

Short term interests, long term perspectives: Balancing South Africa's peace and security approach in the EU-SA Strategic Partnership

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Abstract

South Africa's peace and security outlook in the EU-SA Strategic Partnership has been guided by the content and substance of the founding document, which incorporates an interdependent approach to development. For South Africa, engagement in the EU-SA Strategic Partnership is framed by its historical background, its identity and the content of its foreign policy. South Africa's foreign policy in particular adopts an integrated approach to securing the state within its surrounding regional and continental geography. This article reviews South Africa's approach to peace and security, in the context of the strategic partnership. The article argues that, overall, South Africa's definition of peace and security is compatible with that of the EU, however, Pretoria's vision of how it provides peace and security has naturally changed in line with the varying international circumstances in which it has found itself. While this has proved difficult at times to reconcile peace and security collaboration in the strategic partnership has managed to remain intact.

Key words: EU, South Africa, strategic partnership, peace, security

Introduction

South Africa's outlook, and in particular its peace and security outlook – including its part in the EU-South Africa Strategic Partnership – is underpinned by the country's apartheid past, and aims to realise the democratic foundational principles. In view of these factors, many believe that South Africa holds a peerless position on the continent and in the wider international community, deemed to possess a significant reservoir of moral capital and destined for leadership. South Africa's mantle of peacemaker, reconciler, and mediator create an intrinsic and exceptional capital. These roles inform South Africa's foreign policy approach, which includes an approach to peace and security incorporating sustainable socio-economic development. To have an agenda greater than itself would seem, as one South African scholar has pointed out, inherent 'in its DNA'.¹

Pretoria's confronting issues of peace and security externally has thus been based on the realisation that South Africa's own stability and long-term security is dependent on

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the degree to which stability and security are found in its surrounding region and on the wider continent, indeed, throughout the global 'South'. This approach is best expressed in documents outlining the African Agenda and the diplomacy of Ubuntu².

It is the awareness of its position as a 'new' democracy, and its location at the southern tip of Africa, that informs its approach to peace and security.

It should be noted from the outset that peace and security is incorporated into the EU-South Africa Strategic Partnership (EU-SA SP) through development cooperation and on science and technology innovation. However, this article will focus on reviewing South Africa's peace and security within the strategic partnership overall. Based on this review, it is contended that South Africa uses its intrinsic moral capital as outlined above, and designs its foreign policy strategic objectives in a fluid or adaptive manner to increase peace and security and hence the strategic capital of the partnership. It is, this article argues, this adaptive quality that has of late maintained the currency of the EU-SA SP as it stands.

It is further argued that while there is still agreement on what constitutes peace and security for South Africa in Africa, and that Pretoria still remains key to the strategic aspect of the peace and security part of the partnership, significant differences exist between the partners about the means by which peace and security will be delivered.

For South Africa, forging demonstrably tighter solidarity with its African counterparts has become a major part of its strategic approach in foreign policy including that of its peace and security. While the partnership was begun during President Thabo Mbeki's tenure in 2007, it has under the presidency of Jacob Zuma since 2009 become radically re-aligned to emphasise African solidarity and the 'South', especially post-2013³. South Africa's emphasis on delivering an African peace and security is then central to the observed divergence of interests articulated more recently in media and press coverage.

What has been referred to as indecisive or contradictory behaviour by South Africa in its international relations – and this includes in its peace and security approach within the EU-SA SP – is better observed to be an adaptive modality based on changing situational circumstances and the perception of values and interests at a particular time. This makes South Africa particularly difficult to rely on as a 'predictable' (and moreover controllable) partner, resulting in the remonstrations from the EU

An empirical approach has been used in the review of South Africa's peace and security approach in the EU-SA SP, one which employed both primary and secondary sources of information. Consultations with officials and representatives of South Africa's Department of International Affairs and Cooperation (DIRCO) and the EU delegation in Pretoria, past and present, were conducted. The interviews were unstructured and non-attributable. Material from the interviews have been used in the analysis.

Online and print media were consulted, as well as specialised literature on the EU-SA SP. This article reviews the areas of peace and security identified in the Joint Action Plan (JAP) of 2007, the specific areas covered during summits between 2008 and 2013 (the last summit held), and also the peace and security projects (hard militaristic cooperation on the continent is excluded by the terms of the SP) under the Dialogue Facility of the Trade, Development and Cooperation Agreement (TDCA-F) between the EU and South Africa which have remained active.

The article proceeds with a section outlining South Africa's outlook on peace and security, as it has evolved through and as part of its foreign policy. From there, South Africa's peace and security role in the partnership is reviewed, and it is proposed that both the EU and South Africa have vested interests in supporting a strong South African role in the African Agenda.

The next section focuses on peace and security discussions between the two partners as recorded at the annual summits and in joint communiques from the ministerial troika meetings that have taken place.⁴ The areas under peace and security deemed most contentious between the EU and South Africa, as seen in media coverage, interviews, and special presentations made in the South African community by EU officials, have been identified as the following: Libya, Zimbabwe, and the Sudan (including the International Criminal Court (ICC)/al-Bashir issue). Interactions over these issues will be reviewed in light of their influence on the dynamics of peace and security in the SP. These three cases illustrate how human rights have become a central and securitised element of peace and security cooperation in the EU-SA SP.

Discussion will also look at the areas listed by the *Dialogue Facility*⁵ as peace and security projects, and as such matters of active collaboration between the EU and South Africa. These are the Kimberley Process (KP), and the Trilateral Peace and Security Project.⁶ Both the Kimberly Process and the Trilateral Peace and Security Project are

frameworks to establish and build communication between the EU and South Africa. Specifically, the Trilateral Peace and Security Project establishes organised (regularised) communication between the Presidency, the Department of International Relations and Cooperation (DIRCO) and the EU through which peace and security matters can be discussed, which importantly and specifically involves non-state actors in South Africa. As noted earlier, the dialogue on peace and security within the SA-EU SP also incorporates regional bodies such as SADC. The Kimberly Process arose in reaction to 'conflict diamond' sales, and established a means by which to track the origin of diamonds and regulate their sales on legal commercial markets⁷. The connection between the events in Zimbabwe, Harare's relations with South Africa, and South Africa's relations with the EU and the KP are of considerable importance to peace and security in the SP; the KP's progress and Zimbabwe's political stability are intimately connected over the controversial Marange mines.⁸

