement the human rights commitments in the Constitution and international instruments, these rights will amount to little more than paper promises. A coherent framework of laws and policies are needed to translate broad human rights commitments into detailed and concrete programmes that have a real impact on the lives of millions of people (Liebenberg, 2000: 29).

According to Liebenberg (2000), the new democratic government adopted a wide range of new policies and laws since 1994. Many of these laws were adopted to give effect to the rights in the Bill of Rights. The influence of human rights can be seen in a wide range of legislative and policy measures that were adopted to give effect to the government's human rights commitments. Examples of these measures can be seen in various sectors, for example, labour, housing, land, gender equality, access to information and just administrative action, access to water, and health care services (Liebenberg, 2000: 30).

The Constitution counts as liberal, at least insofar as it explicitly recognises individual rights to freedoms of religion, belief, media, artistic creativity, movement, and residence. The state and all other agents in society are forbidden from restricting what innocent people may do with their minds and bodies for the sake of any ideology or benefit; only some other stronger right can outweigh these negative rights to be free from interference (Metz, 2011: 534).

Although innocent people have human rights to liberty, they also have human rights to protection from the state, which can require restrictions on the liberty of those reasonably suspected of being guilty. The Constitution recognises an obligation on the part of the state to set up a police force that is tasked with preventing crime and

enforcing the law. Any South African who has been charged with a crime is deemed to have rights to be informed of the charge, to be able to prepare a defence, to be tried by an impartial body, to have the trial conducted in the language he/she understands, to be released from pre-trial detention when feasible, and to remain in contact with family and counsel (Metz, 2011: 535).

The Constitution requires the establishment of a number of independent institutions described as “State institutions, supporting constitutional democracy”. These include the Public Protector, the South African Human Rights Commission, and the Commission for Gender Equality, as well as the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. The South African Human Rights Commission and the Commission for Gender Equality are particularly relevant to the promotion and protection of human rights in South Africa. They have powers to monitor, investigate, and receive complaints from the public. They can also research, educate, make recommendations and report on human rights and issues concerning gender equality. Finally, South Africa has courts to protect citizens. The jurisdiction of courts to enforce human rights extends to all the rights in the Bill of Rights; that is, civil, political, economic, social and cultural rights.

4.13. Characteristics of Human Rights in South Africa

Historically, human rights ideas in international form have been derived from a Western natural rights perspective. This perspective denies the existence of the needy's right to economic sustenance and society's obligation to satisfy this right. The African sense of community obligation that goes beyond charity is just what is needed to foster economic rights and push the idea of economic rights beyond the demands of human rights activists and human rights textbooks. We need to take such non-Western conceptions more seriously (Cobbah, 1987: 34).

However, Donnelly (1982) argues that if all rights rested solely on culturally determined social rules, as cultural relativism holds, then there can be no human rights. Furthermore, traditional societies generally do not recognise rights held simply because one is a human being. Traditional cultural groups see individuals as members of the culture before members of common humanity (Donnelly, 1982: 400).

South Africa is considered a Third World or developing country, but essentially shares two economies; one that is wealthy, highly developed and Westernised, and the other that is impoverished, underdeveloped and traditional. The solution to this unique nexus is not Western cultural hegemony, but finding unique ways for the two systems to work together to create a workable human rights system; not a system that discriminates and oppresses, but a system that encourages sustainable growth, cooperation and harmony. Traditional approaches to guaranteeing human dignity seem objectively inappropriate because traditional limits on political power are unlikely to function effectively in modern conditions (Donnelly, 1982: 400).

An important characteristic of human rights is human dignity. Human rights are one way that has been devised to realise and protect human dignity. Human rights were first articulated in the West. In modern times, it would appear to be an approach suited to contemporary social, political and economic conditions, and thus has widespread relevance both in the West and the Third World (Donnelly, 1982: 401).

Non-Westerners often stress this difference; for example, Asmarom Legese (1980: 124) who writes, "The critical difference between African and Western traditions concerns the importance of the human individual. In the liberal democracies of the Western world the ultimate repository of rights is the human person. The individual is held in a virtually sacralised position. There is a perpetual and in our view obsessive concern with the dignity of the individual, his worth, personal autonomy and property".

Donnelly (1982) points out that an intimate link between human rights and human dignity is mentioned frequently in literature. For example, the international covenant on civil and political rights states that the rights enumerated "derive from the inherent dignity of the human person". Donnelly (1982: 401) however argues that human rights present only one path to the realisation of human dignity.

Politically, human rights are those rights that generally have been recognised by governments. It is difficult to distinguish precisely between human rights, other rights, and other social values. It may however be important to do so because people increasingly claim as their rights what may not be human rights, or may not be rights at all, but rather social benefits or merely what people want (Freeman, 2002: 41).

A further characteristic of human rights in South Africa is the relation between the perpetrators of human rights violations versus the victims and saviours. This understanding of human rights discourse is unidirectional and predictable. It sketches a construction of human rights as a struggle between black and white or between good and evil.

Mutua (2001) argues that the human rights corpus, though well meaning, is fundamentally Eurocentric and suffers from several basic and interdependent flaws captured in the savage, victims and saviour metaphor. First, the human rights project is essentially Eurocentric and actors in this project are cast into superior and subordinate positions. Precisely because of this cultural and historical context, the human rights movement's basic claim of universality is undermined. A struggle for human dignity should locate the impetus of a universal conception of human rights in those societies subjected to European tyranny and imperialism. However, this is not part of the official human rights narrative (Mutua, 2001: 204).