South Africa's peace and security outlook: Continuity and transformation

South Africa's peace and security orientation and engagement has faced significant challenges since 1994 and the first democratically elected government under former President Nelson Mandela. Since then, it has sometimes been criticised as inconsistent⁹, schizophrenic¹⁰, or as putting short-term interests or gains before longer-term perspectives or interests. South Africa's peace and security outlook, however, first and foremost has always acknowledged its interconnected geographical context within Southern Africa, Africa, and the global 'South'.¹¹

South Africa has further consistently acknowledged in its foreign policy that there can be no internal stability without external stability, beginning with its nearest (regional) neighbours, and extending outwards.¹² Its peace and security foreign policy concerns are therefore recognised to be embedded within its generalised foreign policy conceptualisation and engagement. This external dimension, which is distinguished from its internal security/defence perception, has focused on extending peace, stability, and development in Africa, and includes an active interest in the promotion of democratisation and human rights as a necessary component.¹³

Over the past ten years there has been a shift in orientation within South African foreign policy. South Africa's alignment with the originally identified values of the EU-SA SP has changed to one where its African Agenda, the idea of which gained greater prominence under President Mbeki's tenure and his vision for an African renaissance, has become more strategically important, especially as it relates to peace and security in the EU-SA SP.¹⁴ While Pretoria's prioritising African solidarity over and above other partnerships could be identified as a possible 'deal breaker', it is in fact mutually beneficial and hence of strategic value to both the EU and South Africa, especially in relation to peace and security matters.¹⁵

South Africa's foreign policy under President Nelson Mandela, and hence its peace and security outlook, was identified as a 'human rights' foreign policy,¹⁶ which was born out of South Africa's particular historical evolutionary path, and the necessity of negotiating its way out of a potentially violent transition to one of peace, reconciliation and negotiation. These latter aspects – reconciliation and negotiation – set South Africa's character and approach towards peace and security under Mandela, shaping its foreign policy tone in Africa and globally, and led to Pretoria's role as a norm entrepreneur and peacemaker on the continent.¹⁷ Although not without hiccups, this period was also responsible for building on South Africa's strategic capital in the area of peace and security, something that is well recognised by the EU¹⁸ and used to mutual advantage in the EU-SA SP.¹⁹

Under President Thabo Mbeki, South Africa's peace and security orientation shifted. The example of Mandela's international condemnation of Nigeria on the execution of Ken Saro-Wiwo and the Ogoni eight has often been cited as a lesson learned in how not to act without the consensus of African states.²⁰ Mandela's 'megaphone'²¹ diplomacy contrasted sharply with Mbeki's own brand of quiet²² diplomacy that ensued. Described as a behind-the-scenes bargaining strategy, quiet diplomacy is the most notable outcome of this shift in orientation, used over the course of the EU-SA peace and security collaboration in conjunction with Zimbabwe up until Mbeki's 'recall' in 2008²³. While quiet diplomacy had been widely criticised, it can be credited for laying the groundwork for the African Agenda and a pattern of seeking alignment, leading to closer relationships with South Africa's nearest neighbours, and at the same time assuring other African states of Pretoria's commitment to honour sovereignty first. South Africa since then has at times attempted to carve out a leadership role in peace

and security on the continent, but more often than not has acted in concert with other African countries either through the AU or regional organisations, or in smaller groups on peace and security matters.²⁴ This has become more overt in President Jacob Zuma's later years, in particular post-2013.

At the beginning of the EU-SA SP the two parties were on equal terms regarding peace and security, to the extent that in the second summit meeting, the European crisis in Kosovo was discussed along with other areas in Africa (including Zimbabwe) experiencing conflict at the time. This at the very least shows the willingness to act as partners, and not just discuss issues that affect Africa but to assist each other in confronting issues based externally to Africa, in this case in Europe.²⁵

The ways in which South Africa has determined to achieve its peace and security goals, according to the 2011 DIRCO white paper entitled, *A Better World: the Diplomacy of Ubuntu*, arise from its firm belief in sovereignty and non-interference as a basis of interaction in peace and security situations. South Africa at the same time shows a strong commitment to play a robust role in conflict prevention, peacekeeping, peace-building, and post-conflict reconstruction.²⁶

A Better World: the Diplomacy of Ubuntu outlines South Africa's values as equality, democracy, and human rights.²⁷ These are values embedded in a long-term vision that acknowledges South Africa's geographical vulnerabilities and its strengths, along with the necessity of an interdependent peace and security strategy.

South Africa's emphasis has changed, however, over the successive governments since 1994, and in the process of integration into the global environment and lessons learned. It would now appear that South Africa's engagement with the rest of the world is viewed through the prism of its relationship to Africa. Both South Africa in Africa, and the African Agenda of renewal²⁸ are considered of greater importance than its relations in peace and security delivery with Western partners.²⁹ The anti-colonial and anti-imperialist narratives still loom large in the subconscious collective of African people and have more recently gained prominence in South Africa.³⁰

While this contextual background has apparently caused some discomfort for its EU partner³¹, South Africa seems to believe that this should not hinder business as usual in the relationship, especially where trade and other economic advantages are affected.

While South Africa seeks preferential recognition from the EU, however, it is against the backdrop and open acknowledgment that South Africa's position on the continent is fundamentally strategic to EU interests, especially where peace and security matters are concerned.

An important constraint to note nonetheless is, irrespective of whether either side's interests or goals have changed over the period since the partnership came into being with the JAP 2007, the founding document has not. It is unreasonable to assume that successive governments would not try to realign themselves with the outside world in an attempt to keep South Africa relevant and structurally buoyant. The joint action plan between the EU and South Africa has acted as an upper limit on the extent to which both may act. However, the values that are outlined above, most pertinently the promotion of human rights, are quite open to interpretation and remain flexible.³² Their contestation has become a matter of political influence and will within the boundaries of the JAP provisions on peace and security in the SP.

While South Africa's core values, interests, and foreign policy goals have not changed, it is here argued that Pretoria's perception of them has: With changes in leadership and in response to the external changes that have occurred in the international arena, particularly in Africa and its increased turn towards its African Agenda, South Africa and other African states are beginning to question the interpretation and hence 'content' of these values.