4.14. Challenges and Problems of Human Rights in South Africa

Freeman (2002: 42) identified a list of barriers to the implementation of human rights in developing countries, including South Africa. The researcher will utilise this list of Freeman as it represents many of the challenges that South Africans experience in implementing human rights:

- Most developing countries lack the necessary funds to afford the implementation of human rights.
- There is a lack of power in the global economic system and human rights are consequently vulnerable to the police of powerful states' actions, which are often tools to human rights.
- In the conditions of contemporary global culture and mass media communication, the expectations of many people in developing countries for economic progress are high. The inabilities of governments to meet those expectations stimulate protest and repression.
- Ethnic divisions that predispose the population to conflict in conditions of scarcity and, consequently, to repression.

- Corrupt and incompetent governments are common in developing countries, as well as in South Africa.
- Many developing countries, including South Africa, had cultures under which human rights had little space for development.
- Developing countries tend to make development a priority over human rights.
- Xenophobia is a problem in South Africa, where many people feel that foreigners, especially African foreigners, do not deserve human rights.
- Racism continues to be a problem in South Africa.
- There is a high rate of violent crimes, especially against women and children (Freeman, 2002: 280).

South Africa's Constitution is considered progressive for explicitly entitling legal residents to a wide array of means. Specifically, people have rights against the state to resources such as housing, healthcare, food, water, social security and education. However, without effective policies and laws to implement the human rights commitments in the Constitution, these rights will amount to little more than paper promises. A coherent framework of laws and policies are needed to translate broad human rights commitments into detailed and concrete programmes that have a real impact on the lives of millions of people (Liebenberg, 2000: 25).

4.15. Examples of Human Rights violations

To provide an appropriate sketch of human rights in South Africa, examples of human rights violations should be provided. South Africa, as a country with an extensive history of slavery, human rights violations, apartheid and colonisation, is transitioning into a country that promotes and protects the rights of all its citizens, as set out in the Constitution.

4.15.1. Racism

The founding logic of racism is hidden within the apartheid regime. For apartheid to succeed it was necessary to adopt a system of racial segregation. The most influential principle within this system was the belief that whites are superior to blacks, in all spheres of life. Whites have culture, religion, superior intelligence, and are the only people capable of running the country. It was not only necessary for

whites to buy into this belief, but also for blacks to believe that it was their role to be inferior to whites. Apartheid's main imaginary was that of a society within which every member of society knew its place politically, economically and socially (Oosthuizen, 2018: 2).

The plague of racism continues to reverberate within South Africa. One of the reasons for this could be that before the 1994 elections the ANC, who was the leading party in the liberation movement, moved from a position of non-racialism and adopted a Black Nationalist position. On the other hand, the National Party (the architects of apartheid) moved from white nationalism to non-racialism.

Keeping this in mind, it would appear that the ruling ANC did not have non-racialism high on its agenda. Nelson Mandela, the first democratically elected president, promoted a Rainbow Nation. Africanist's and Black Consciousness advocates dismissed the Rainbow Nation ideology as a liberal illusion and a strategic error. The newly elected democratic government in South Africa adopted a wide array of new guidelines and laws in 1994. Many of the new laws were implemented to give effect to the rights in the Human Rights Bill (Liebenberg, 2000: 29).

Racism is valid to this study because the entire apartheid system and the accompanying human rights violations were built on racial segregation. The results of a dedicated survey during 2006 revealed widespread racial isolation among black people; ambivalent attitudes to racial integration among whites, who support integration in principle but are opposed to it personally; and contrasting outcomes of contact for blacks and whites. Increased intergroup contact was associated with reduced stereotyping and increased support for transformation policies among blacks. Contrary to the predictions of the contact theory, the attitudes of blacks and whites toward their Coloured and Indian compatriots were generally more negative in provinces with high levels of intergroup contact between these groups.

4.15.2. Xenophobia

The influx of foreign nationals into South Africa after it became a democratic country led to a new problem, that of xenophobia. Xenophobia is defined as a hatred or fear of foreigners. Commonly the term xenophobia is used to refer to a dislike of

foreigners. Within this description of xenophobia, it is characterised by a negative attitude towards foreigners, a dislike, a fear or hatred. However, Harris (1999) warns that xenophobia cannot be separated from the violence and physical abuse that accompanies it, and proposes a rewriting of the definition of xenophobia. "Xenophobia as a term should be reframed to include practise, because it is not just an attitude it is an activity. It is not just a dislike or fear of foreigners; it is a violent practise that results in bodily harm and damage. The target of xenophobia should also be specified, because in South Africa not all foreigners are uniformly victimised. Black foreigners, particularly those from Africa, comprise the majority of the victims" (Harris, 1999: 11).

A study of xenophobia in South Africa since the democratic elections in 1994 showed that the "perfect storm" of May 2008 did not appear out of nowhere. The rise of xenophobia in the 1990s cannot be isolated from the country's past of racial and class division and animosity, racist immigration policies, a siege mentality, and attitudes of uniqueness and superiority towards the rest of Africa. Equally, it cannot be divorced from the new migration streams, legal and irregular, to post-1990 South Africa. But, instead of finding ways to accommodate and integrate the new African migrants, South Africans began to rally against them, to blame them for everything from crime to HIV/Aids and unemployment, and to deport them in their thousands. Concerning xenophobia, there has been both a political and moral failure (Crush, 2008: 11).