The conceptualisation of human rights, for instance, in the international context as conceived by the first democratically elected government led by Nelson Mandela, has evolved under South Africa's subsequent leadership in Africa. It has been influenced by Pretoria's relations with emerging powers, hence its emphasis has been subsumed under the African Agenda, now the main tableau on which the South African foreign policy stands.³³ Moreover, there are grounds to assert, as Zondi proposes, that there is not 'one overriding conception of human rights' in South Africa due to societal dualities inherited from the apartheid regime.³⁴

A (strategic) peace and security partnership

As a partnership, it would be presumptuous to assume that either side's interests, and therefore the understanding of what is meant by 'strategic value', can be discussed in isolation from the other. In addition, over the course of the summit meetings that have taken place between 2008-2013, the language of the partnership has been sufficiently collegial to support this observation, warranting claims of such a mutual approach. Indeed the wording of the summit joint communiqués or declarations are based on either 'agreeing', 'urging' or 'supporting calls for' positions on whichever topics were discussed. While in some cases 'agreeing' led to the establishment of further dialogues or technical assistance, such as those on migration or human rights, this was rare. Most areas of peace and security discussed at the summits were focussed on finding 'common ground' or agreeing on a joint position (for example that the situation in Syria was of 'concern').³⁵

Before this latter aspect is dismissed as superficial however, it should be noted that high-level political dialogue of this kind is crucial to the value of the SP; getting other 'strategic' states to 'agree' on areas of peace and security, to the point that they become of 'mutual interest', is key to maintaining the strategic element within wider international relations. These meetings act as an important preparatory phase prior to 'higher' and larger multilateral fora. Knowing how other countries will vote on peace and security issues, and being able to trust them to vote according to mutual interests, is of highest value. This is on the one hand perhaps why the EU states reacted in the way they did to South Africa's voting behaviour and subsequent turn-around on Libya (as discussed below), casting South Africa as a 'flip-flopper'. Casting South Africa as unpredictable, however, indirectly raises the stakes for success or failure thereby increasing the 'strategic capital' of the SP.

EU-SA SP discussions of peace and security have focused on the complementary roles that South Africa – as an African country strategically placed in this respect – and the EU – as a financial and normative ally – can provide. In this sense peace and security have clearly meant the same thing to both sides, identified by the subject matter covered and discussed under that heading in the summits and in the JAP.

Converging values and interests are outlined in the JAP on the issue of security and development as follows:

‘A key element of the Strategic Partnership is the common commitment to promoting an agenda of liberty, peace, security and stability in the world, and in Africa in particular. South African and the EU shared the understanding that security and development are interdependent...’³⁶

Under these conditions, the sections of the JAP and the agreement establishing the strategic partnership that fall under ‘Development Cooperation’ (Title IV of the TDCA) clearly become part of the peace and security/development nexus. This is supported by the emphasis placed on these areas of cooperation over the years.³⁷

The values and interests declared to be shared in the JAP form the basis for judging South Africa’s behaviour, and provide a measure for the apparent divergence from these values and interests more recently.³⁸ These include the values of liberty, peace and security, equality, democracy, human rights, good governance, tolerance and respect for rule of law, together with a belief in:

‘...rules-based multilateralism, the primacy of the UN in global security matters, sustainable development, the basic economic principles of a social market economy, free and fair trade and equitable international economic order..’³⁹

The contentious issues that have arisen over the past ten years challenge the notion of shared values such as democracy (as in Zimbabwe), rules-based multilateralism (such as in the cases of the ICC and the UN), the defence of human rights (as in Zimbabwe and the Sudan, involving the ICC), and humanitarian intervention (as in Libya).

Contestation and values in the EU SA SP: Three cases

With the following three cases, concerns around human rights have found their way into the peace and security relationship in the EU-SA SP, with all three cases overlapping in the political dialogue represented in the summit joint communiqués.

Libya: Collaboration over confrontation and the spirit of African solidarity (2011)

The furore that surrounded South Africa's voting behaviour on 'intervention'⁴⁰ in Libya in March 2011, focussed mainly on South Africa's 'flip-flopping' on its decision within the UNSC, described on a continuum ranging from inconsistent to schizophrenic⁴¹. This was in response to South Africa determining that the subsequent intervention was not what it had understood would be the outcome of voting for a no-fly zone over Tripoli, as described in UN Security Council (UNSC) resolution 1973.⁴²

In remarks made by Herman von Rompuy, European Council President after the EU-South Africa Summit in 2011, the EU position on Libya post-intervention 'was explained' to South Africa.⁴³ Under the contextual circumstances, this reference does appear paternalistic in tone. There is no other mention of what is sometimes referred to as 'the blunder,'⁴⁴ over the course of the ensuing Summit Joint Communiqués.

South Africa's apparent 'failure' to present a coherent face at the UNSC is based largely on this occasion, even though in South Africa's voting history over the period of its tenure as a non-permanent member, on only a few occasions were Pretoria's votes called into question.⁴⁵ For the EU, the inability to trust or guarantee Africa's cooperation appeared to be a major betrayal of the strategic partnership, as expressed in the peace and security dialogue.

The kind of backlash that South Africa received, could be construed as an attempt to marginalise it, as indeed South Africa's behaviour was modified after the Libya vote; Pretoria subsequently took a submissive position over Syria, preferring to abstain from voting on resolutions calling for similar interventions, along with its counterparts in the BRICS (Brazil, Russia, India, China, South Africa) group.⁴⁶

Just prior to the vote on UNSC resolution 1973, however, an AU panel consisting of South Africa, Mauritania, Mali, Uganda, and DRC had already taken steps towards addressing a mediated solution.⁴⁷ After South Africa had voted in favour of the infamous resolution, the panel members were informed that should they wish to return to Tripoli during the ensuing no-fly zone enforcement, their safety could not be guaranteed.⁴⁸

For its role in voting for resolution 1973, South Africa was lambasted in African circles for betraying the ideals of African solidarity.⁴⁹

Nonetheless, South Africa's ability to declare its 'mistakes' in light of ensuing circumstances points to a willingness to stand side-by-side with its African peers in the last instance, in spite of the ridicule it received in international spheres for having changed its position⁵⁰. In short, South Africa displayed an ability to react to changing conditions, what might be termed 'responsive dynamism' in its peace and security foreign policy.

South Africa's position on Libya, however, points to the overwhelmingly unquestioned acceptance of 'military humanitarianism,'⁵¹ and the set of assumptions⁵² that accompany it in international peacekeeping that some countries in Africa, including South Africa, are beginning to articulate against⁵³. In this particular case, South Africa was unfortunately unable to successfully manage public understanding behind this highly politicised issue. Overall, conveying the full story behind the Libya vote became hampered by exclusive focus and coverage of South Africa's unreliability in conforming to the accepted mode of human rights understandings and intervention as put forward by its Security Council peers.

Based on interviews focused on the strategic partnership, for the EU the original 'agreement' of 2007 formed the basis of evaluating its successive relationship and partnership. When unhappy with South African foreign policy decisions for example, it was to this original agreement and the 'shared values' that the EU would refer their South African counterparts. Even as the caveat 'we don't have to agree on everything' became a rhetorical safety-valve⁵⁴ to allow for continued collaboration and flexibility between both the EU and South Africa on matters of trade, finance and technical assistance, the original JAP of 2007 has remained a fixed reference point for highlighting any apparent divergence from the original values outlined therein. Specifically, these values have included human rights and democracy⁵⁵. It is unrealistic, if not unreasonable in light of the various social, economic, and political challenges that South Africa in Africa has faced over the past ten years, for the interpretation of these values to remain uncontested.

It is perhaps worthwhile to point out that in other situations and parts of the world, the EU has appeared to ignore infringements of human rights violations in pursuit of what it considered higher stake interests⁵⁶ such as the suppression of opposition Islamist⁵⁷ parties in North Africa, seen to be anti-West. Human rights for the EU in that

geographical area at that time were therefore of negligible import compared to other interests. Interestingly, over the course of the EU-SA SP, dialogue on human rights has been pressed for by South Africa and somewhat stalled by the EU.⁵⁸

The consideration of human rights and their meaning in light of the emerging African Agenda have tested the boundaries of cooperation in the peace and security sector of the EU-SA SP, but have not yet broken them. However, human rights may well become more prominent in African international relations as a defining feature of the world it intends to create, and therefore within the SP.

South Africa's vote for UNSC resolution 1973 and the resulting fallout from other African states demonstrates the difficulty in treading the path between South Africa's role as African leader-state and as African state. The balance between the two however, adds to the strategic capital both in peace and security roles and the overall SP. South Africa's behaviour in this example points to Pretoria's attempt to maximise its role in peace and security, and pursue an effective resolution to the crisis in Libya, using all the 'tools' available at the international and continental level; South Africa actively pursued collaboration and mediation efforts in concert with other African leaders at the AU level, before casting its vote in the UNSC.

Zimbabwe (2013)

From the perspective of the summits and the SP, South Africa's stance on Zimbabwe over the course of the partnership's lifetime has predominantly been one of non-interference; 'let the Zimbabwean people decide'.⁵⁹

In 2007, at the same time as the EU-SA SP launch, President Thabo Mbeki was appointed lead facilitator on Zimbabwe. By 2009, this role had been taken over by President Jacob Zuma.

In the years of monitoring Harare's 2008 Global Political Agreement (GPA), South Africa has had to walk a tightrope between a regional and national persona: the EU-SA-SADC-Zimbabwe nexus has created a complex set of dynamics that has proven challenging to navigate, yet the SP has remained intact as a valuable conduit through which these dynamics can play out. For the SP, the management of Zimbabwe as a peace and security matter, in relation to Southern Africa has been of mutual interest.⁶⁰

Zimbabwe is furthermore a key political component in the African arena, and as such remains central to any peace and security interests and cooperation between South Africa and the EU.

Little progress had been made on the GPA by 2010, to the extent that a list of outstanding issues was highlighted by the SADC committee responsible for oversight. By way of drawing attention away from these issues, President Robert Mugabe pressed for fresh elections, believing that the opposition parties had lost ground and that elections could proceed even without a new constitution having been finalised. South Africa at this point 'lobbied' the AU for support against holding elections in 2011, as Mugabe called for. This marked a significant departure from the 'quiet diplomacy' of previous years, signifying South Africa's readiness to critically assess the situation in conjunction with SADC and to carve out an alternative position from that of Mugabe's ZANU-PF government. At the same time, however, the South Africa-Zimbabwe Joint Permanent Commission on Defence and Security called on the EU and the US to lift targeted sanctions on Zimbabwe,⁶¹ creating a bargaining environment between South Africa/Zimbabwe, on the one side and the EU/SADC on the other.

Towards the end of 2010, opposition parties in Zimbabwe (MDC-T and MDC-M) petitioned SADC and the AU to intervene in the process, fearful of further escalations of violence and intimidation by ZANU-PF.⁶² At this time, ZANU-PF launched its National Anti-Sanctions Campaign, linking it to the 'Indigenization Strategy'.⁶³ In 2011, and as a result of an internal report 'tabled'⁶⁴ by South Africa before the SADC's Organ on Politics, Defence and Security Cooperation, the SADC Troika (Zambia, Namibia, and Mozambique) issued a strong statement on the delays in implementing the GPA as well as recommendations for its subsequent advancement, which included a monitoring team consisting of officials joining the facilitation team still led by South Africa.⁶⁵

This again marked a significant break in what the Mugabe-led Zimbabwean government had relied upon up until then: the 'capital' of regional solidarity. This was noted in the type and degree of backlash in the Zimbabwean press, which included personal attacks on President Zuma,⁶⁶ as well as a call for a vote of no-confidence in South Africa's decision to back UNSCR 1973 on Libya, already a source of foreign policy controversy outlined above. The rhetoric was couched in terms of betrayal of

African unity and solidarity.⁶⁷ This was followed later, however, by an about turn by President Robert Mugabe and support of the SADC Troika's recommendation.⁶⁸

Throughout most of the lifetime of the EU-SA Joint Summitry, South Africa's role in leading the SADC facilitation team, together with SADC, has been praised. In Herman van Rompuy's remarks noted above at the 2011 Summit, President Zuma's 'personal engagement' in Zimbabwe was acknowledged, as was the progress made in the face of challenges encountered.⁶⁹

These dynamics may be a consideration within the relationship between the EU-SA-Zimbabwe and the parameters of the SP, where South Africa plays the role of interested party.

The KP, arguably a human rights driven process,⁷⁰ has been used within the context of the Zimbabwe-SA-EU peace and security nexus as a pivotal bargaining tool. Kept separate from summitry, the KP has formed an area of increased dialogue under the TDCA-F. Zimbabwe was suspended from the KP in 2009, and in 2010 a report was published that established diamond revenues from the Marange mines were being used to shore up Robert Mugabe's ZANU-PF regime.⁷¹ In 2011, the same year that Zimbabwe was re-admitted to the KP, Global Witness (the non-governmental organisation instrumental in setting up the KP) withdrew in protest.