Efforts to defend the human rights of migrants and combat xenophobia remain fragmented and limited in impact, and starved of resources. Nonetheless, NGOs in all the main centres provide orientation, services and assistance to migrants, and there is public education advocating respect for migrants' rights and dignity, but with little impact across the country (Taran, 2002: 28).

4.15.3. Poverty

Freedom from relentless poverty has to be the most important of all human interests. All humans need access to clean drinking water, enough food, suitable clothing, adequate shelter, and access to medical care in order to live well. People living in continuous poverty lack these necessities. The Universal Declaration of Human

Rights, Article 25, stipulates that every human being has the right to a standard of living that is adequate for the health and well-being of himself/herself and of his/her family (Pogge, 2003: 153).

The World Bank has a two dollars per day international poverty line. Two dollars is approximately R30 per day. With this poverty line in mind, nearly half the world's population live in severe poverty, with many people living far below this line. The results of people living in such poverty are disturbing. Two out of five children living in developing countries are stunted and one in three is underweight. With such alarming statistics of poverty in the developing world, as well as in South Africa, an investigation into poverty as a human rights violation carries academic and societal value (Pogge, 2003: 153).

Despite numerous efforts by government and NGOs, and the current system of welfare grants, child support grants and old age grants, poverty remains a huge challenge for the country. Violent protests for service delivery and housing is so rampant in South Africa that it has become a normal feature of daily life. Thousands of people in South Africa live in shacks and in informal settlements without access to water and basic sanitation. It remains to be seen if President Cyril Ramaphosa will be able to implement the necessary programmes to alleviate poverty and create jobs.

4.15.4. Child abuse

In a country where human rights feature prominently in the discourse about who we are, as well as in the Constitution and in legal frameworks, many wrongs continue to be committed against the children of the country. South Africa has extremely high levels of both the physical and sexual abuse of children. One category of wrongs is abuse, but it is not the only wrong. Poverty, patriarchy and gender violence, as well as socialised obedience, dependency and the silence of women and children create conditions in which abuse can occur.

Perhaps the problem lies within the African interpretation of human rights and of the human itself. Legese (2000: 42) writes, "The critical difference between African and Western traditions concern the importance of the human individual, including women

and children. In the liberal democracies of the Western world, the ultimate repositioning of rights is the human person”.

The power that males hold, called patriarchy, is also a problem within South African society. Power, in this sense, refers to the capacity to have an effect or impact. This understanding of power informs the capability approach of Sen (1995), who believes that people are not free when they do not have the power to make choices about their lives. Sen (1995) concludes that the utilitarian preference theory cannot be the basis for justice because deprived people, for example women and children, tend to limit their preferences, thereby constraining their freedom. Sen (2004: 125) considers relations between men, women and children in terms of “co-operative conflicts” in which men have a capability advantage.

Progressive rights-based legislation exists to protect children, but it is not adequately supported or resourced by services to fulfil its provisions. Child abuse and neglect will not be reduced in South Africa without changing the social and economic conditions in which large numbers of children live. The Bill of Rights contains a specific section that defines the rights of children to education, shelter, health and freedom from maltreatment, amongst others. Despite the protection intended by numerous constitutional, legislative and civic environments to safeguard children’s rights, wrongs are perpetrated against a large number of children on a daily basis. These wrongs are at one extreme the tragic abuse of individual children and at the other end the denial of many children of access to basic health services, food, family care and education. Cases of child abuse often display disturbing levels of complicity by families, the police services and other services.

4.16. Conclusion

South Africa’s Constitution is considered progressive for explicitly entitling legal residents to a wide range of means. Specifically, people have rights to state resources such as housing, healthcare, food, water, social security and education. The Bill of Rights further accords citizens the rights to form political parties, to support a political party of their choice, to vote in regular elections, and to run for public office. One can sum up these rights by saying citizens are entitled to an equal opportunity to influence political outcomes.

Although non-racialism is now and will continue to be the government's social stance, new forms of populism are bound to give a voice to those inescapable fears and frustrations. In racially stratified societies, democratic development is affected profoundly by traditional polarities of thought. These include separation versus integration, racial consciousness versus non-racialism, Afro-centrism versus Euro-centrism, and black power versus civil rights. For the immediate future, successive governments will have to cope with the implications of both non-racial and race-conscious political sensibilities (Halisi, 1998: 426).

Conjunctures of race and class stimulate populist approaches to thought and action at the expense of the realisation of the human rights project. Essentially, the liberation struggle was not just a struggle for the liberation of a particular group, or the creation of a non-racial society, but also for a society that promises to protect, enhance and realise the rights of all citizens of the country.

Hence, the populist project, which essentially seeks to divide society, needs to be carefully monitored and analysed. According to Laclau (2004), "Progressive populist movements are the result of those instances where working classes themselves incorporate context specific popular democratic themes and defend egalitarian values rather than national, ethnic or racial chauvinism". This statement by Laclau has a valuable lesson for South African society, which is divided along many different ideological lines. According to Martin (2005: 10), political thought usually precedes and informs political action. Thus, political theory and political practices are inextricably linked. In other words, African political thought provides practical solutions to political, economic, social and cultural problems, and it varies according to historical circumstances and a constantly changing African and world political environment (Martin, 2005: 10).