In 2012, however, the EU was once more positive in its acknowledgement towards South Africa, crediting its role in helping the EU to decide to 'relax its targeted measures' against Zimbabwean individuals and companies that were initiated in response to violence after the elections held in 2002.⁷² The suspension of the KP's requirements to serve the 'higher politics' of the Zimbabwe-SA-EU peace and security dynamics further indicates that human rights had become a political tool in a wider context within the peace and security area of the partnership. Human rights, highly prized by the EU as central to democracy, rule of law, liberty and peace, were in this instance ignored. The EU chose to use neither its membership of the SP nor the KP to apply pressure to conform, but instead praised South Africa's efforts and continued dialogue and summitry as usual.

At the time of the last Summit held in 2013, the dialogue between the EU and South Africa appeared on paper to be cordial, their views on the pending Zimbabwean

elections were exchanged, and the outcomes of the Extraordinary Summit of the SADC Heads of State and Government (June, 2013) and its recommendations were noted. These included media reform, upholding the rule of law, the role of the Joint Monitoring and Implementation Committee, the validity of the Electoral Regulations and noting that SADC Observers needed to be present.⁷³ As the summit reached its conclusion prior to the elections, no further comment on the elections of July in the same year were registered. It is widely acknowledged however, that these elections were far from ‘free and fair’.⁷⁴

In 2014, however, it is significant that Robert Mugabe became chair of the SADC, the year after elections in Zimbabwe were declared a landslide in his party’s re-election, the MDC-T having withdrawn in protest. It was also the same time that South Africa took over the Chair of the Kimberley Process, and its reform.

By the time of the EU-Africa Summit of 2014, the relationship between South Africa and the EU was under increasing pressure due to the ‘triangulated’ dynamics between Zimbabwe and SA, on the one hand, and the EU and AU on the other. Although targeted⁷⁵ sanctions against Zimbabwe had been lifted the year before, and Robert Mugabe was due to attend the Summit in Brussels, his wife Grace Mugabe was refused a visa to attend. In addition, Sudanese leader Omar al-Bashir, under indictment by the ICC, had not been invited to attend. In view of this, Robert Mugabe called for African leaders to boycott the AU Summit⁷⁶, and Jacob Zuma applauded the call, consequently informing the local press⁷⁷ that it was not for the EU to choose ‘who must come and who must not come’.⁷⁸ Zuma was signalling a return to African solidarity that happened to coincide with South Africa’s own election year.

Such a gesture at the EU-Africa Summit was highly symbolic, especially at the continental level where the following year (2015), Zimbabwe was in line to take over the chair of the AU. The gesture, while on the surface appearing to be designed to irritate the EU and at the same time demonstrate Southern African solidarity, did not have much of an effect on either the summit or the strategic partnership overall: most other African leaders did attend, and South Africa was in fact represented by the Minister of International Relations and Cooperation.⁷⁹ This behaviour, however, added to the strategic value and tightening of peace and security stakes within the partnership for both the EU and South Africa, where the SA-Zimbabwe relationship is a key

structural component in peace and security in Southern Africa, and by weight of their combined liberation struggle profiles, Zimbabwe and South Africa are together a key component in African peace and security.

South Africa's position in the EU-SA-SADC-Zimbabwe nexus has been a difficult one, managed with strategic clarity. Pretoria has tread the tightrope between the differing roles in multilateral, bilateral, regional, national, and regional international (the EU) scales. It has in spite of this managed to retain its strategic position through balancing its position between the EU and Zimbabwe, and has in fact increased its strategic capital in the EU-SA partnership as a result, something shown by the trade and development cooperation that is still maintained. At the same time, South Africa as an African state has shown its commitment to a longer-term perspective of its stated African Agenda.

Sudan, Omar Hassan Al Bashir, and the ICC (2015)

From the start of the summits in 2008 through to 2012, South Africa and the EU appeared to have no misunderstanding between them regarding Sudan's impunity in reference to the ICC.⁸⁰ Both sides appeared to agree that the situation was 'grave', and that South Africa's mediation efforts had been of immeasurable value. At numerous times over the course of the ensuing summits, South Africa and, in particular, former President Thabo Mbeki's AU High Level Panel (AUHLP), was praised for its mediation efforts.⁸¹

Sudanese President Omar al-Bashir's attendance at the AU summit hosted by South Africa in 2015 caused much consternation in South Africa domestically at the time, to the point that some referred to 'a constitutional crisis'.⁸² Ignorance of international law and South Africa's obligations under that law, together with aggressive news coverage, resulted in a berating of the South African government for not arresting the Sudanese leader. South Africa was accused of pandering to war criminals rather than the more legitimate and comparatively civilised West, and the ICC, of which South Africa is a founding signatory.

That this situation occurred at all does not mean that South Africa harbours any inclination to turn its back on partnerships with the 'West': it has already reiterated that it values these, as it does the EU-SA Strategic Partnership as a whole.⁸³ It certainly does mean that the African Agenda has become more prominent, and hence of greater import in South Africa's foreign policy and peace and security considerations. It would

therefore be foolish if the EU and its Western partners were to ignore this when interacting with South Africa on peace and security issues.

Whichever turns out to be accepted, the ICC has become a highly contentious issue for South Africa, which is in turn a contentious issue within its agenda for Africa, and this could in the future create a serious disjuncture within the peace and security cooperation under the partnership, if allowed to.

South Africa maintains that human rights as a set of values will remain central to what and who South Africa is.⁸⁴ Grounds for contestation have nominally focussed on whether African understandings of human rights differ from those in the West. There are also grounds on which to claim that the human rights discourse has been hijacked by a particular focus on individual rights, rather than applied to collective rights that would be more in line with African communitarianism and the concept of '*ubuntu*'⁸⁵. South Africa poses the question as to whether at the international level, the human rights framework has been used politically, as justification for external interference or 'regime change', something that goes against the principles of the AU constitutive Act of 2001 which upholds sovereignty and undemocratic changes in government.⁸⁶

Conclusion

This article has focussed on the external dimension of peace and security collaboration through the EU-SA Strategic Partnership. That collaboration was built and exploited for the pursuit of South Africa's own African Agenda (a foreign policy perspective and outlook), as well as its moral legacy as mediator, and its reconciliatory identity.