Chilea (2014: 78) points out that successful governance must inevitably focus on the promotion and protection of human rights and fundamental freedoms, as without this protection there can be no meaningful democracy in any sense. The spread of a culture of human rights is not only the implementation of global law; it is also a perplexing procedure of constitutional engineering in situations that can be antagonising (*Chilea; 2014. 78*).

Chapter 5

5.1. Introduction

In this study, the researcher investigated Populism and Human Rights within South Africa as well as abroad, in Latin America and Central and Eastern Europe. Characteristics, elements and patterns of Human Rights and Populism were identified and discussed. It remains evident that there is a global rise in Populism and the basic Human Rights of citizens are not met. In fact, many leaders stoke division, utilising racism and xenophobia as part of their populist tactics.

This chapter will offer a summary of this mini-dissertation. It will include a section on the findings and recommendations. A brief summary of each chapter will also be provided. The final section will be a conclusion.

5.2. Summary

5.2.1. Chapter 1

Chapter one of the mini-dissertation included a background discussion on the topic, which is, the relationship between Populism and Human Rights. The chapter also included a literature review where relevant literature on Populism and Human Rights was discussed. Moreover, Chapter one included the problem statement, as well as the research question. A written defence as to why the topic is relevant was provided and also why the researcher felt the need to investigate the topic.

Clear definitions of Populism as well as Human Rights were provided. A historical perspective on the topic was briefly discussed. The researcher outlined his plans for the research, which included an analysis of Populism and Human Rights, locally in South Africa as well as abroad in areas such as Latin America, North America, and Central and Eastern Europe. These areas were chosen as they have rich histories of Populism and Human Rights violations.

The researcher also explained how Populism could pose a threat to Human Rights. The researcher concurred with experts on Populism, such as Egorov, Sonin, Panizza, Miorelli and Alegre, who believe that Populism is a term of abuse. These

experts hypothesised that Populism is a dangerous threat to the body politic. Populist leaders tend to turn into authoritarian demagogues when in power because they dislike the restrictions imposed upon leaders by democratic institutions. They have a literal understanding of democracy and majority rule; hence, they feel they can and should rule unhindered (see Chapter 1, p. 17).

In addition, populist leaders tend to adopt economic programmes without consideration of the long-term economic effects and they show little regard for democratic institutions and procedures. One of the most pervasive elements of the populist logic is the division of the nation into an “us” versus “them”, the original people versus the other, or the ordinary people versus the elite. In this regard, they frequently rely on racism, xenophobia, nativism and misogyny to garner support.

This is the point where Populism moves into the territory of Human Rights. Human Rights Watch released a report where it states that the election of leaders like Donald Trump, as well as other populist leaders, poses a threat to Human Rights. Ken Roth of Human Rights Watch warned in the report that the disregard for Human Rights was the likeliest route to tyranny (see Chapter 1, p. 7).

However, although the negatives of Populism outweigh the positives, the question has to be asked as to why people vote for populist politicians. The answer is simple: populists tell people what they want to hear. They are charismatic and present themselves as part of the people. In return, the people see the populist leader as the one chosen to talk on their behalf.

5.2.2. Chapter 2

In Chapter two, the researcher provided a theoretical perspective on the two terms under study in this mini-dissertation, namely Populism and Human Rights. Detailed definitions of Populism and Human Rights were provided. Moreover, theories of Populism and Human Rights were discussed as part of the chapter. The chapter is important and relevant because there is a worldwide increase in Populism and Human Rights activists are aware of the threats that Populism poses to the realisation of Human Rights within a particular society.

The researcher also distinguished between the different forms Populism can take. Despite its popularity, Populism does not follow strict prescriptions and its calls adapt to who is using it, as well as to the particular circumstances within a society. We can distinguish between right wing and left wing Populism. The difference between these two lies within their calls. Right wing populists tend to see people from other cultures, races or nationalities as a threat to their prosperity. Left wing populists, on the other hand, involve the disenfranchised within their ranks as a support base against the elite sector of society (see Chapter 2, p. 4).

Ernesto Laclau (in Muler, 2016: 1), perhaps the most sophisticated scholar of Populism, has argued that Populism is about the creation of cultural hegemony, or in layman's terms, it is about domination. Cultural hegemony is a situation where one culture dominates or has power over another culture. Populist parties usually have a charismatic leader who is the embodiment of the populist movement. The danger of Populism rises when the need to be in office takes precedence over the interests of the people (see Chapter 2, p. 5).

During the eighties and nineties a new breed of Populism reared its head, called neo-populism. Neo-populists became popular by introducing neo-liberal policies. This new form of Populism began in Latin America when the leaders experimented with these ideas. Recently, the term was associated with leaders in Eastern and Western Europe and in the USA.

Human Rights, on the other hand, are inalienable rights that every human being is entitled to irrespective of race, culture, language, religion, or any other status. Sen (2004: 5) argues that the freedoms of all human beings must be recognised. Declarations of Human Rights are ethical affirmations, but the freedoms are descriptive characteristics of the conditions of human beings. The Equality and Human Rights Commission holds that these rights are based on values like dignity, fairness, equality, respect and independence. It is important to understand that Human Rights are not just abstract concepts, but they are defined and protected by law (see Chapter 2, p. 13).

5.2.3. Chapter 3

Chapter three discussed the History of Populism in different parts of the world, for example in the USA, Latin America, as well as in Africa. The characteristics of Populism were identified. An investigation into the History of a topic allows one to understand its origins and better grasp it.

One characteristic of Populism identified is that a charismatic person usually leads a populist party. This leader likes to make personal contact with his/her followers. The followers are usually a large mass of unorganised followers. Economic grievances are usually a major part of their motivation. The charismatic leader tends to make promises of a better economic future for all and the corrupt elite usually are held responsible for the economic woes of the people.

Central to the idea of Populism, and where it crosses lines with Human Rights, is its tendency to promote outsiderism, xenophobia and racism. One of the major ideas of Populism is its claim for “the people” or “our people”. In this regard, Populism’s appeal is based on ethnicity or kinship. In many parts of the world, including in Africa and particularly South Africa, ethnic Populism is so vibrant that elections are merely an ethnic census.

The chapter also discussed the history of Human Rights. It began its story of the History of Human Rights in 1948 after World War 2, although the dream of equal Human Rights for all can be dated back much further, until after the French Revolution or even further back. However, for this study, the history began with the Universal Declaration of Human Rights of 1948. This is an important document for the protection of the Human Rights of all people over the world. It holds governments accountable for Human Rights violations, although with limited success.

The year 1948 was also when the National Party came into power in South Africa. Although racial segregation, slavery and colonialism span a history of more than 300 years in South Africa, a new form of discrimination was introduced. The National Party formally introduced a new system of separate development called apartheid. In reality, only one group was developed, and that was whites. The apartheid government introduced many new policies, all with the purpose of subjugating the

black and privileging the white. Human rights violations sharply increased with this new system of so-called separate development.

A deeper understanding of the history of South African oppression, or Human Rights violations, was important to this study to provide a background understanding. It also provided analysis of the concepts in question Human Rights and Populism.

5.2.4. Chapter 4

Chapter 4 looked at the trends, elements, patterns and characteristics of both Populism and Human Rights. It is a characteristic of Populism to take on different faces under varying circumstances, so much so that Margaret Canovan (1999) called it the “many-headed monster”.

Economic grievances are a common populist cry. The economic emancipation of “the people” is a common call within populist parties or movements. It is important to note that in different circumstances, “the people” might have a “problem” with immigrants, then immigration policies, or the deportation of immigrants might become a populist appeal. If economic grievances are the problem, then the populist leader will adopt a campaign on economic grievances.

The populist leader is usually a charismatic leader who speaks the language of the people, sings their songs, and dances to their music. The leader likes to make contact with the people at large gatherings. In essence, this person becomes the voice of the people. He tells the people what they want to hear and promises solutions to their problems, often providing simple solutions to complex problems.

In Chapter 4 page 5, the researcher referred to Horowitz’s (1997) understanding of the South African situation. Horowitz is realistic about the South African situation and points out that there is conflict that appears to be related to race. Beyond this conflict, there is disagreement over the extent to which the conflict is really about race, as opposed to being about oppression merely in the guise of race, or about nationalism among groups demarcated by race, or about contending claims to the same land. Populist leaders as the voice of their followers exploit these needs, rather

than to lead their followers. They feed on the existing predispositions and real anxieties of “the people” (Horowitz, 1997: 463).

The race question affects the Human Rights question within South Africa. In a country with a rich history of slavery, oppression, racism and Human Rights violations, South Africans have a long way to go to rid themselves of the legacy of these violations. One cannot understand the key dynamics of the current resurgence of nativism and Populism without a proper historical grasp of the complex definitions of the national question. There are also different imaginations of the post-apartheid nation, which need to be laid to rest. There are indeed complex antinomies of black thought that have not been laid to rest and that continue to play a role in the definition of the transformational agenda in South Africa (see Chapter 4, p. 6).

A historical grasp of human rights violations within South Africa, along with the differing understandings of the post-apartheid nation, is extremely important to understand for anyone investigating Human Rights.

5.3. Findings of the study

For the purpose of this study, the researcher made use of Carbone’s characteristics of populism. According to Carbone (2005: 1), neo-populist leaders share the following characteristics (see Chapter 2, p. 7):

- a) A strongly personalistic leadership style;
- b) Outsiderism;
- c) An anti-system, anti-institution, anti-organisation rhetoric, often targeting political parties and political corruption;
- d) A call for restoring “the power of the people”;
- e) A twofold mass mobilisation strategy aimed at both legitimising and implementing the above political project (i.e. restoring the power of the people);
- f) A leader who appeals directly to the masses for legitimacy; and
- g) The likely emergence of demagogic policies, notably xenophobic calls or irresponsible economic policies.

The last point is of particular significance as it refers to the emergence of demagogic policies. Populist leaders tend to turn into demagogues once they are in power, as we have seen in the History of Populism in Latin America (see Chapter 3, p. 9). This demagoguery can take the form of xenophobic calls or the implementation of irresponsible economic policies, which can leave ordinary citizens economically worse off than before.

Economic grievances usually form an important part of the populist project (see Chapter 2, p. 8). Usually the populist movement is directed at the removal of corrupt political officials, who are also blamed for the poverty and lack of economic advancement of the people. As Carbone (2005) asserted, the populist project is about restoring “the power of the people”. This includes political, social and economic power, as populists believe that a hungry person, who is politically free, is not truly emancipated.

It is important to note that although Populism does not follow a common ideological purpose, it does not mean that Populism is conceptually hollow. Populism shares with democracy a common normative ground in that it seeks to enact the sovereign rule of the people. The differing faces that Populism adopts in varying situations cause the dilemma surrounding its definition. Hence, as the researcher has indicated, in the absence of a clear definition, the focus is on the characteristics that are common within a populist project.