The JAP of 2007 was used as a departure point for establishing the framework of the partnership, including those shared values and objectives that have subsequently been called into question, and used to varying degree to challenge the parameters of collaboration. Human rights, together with the other values outlined in the SP, are open to interpretation, and while this may appear a threat to the partnership, the flexibility of interpretation may actually prove to be the SP's saving grace, allowing it to mature into a more equitable partnership. The EU's expectation that the SP will deliver predictability in South Africa's behaviour on peace and security matters is an indication

that the partnership is not yet on the basis of equality: EU, it is here argued, has yet to be respectful of South Africa's separate African identity.

In addition, areas identified as involving peace and security under the TDCA-F (dialogue) were also taken into consideration. The Kimberley Process and Zimbabwe, Libya and South Africa's voting behaviour at the UN, and al-Bashir and the ICC, are issue areas that created dynamics of contestation and tested the boundaries of peace and security collaboration in the SP overall.

The nature of peace and security cooperation in the SP has been to focus on South Africa's peace broker identity established under former President Nelson Mandela, which has continued to varying degree under subsequent governments, albeit with different emphases and success, mainly due to developing challenges encountered in relation to the increasing complexity and new roles that South Africa has found itself in. This identity has been used strategically by both the EU and South Africa, and amplified through South Africa's membership of the SADC and the AU to relative success.

South Africa has consistently stressed its preference for non-interference, allowing the people of African states to decide their own fates, and also its preference for cooperation over competition, and collaboration over confrontation. Within the context of the strategic partnership, European states and the EU need to take these factors into consideration; these issues, values, and interests have formed the basis of a long term perspective of the EU's role in Africa, and how this will be of longer-term benefit to South Africa, its neighbours, and inevitably those partners with whom it enters into agreements. Short-term interests or politicking can become tactics in a long-term strategy.

South Africa and the EU's perception of what constitutes peace and security within the partnership has remained largely the same. However, how to deliver peace and security to Africa, and how to strategise its own role within the partnership as it relates to its regional and continental peers, has not.

South Africa has maintained the same values, especially those that pertain to humanity (human rights), yet has begun to question their particular interpretation from external sources and contest their application: it is evident from the three cases examined that

the nature of human rights, the trend towards the militarisation of humanitarianism and the subsuming of these as ‘universals’ applicable in all circumstances, have become elevated to political issues in Africa.

The relationship between South Africa and Zimbabwe has indeed been an extraordinary one. The ‘special’ handling of the EU-Zimbabwe may, from the outside, have seemed contradictory. As a key component of Southern Africa, this relationship has shaped the SP.

On the surface, criticism of South Africa’s apparent divergence from the initial interests and values outlined in the JAP of 2007 could be construed as unfair, especially in a world that accepts the nature of globalisation and complex international relations, as these aspects must also accept the incumbent dynamism that goes hand in hand with change. In the context of South Africa’s future engagement with the EU, the continuation of an adaptive foreign policy of this kind would mean a much more unpredictable partner. The strict hitherto understanding of a ‘strategic partner’ by the EU, would be openly relaxed. This is, as this article has demonstrated in the continued functionality of the SP, the case. What remains is the extent to which the SP’s values are called to account or politicised by either side. It may well be that a foreign peace and security policy that is flexible and able to adapt, may have greater use in the long term when the complexity of globalised relations is truly accepted.

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¹ Landsberg C, 'South Africa's Foreign Policy in Context', in Masters L & C Landsberg C (eds), *Proceedings Report Al-Bashir and the Crisis in South Africa's Foreign Policy: Problems and Prospects*, Held at the Johannesburg Institute for Advance Study, Johannesburg, 22 July 2015.

² These are both explained in The White Paper *Building a better world: The Diplomacy of Ubuntu*. DIRCO, 2011. White Paper *Building a Better World: The Diplomacy of Ubuntu*. Pretoria: DIRCO, 2011. <http://www.gov.za/sites/www.gov.za/files/foreignpolicy_0.pdf >

³ The last EU-SA SP Summit was held in 2013. In 2014 South Africa held its 5th general elections. 2014 was also the year that President Jacob Zuma and Zimbabwe's President Robert Mugabe called for a boycott of the EU-Africa Summit. In 2015 at the AU Summit held in Cape Town, President Zuma refused to arrest Omar al-Bashir under the terms of the ICC, of which South Africa is a member. ANC Discussion Documents of 2015 also show a marked shift in emphasis towards 'Africanist' and South-South solidarity.

⁴ The EU-SA ministerial troika meetings have taken place in 2007, 2008, 2009, and 2010. The EU troika usually consists of the current president of the European Council, the High Representative of Foreign Affairs, and the Commissioner for External Relations. Wallace H et al, *Policy-Making in the European Union*. Oxford: University Press, 2010, p.442. The EU-SA ministerial meetings the EU troika has included the Commissioner for Development and Humanitarian Aid. Unfortunately, however, the EU's Peace and security Committee meeting minutes with South Africa are not available to the public.

⁵ The *Dialogue Facility* was the interim 'technical support facility to strengthen relations and policy engagement between South Africa and the EU'. Separate to this is policy engagement between South Africa and the EU at sectoral level, and overall political dialogue provisioned by the TDCA, the strategic partnership. See Healy FE & du Pisani J, *Mid-Term Evaluation of the Trade Development Co-operation Agreement Facility (TDCA-F)* Letter of Contract No 2013/330634 –Version 1, Final Report Executive Summary, 2014 < <http://www.dialoguefacility.org/Resource%20Centre/SA-EU%20reports/saexec.pdf> >p.3.

⁶ As 'active' dialogues under the peace and security SP, specific information on their progress (numbers of meetings, participants and so forth) has not been made available despite requests made. It must be assumed that this information is restricted and it has therefore not been possible to review for the purposes of this article. It suffices to say, however, that dialogue facilitation and collaboration specifically as regards the Kimberley Process, peace and security dialogue with multi-level stake holders, and the more generalised cooperation and high-level political dialogue in peace and security, takes place.

⁷ See Global Witness website, <http://www.globalwitness.org/en/campaigns/conflict-diamonds/kimberley-process/> and Global Witness, *Return of the Blood Diamond: The Deadly Race to Control Zimbabwe's New-Found Diamond Wealth*. London: Global Witness, 2010, pp.2-9.

⁸ There is sufficient information in the public domain for an assessment to be made of these interdependent dynamics, which form part of the summit commentary between 2008-2013, and they are therefore covered.