Secondly, there are challenges related to the post-apartheid era in South Africa (see Chapter 4, p. 5). Differing theories of democracy, socialism, liberalism and black consciousness were all combined within the imaginings of a post-apartheid era. Even before the 1994 elections, it was clear that the ANC as the leading party in the freedom struggle would pursue democracy and capitalism as their ideological position. However in South Africa, racial as well as class-conscious understandings of citizenship strongly persist, particularly regarding issues of black empowerment, economic equity and land redistribution. Given South Africa’s legacy of racism and despite an impressive growth in the black bourgeoisie, the majority of black South Africans remain the principal victims of the unjust policies of the past.

New forms of Populism tend to emerge and are likely to give a voice to those inescapable fears and frustrations that accompany political and social change. These populists will remain critical of liberal democracy and capitalism. When intellectuals are sceptical of liberalism and aware of socialism's limitations, they resort to Populism to address the post-apartheid predicament. Socialist populists in South Africa scrutinise the involvement of the black bourgeoisie in both government, as well as in the economy, while at the same time they work to construct a more equitable society and a welfare state. Race-conscious populists prefer to concentrate on the inability of the envisioned non-racial citizenship to heal the wounds inflicted on the black majority during apartheid. Hence, the post-apartheid predicament gave rise to various forms of Populism in the new South Africa (see Chapter 4, p. 7). Several of these grievances and post apartheid injustices have not completely been laid to rest; hence we have an uncertain populace in contemporary South Africa.

Thirdly, conditions of uncertainty and frustration are a cause of Populism (see Chapter 4, p. 7). That is why Populism chooses to take the form of an ordinary proletariat against the wealthy elite. The elite, and the corruption that accompanies them, is seen as the cause of the problems of the downtrodden. When the ordinary people feel forgotten or left behind, then populist sentiments are likely to rear their head. Populist leaders are good at mobilising mass support from these forgotten groups and are good at reminding the people who is guilty of causing their unfortunate conditions.

Economic grievances usually underpin populist mobilisation. In South Africa, there are high levels of poverty, unemployment, and a large majority in need of basic services such as housing, sanitation, clean drinking water and access to decent medical care, as well as access to good quality education and educational services. Hence, the poor, as they are a large majority, become the playground of populist movements. Populist leaders enter these areas, speak their languages, sing their songs, make promises they cannot keep and offer simplistic solutions to complex problems. The uncertainty of the poor's survival and the frustration of their situation are used by populists as a force of mobilising them against their enemies, the elite.

The fourth finding is that Human Rights is one of the most serious, yet one of the most elusive goals, of the international community. Human rights scholars have long argued that the increasing number of signatories to the various Human Rights treaties is a positive indication from the international community in the realisation of Human Rights. Many scholars see the signing of the 1993 Vienna Declaration as a clear indication of a global commitment to achieving Human Rights. However, it has been noted that although some countries were signatories to the Vienna Declaration, the violation of Human Rights persists in many states. Thus, some countries are committed to Human Rights in principle but fail to uphold their Human Rights commitments in practice. A further point is that some countries commit to Human Rights only when it is in their interest (see Chapter 5, p. 16).

This raises questions about the efficacy of Human Rights treaties. What purpose do these treaties serve if they cannot improve Human Rights practices? The authenticity of countries' legal commitments to protect the rights of their citizens and to conform to international Human Rights law seems to be ineffective. Where countries are signatories to these treaties and do in fact adhere to their Human Rights commitments are regarded as purely coincidental, according to some scholars. States' behaviour is motivated by self-interest and this interest is determined by the structure of the international system of power (see Chapter 5, p. 16).

The final finding is that a negative relationship exists between Populism and Human Rights. In saying this, the researcher implies that the international populist upsurge is negative for the realisation of International Human Rights and egalitarian values. Although populists claim to speak for "the people", it has been noted that once these leaders are in power they tend to turn into demagogues, trampling on the rights of citizens, particularly ethnic minorities who are regarded as "the other". Populist leaders also have a tendency to implement economic policies with no regard for the long-term consequences. Often these economic policies can throw the country into economic turmoil and leave the citizens worse off than they were in the first place. Venezuela is a good example of this (see Chapter 5, p. 23).

The divisionary properties inherent in Populism are also of particular concern for Human Rights activists. Populists tend to be impatient with dissidents and opposition

is regarded as an enemy of the people. The enemies of the people are dealt with, as seen in Latin America, the Middle East, as well as African countries. The enemies are usually ethnic minorities and Populism is usually majority oriented. They interpret democracy as majority rules and play down or ignore the basic rights of individuals and minorities. The rights of minorities are ignored, irrespective of whether the minorities are ethnic, linguistic and religious, or asylum seekers. Democracy is based on the principle of majority rule, but includes the principle of minority protection. In principle, any democratic state should be a defender of basic Human Rights. This creates a tension between democracy, as it is understood today, and any kind of populist agenda.

Democracy as understood in the modern political era is majority oriented, but any effective democratic government should ensure the safeguarding of minority rights. This is why there is tension between Populism and Human Rights. Scholars like Canovan (1999) hold that populists are true democrats. Canovan overlooks the centrality of Human Rights as an integral part of democracy.