⁹ Allison S, 'ANC's future foreign policy: all roads lead to China', *The Daily Maverick*, 20 August 2015; Soko M, 'Zuma's muddled foreign policy', *Finweek*, 4 February 2016.

¹⁰ Allison S, 'ANC's future foreign policy: all roads lead to China', *The Daily Maverick*, 20 August 2015; Soko M, 'Zuma's muddled foreign policy', *Finweek*, 4 February 2016. For a range of responses to South Africa's foreign policy particularly as regards its voting on Libya, see also Jeenah N, 'Engaging with a Region in Turmoil: South Africa and the Middle East and North Africa Region', in Masters L, et al. (eds), *South African Foreign Policy Review Volume 2*. Pretoria: Africa Institute of South Africa, 2015, pp.151.

¹¹ First elaborated in a 1993 article written by President-to-be Nelson Mandela, where he stated 'South Africa cannot escape its African destiny' and further acknowledges the necessity to develop in tandem with other African states on the continent, this has been carried through to the White Paper *Building a Better World: The Diplomacy of Ubuntu*, as well as in the vision of the African Agenda 2063.

¹² Later identified as the 'butterfly strategy' South Africa's foreign policy works from Africa, stretching to the east and west. South Africa's strategic priorities as identified in the White Paper *Building a Better World: The Diplomacy of Ubuntu*, are to begin with 'enhancing the African Agenda', of which 'the promotion of democracy, good governance, human rights, peace and security, and sustainable development on the African continent' form the first point of departure. IGD (Institute for Global Dialogue), *A Foreign Policy Handbook: An Overview of South Africa's Foreign Policy in Context*. Pretoria: IDG, 2014, p.9.

- ¹³ 'Human rights will be the light that guides our foreign affairs'. Mandela N, 'South Africa's Future Foreign Policy'. *Foreign Affairs* 72.5 (November-December 1993). Under President Thabo Mbeki the link between peace and stability, democracy and human rights was carried through. See DFA (Department of Foreign Affairs, South Africa) 2003, Strategic Plan for 2003-2005 <<http://www.dirco.gov.za/departement/stratplan03-05/stratplan01.pdf>>; DIRCO (Department of International Relations and Cooperation, South Africa) Strategic Plan 2013-2018 <http://www.dirco.gov.za/departement/strategic_plan_2013-2018/strategic_plan_2013-2018.pdf> p.3-4
- ¹⁴ The promotion and renewal of Africa (carried over into Agenda 2063), through integration and unity would necessitate closer solidarity and allegiances with African states rather than European ones. The strategic value derived from an influential South Africa in Africa, in various sectors but particularly in development, peace and stability, is potentially mutually beneficial.
- ¹⁵ Council of the European Union Presse 105 9650/07/07 (Presse 105)/EU of 15 May 2007 The South Africa-European Union Strategic Partnership Joint Action Plan. Brussels. p.1-2.
- ¹⁶ Masters L, et al. 'Principles and Practice: South Africa's Foreign Policy after Two Decades', in Masters L, et al. (eds), *South African Foreign Policy Review Volume 2*. Pretoria: Africa Institute of South Africa, 2015, p.3.
- ¹⁷ Olivier G, 'South Africa's Foreign Policy towards the global North', in Landsberg C, and van Wyk J-A, (eds), *South African Foreign Policy Review Volume 1*. Pretoria: Africa Institute of South Africa, 2012.
- ¹⁸ Roger Southall points out that South Africa as a 'regional hegemon', and as a liberal economic policy exemplar was recognised by both the EU and the US. Southall R, 'South Africa: An African Peacemaker?' in Southall R, (ed.), *South Africa's Role in Conflict Resolution and Peacemaking in Africa*. Cape Town: HSRC Press, 2006, p.2.
- ¹⁹ At various points throughout the summits, South Africa's role in mediation efforts on the continent has been praised. See for example, the fourth Summit where South Africa and SADC's role in Zimbabwe were equally praised. Council of the European Union Presse 311 14292/11 (Presse 311)/EU of 15 September 2011 Fourth South Africa-European Union Summit Joint Communiqué. South Africa. p.5.
- ²⁰ South Africa's call for the denouncement of Nigeria in the wake of the executions was called 'un-African' by the OAU in fact. See Southall R, 'South Africa: An African Peacemaker?' in Southall R, (ed.), in Southall R, (ed.), *South Africa's Role in Conflict Resolution and Peacemaking in Africa*. Cape Town: HSRC Press, 2006, p.4. This must have been extremely hard to palate and according to Gumede, was something that Mbeki took to heart. Gumede WM, *Thabo Mbeki and the Battle for the Soul of the ANC*. Cape Town: Zebra Press, 2005. p.178-9.
- ²¹ Gevisser M, *Thabo Mbeki: The Dream Deferred*. Cape Town: Johnathan Ball, 2009.
- ²² Gumede draws the conclusion that President Thabo Mbeki realised that the 'ANC government's cardinal error' had been to not consult other continental leaders. Mbeki learnt and decided henceforward to 'Never again...go it alone' recognising the 'need to act in concert with others and to forge strategic alliances in pursuit of foreign policy objectives'. Gumede WM, *Thabo Mbeki and the Battle for the Soul of the ANC*. Cape Town: Zebra Press, 2005, p.179
- ²³ The ANC's National Executive Committee decided to 'recall' President Thabo Mbeki after accusations of 'political meddling' in proceeding with prosecuting then ANC president Jacob Zuma. Beresford D, 'Mbeki is forced out after split in ANC', *The Guardian*, September 21, 2008. <<https://www.theguardian.com/world/2008/sep/21/mbeki.resignation>>
- ²⁴ South Africa has acted in conjunction with other African states through regional or continental organisations (multilateral fora) in peace and security/mediation efforts or acting as an interlocutor. South Africa was active in both Libya and Sudanese attempts at mediation, in conjunction with the AU High Level Panel more recently, apart from examples in Burundi, Zimbabwe (with SADC), the DRC, Cote d'Ivoire. While not all successful, South Africa has shown its preference for acting in concert rather than as a lone actor.
- ²⁵ Council of the European Union Presse 230 13825/07 (Presse 230)/EU of 10 October 2007 South Africa-EU Strategic Partnership Joint Communiqué. Tshwane.
- ²⁶ DIRCO, 2011. White Paper *Building A Better World: The Diplomacy of Ubuntu*. Pretoria: DIRCO, 2011. < http://www.gov.za/sites/www.gov.za/files/foreignpolicy_0.pdf > p.20.
- ²⁷ Ibid.p.10.
- ²⁸ South Africa's African Agenda, while attributed to the ANC more generally, is more often accredited to former President Thabo Mbeki for placing it as a central tenet of South African foreign policy. It is the understanding of South Africa's place and role in the rest of Africa, and the international environment, and its commitment to Africa's renewal. More succinctly, it has been identified as to create the socio-economic conditions that lead to peace and security, working from the regional to the

continental, to the international levels to ensure this. Zondi S, 'Africanity, pan-Africanism and African Renaissance: South Africa's African Agenda Under Mbeki and Zuma'; Graham S, 'South Africa's voting Behaviour at the United Nations Security Council: a Case of Boxing Mbeki and Unpacking Zuma?' in Masters L, et al. (eds), *South African Foreign Policy Review Volume 2*. Pretoria: Africa Institute of South Africa, 2015;