The relationship between Populism and Human Rights has been described as “oil and water” (Alegre, 2016: 3) because it fluctuates between convergence and conflict. There are elements where the two can work together, for example with the remembrance of the victims of Human Rights violations, and by using public gatherings as a method of mobilising people. This is a form of political mobilisation used by populists and Human Rights activists. It is also important to note that populists are promoters of a certain subset of Human Rights. This subset includes cultural, social and economic rights. However, in the field of Human Rights, Populism does not have a memorable track record. Regarding civil and political rights, populist governments usually restrict freedom of expression; populists are not tolerant receptors of dissidents. They weaken controls of democratic institutions, as well as local and international controls monitoring Human Rights. In the History of Populism (Chapter 3), we saw that populist governments (especially in Latin America) are not particularly successful in terms of economic and social rights; hence there seems to be little reason to support Populism from a Human Rights perspective.

5.4. Recommendations

4.1 Populism is difficult to define. This finding is included more for theoretical purposes. Any investigation into Populism should primarily include a suitable definition of Populism. Expert scholars, like Canovan and Laclau, attempted to define Populism. However, the definition of this concept is influenced by the position of the researcher towards Populism. Canovan is an advocate of Populism and believes that populists are true democrats. In this regard, Canovan overlooks the importance of Human Rights as an integral part of democracy.

With this scientific difficulty in defining a concept that seems to change according to circumstance and area, the researcher recommends that instead of searching for a suitable definition for Populism, one should rather focus on the common characteristics within populist movements. Although Populism is a vague concept, there are certain distinctive characteristics that are synonymous within all major populist movements.

4.2 There are issues relating to post-apartheid imaginings that have not been laid to rest. Within the liberation struggle there were different intellectual underpinnings regarding the post-apartheid era. Race-conscious and non-racial sensibilities existed side-by-side. Liberal thinkers, democrats, nativist and socialist understandings all formed part of a large seemingly united front to rid the country from oppression and segregation, and to restore Human Rights.

As South Africans in the post-apartheid era, it has become clear that some of these contradictory contestations have not been laid to rest. For example, within the ANC there are socialist thinkers who will work for the government and scrutinise the involvement of the black bourgeoisie, while at the same time working for a more equitable society and a welfare state. The problem with the differing intellectual understandings of the post-apartheid era is that it indirectly leads to rival populists. This issue has to be laid to rest. With South Africa's extensive racial legacy, it is unlikely that non-racial sensibilities will exist unchallenged by older perceptions of race. The researcher recommends that this be laid to rest through education. If the new Born Free generation are taught in schools that South Africans are all equal and deserving of equal treatment and of human dignity, at least some of the

understandings can be laid to rest. However, not all post-apartheid understandings can be laid to rest because we differ and have different perceptions. There will always be people who strive for socialist ideals, liberal thinking and nativist views. The ultimate challenge lies in creating a society that respects each other's views.

4.3 Conditions of uncertainty and frustration cause populism. In South Africa, there is large-scale frustration and conditions of uncertainty exist. Citizens are frustrated with high levels of corruption, poor service delivery, and a lack of economic opportunities. Policies such as affirmative action and black economic empowerment, intended to create opportunities for the disenfranchised black community, have caused other groups to feel ostracised and created uncertainty about their economic survival. The furore about land expropriation without compensation has added to the insecurities of white farmers, who are also plagued by high levels of farm killings. Despite efforts to empower blacks and lift them out of abject poverty, these policies only benefitted a few, in particular the politically connected.

Blacks are still the most disadvantaged group in South Africa and the ones who experience the highest levels of poverty, unemployment, and a lack of access to economic opportunities. Populist leaders tap into this dissatisfaction, fear and uncertainty to mobilise the masses.

The recommendation of the researcher is for the South African government to prioritise the alleviation of poverty and launch serious efforts to address the unemployment crisis, as well as to allay the fears of South Africans. Although President Cyril Ramaphosa has promised the local and international community that there will be no land grabs, as in Zimbabwe, it is still unclear how the land expropriation question will play out. Corruption also needs to be tackled with earnest, as this is a serious matter in South Africa and adds to the uncertainty experienced by ordinary citizens.

4.4 Human Rights are one of the most serious, yet one of the most elusive goals of the international community. Human Rights are also elusive in South Africa, in the form of abject poverty, persistent racism, institutionalised racism, and xenophobia. Although numerous countries are signatories to international human rights treaties, many still fail to commit to eradicating Human Rights within their countries. Many

scholars have noted that countries only commit to their international obligations concerning Human Rights when it is in their own interest. Alternatively, when countries are seen to fulfil their obligations, in some instances it is purely coincidental. Scholars have also questioned the significance of signing international treaties if international human rights institutions, like the United Nations, lack the ability to oblige countries to commit to their human rights obligations. International human rights law lacks this ability and this is a serious flaw within the international community.

Human rights claim to transcend politics and demand that all political action be subordinate to its moral principles. In this sense, Human Rights make a truth claim that there are values that should normatively structure democracy. All human rights transactions should be assessed by human rights criteria. Take note that Human Rights are dynamic, universally applicable, and not susceptible to challenge. In this regard, Human Rights have come to resemble a faith-based system of norms and values. They have become strongly sacralised, meaning that they are above questioning, and those who question them leave themselves open to strong condemnation.

Governments should commit themselves to achieve equal human rights of all people, irrespective of insider, outsider, or any other status. The guidelines and norms set forward by human rights treaties should be put into effect, although the norms and standards are strict. Human rights laws are strict because human rights violations are endemic and painful. This area also needs more research to determine why human rights violations persist, even though we live in the 21st century and to strive for egalitarian values is an old goal. There is the realisation that Human Rights is an important goal, but remains elusive within many states.

4.5 The relationship between Populism and Human Rights is a negative one. Populism tends to divide societies between “the people” and “the other”. Their leaders speak on behalf of the people and are regarded as one of “the people”. “The other” can be in the form of the elite or minority groups, such as outsiders or immigrants from other countries. This is where Populism intersects with Human Rights as Human Rights speaks for all people irrespective of race, class, gender, or

any other status. Human rights measures are strict in measuring compliance with their values and standards and are considered above question. Anyone who questions Human Rights is condemned in the strongest terms. Human rights activists and organisations however fail to hold states accountable that do not comply with their high standards.

It seems unlikely that Populism and Human Rights can co-exist in a meaningful sense in any community. Populist leaders, who have “the people” in their pockets, can make a meaningful difference in many countries concerning Human Rights if they shift their focus in the direction of the human good and egalitarian values. But, populists tend to focus on insiders and outsiders, on nativism and ethnicity, as well as class. Their leaders are also more interested in electoral success than in making a lasting difference in people’s lives, such as to strive for equal human rights for all citizens.

Populism has a distinctive characteristic of focussing on “the people” versus “the elite”. The people-centeredness of Populism is the crucial element that distinguishes Populism from mere political discontent. The truth of the matter is that Populism is the politics of hope. There is a belief in Populism that the ordinary people will succeed where the elite have failed. In essence, it gives a voice to people who feel forgotten and the hope for a better future where the promises of others have not materialised. From this perspective, we can see that it would be politically and theoretically foolish to write off Populism as an empty rhetoric or political noise. However, populists should not only promise social, cultural and economic hope, but also the hope to enjoy all of the promises of Human Rights and human dignity. Depending on the character of Populism, it is also a political threat as it infringes on minority rights, the rights of immigrants, and the rights of the poor. Populist leaders should also be careful about the promises they make, and not make promises that they cannot keep. The anger of the masses can be dangerous and it is something that populists have little or no control over. Populist parties should also refrain from giving too much power to their leaders as these leaders are considered the voice of the people and speak on their behalf. This is a dangerous experiment as too much power in the wrong hands can have severe consequences for any country.

5.5. Conclusion

With whites dissatisfied with minute losses in privilege, a middle class that is frustrated with its attempts at upward social mobility, high unemployment rates and poverty especially among blacks, and rising nativism and identity issues, the effective governance of South African society is not an easy task. The government has to deal with old race-conscious beliefs, as well as non-racial sensibilities. The ANC government compromised its principled beliefs, which were formed during the liberation movement, for a state mode of thinking. After the 1994 elections, the ANC was no longer a liberation movement but a governing political party, which had to show the world that it could govern, as well as satisfy the needs of the majority of its followers.

The populist call of the ANC was and probably still is to remind its followers that it set the people free. ~~Populism is, however, a precarious project and the anger of the poor can go in any direction.~~ In countries with high levels of inequality, leaders tend to adopt populist policies. The economies of these countries feature robust inequality and sufficiently weak political institutions, which enable the elite to have an unbalanced influence on politics relative to their numbers. In fact, in many of these societies where there is political corruption and political betrayal, choosing policies in line with the interests of the elite is common.

Unlike the ethno-nationalism that existed in Eastern Europe, South Africa suffers under the complexity of its racial legacy. The question of race appears at the same time as class conflict between the prosperous white establishment and an indigent black proletariat. In South Africa, colonial underdevelopment and sophisticated Western capitalism is entangled in a system of legal racial inequality that far exceeds the uneven development that existed in the former Soviet Union. In addition, modern European modernity and African traditionalism co-exist side by side and appear to depend on each other in South Africa. Adam (1995: 459) poses the question, "Will this unique ethno racial relationship and simultaneous class compromise succeed or fail?"

The scientific contribution of the researcher, as outlined in the aims and objectives (see Chapter 1, p. 26), indicated that the intention was to conduct an analysis of

Populism and Human Rights. The researcher proposed to investigate the two concepts by defining them, identifying their characteristics, and investigating their history in South Africa, as well as other relevant areas in the world, such as Latin America, Central and Eastern Europe, and the USA. Furthermore, the researcher proceeded to investigate the trends, patterns and elements of both Populism and Human Rights.

Reflecting on the interplay of class, nation, race, as well as ethnicity, populist political movements frequently rely on and promote multiclass alliances. Persons who dominate local markets are deemed outsiders or enemies of the people. Populist thinkers tend to be more anti-capitalist than socialist conclusions would suggest. The South African populist idea of “racial capitalism”, developed by Black Nationalists and socialist intellectuals during the 1980s, provides an example of that transition. This theory, which is grounded in both working class and Black Nationalist assumptions, holds that the doctrine of racial capitalism shows us that racism and capitalism in South Africa were too interrelated for non-racial democracy and Human Rights to be attained under capitalist conditions. The democratic election of 1994 demonstrated a lack of public support for this position. Therefore, since 1994, much of the zeal of social populism has been transferred to opposition against neo-liberal economic policies.

The crux of the researcher’s argument is how populist movements with an anti-establishment rhetoric use populist strategies to preserve national identity issues, while at the same time hold racist and xenophobic attitudes, which is an impeachment of the Human Rights of outsider groups. When governments violate Human Rights, it leads to the formation of populist movements. Dissatisfied citizens or citizens who feel that their rights and needs are not being met form populist political parties end up violating Human Rights.

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