²⁹ President Zuma's decision to stay away from the EU-Africa Summit in 2014 was attributed to his standing in solidarity with Omar al Bashir's not being invited, as well as a Robert Mugabe's call for African leaders to boycott the Summit. 'Mugabe Urges AU Boycott of EU Summit', *ENCA News Online* 28 March, 2014, < <http://www.enca.com/africa/mugabe-urges-au-boycott-eu-africa-summit> >

³⁰ Calls for a decolonisation of knowledge have surfaced amid the Rhodes must fall (RMF) movement in South Africa, at Oxford University, England, and at the School of Oriental and African Studies (SOAS), London University.

³¹ The EU has in instances become defensive to what it sees as political posturing: Comments made in response to Gwede Mantashe's interview with Reuters news outlet in 2012, was met with then EU Ambassador Roeland van de Geer's response: " 'Don't say that in this economic period we don't need each other because that undermines the relationship... The world is in an economic crisis. Do not give up on any of your investors...' " Fabricius P, 'Gwede bites the hand that feeds us', *The Pretoria News*, 29 June 2012 < <http://www.iol.co.za/pretoria-news/opinion/gwede-bites-the-hand-that-feeds-us-1331160>>; Louw-Vraudran L, 'EU Diplomats taken aback by Zuma's summit snub', April 4, 2014. <<https://mg.co.za/article/2014-04-03-eu-diplomats-taken-aback-by-zumas-summit-snub>>. 'Mantashe: we don't need the West' *Fin24*, May 23, 2012, <http://m.fin24.com/fin24/Economy/Mantashe-We-dont-need-the-West-20120523>

³² David Chandler exposes the vagueness of the application of human rights in the international system, and shows how it is this very aspect that allows for its political manipulation. See Chandler D, 'Universal Ethics and Elite Politics: The Limits of Normative Human Rights Theory', *The International Journal of Human Rights*, 5,4, 2001, pp.72-89.

³³ The following direct quotation is insightful into South Africa's governing party's perspective of the ICC, and hence its reasoning behind the desire to create an alternative continental judicial structure: 'It is our view however that the ICC has gradually diverted from its mandate and allowed itself to be influenced by powerful non-member states. We perceive it as tending to act as a proxy instrument for these states, which see no need to subject them to its discipline... It is being used as a court against Africa.' ANC (African National Congress), NGC (National General Council) Discussion Documents. Marshalltown: ANC, 2015.p.175.

³⁴ This point refers to more than socio-economic inequalities. Zondi refers to South Africa as a 'contested state' that 'is part of the western world, identifying with features in the main, yet it desires to see a post-western world at the same time... It is not a single state. This contested nature of the state and nationhood, the co-existence of various national identities plays itself out in foreign policy... In South Africa, we don't quite mean the same thing by human rights – there is no one overriding conception of human rights.' Zondi S, 'An Overview of South Africa's Foreign Policy', in Masters L & C Landsberg C (eds), *Proceedings Report Al-Bashir and the Crisis in South Africa's Foreign Policy: Problems and Prospects*, Held at the Johannesburg Institute for Advanced Study, Johannesburg, 22 July 2015.p.7.

³⁵ Council of the European Union Presse 340 12592/13 (Presse 340)/EU of 18 July 2013 Sixth South Africa-European Union Summit Joint Communiqué. Pretoria.p.7.

³⁶ Council of the European Union Presse 105 9650/07 (Presse 105)/EU of 15 May 2007 The South Africa-European Union Strategic Partnership Joint Action Plan. Brussels. p.2.

³⁷ Science and Technology is at the forefront of development: South Africa is home to the only 'supercomputer' at the Centre for High Performance Computing (CHPC) on the African continent, which allows for high speed internet for the rest of Africa. It also happens to be the key African state in the Square Kilometre Array (SKA) radio telescope.

³⁸ In Ambassador Marcus Cornaro's own words: 'SA and the EU are becoming "increasingly less like minded". This is particularly relevant in the area of Human Rights, at the core of both SA and the EU's foreign Affairs policy.' Statement by Ambassador Cornaro, Head of the EU delegation to South Africa at the Workshop hosted by the University of Johannesburg and Friedrich Ebert Stiftung (FES) on *Reviewing a decade of EU SA Strategic Partnership*, Radisson Blu Hotel, Johannesburg, 21-22 July 2016.

³⁹ Council of the European Union Presse 340 12592/13 (Presse 340)/EU of 18 July 2013 *Sixth South Africa-European Union Summit Joint Communiqué*. Pretoria.p.7.

⁴⁰ Although at the time the intervention in Libya was deemed 'humanitarian' it has since then been acknowledged as 'regime change' by outside interests. See Zenko M, 'The big lie about the Libyan

war', *Foreign Policy*, 22 March, 2016. <<http://foreignpolicy.com/2016/03/22/libya-and-the-myth-of-humanitarian-intervention/>>

⁴¹ Allison S, 'ANC's future foreign policy: all roads lead to China', *The Daily Maverick*, 20 August, 2015; Soko M, 'Zuma's muddled foreign policy', *Finweek*, 4 February 2016.

⁴² There have been many attempts, however, to rationalise South Africa's behaviour, from a plain misunderstanding of the workings of the UNSC and the politicking behind the scenes to naivety. Graham S, 'South Africa's voting Behaviour at the United Nations Security Council: a Case of Boxing Mbeki and Unpacking Zuma?', in Masters L et al. (eds), *South African Foreign Policy Review Volume 2*. Pretoria: Africa Institute of South Africa, 2015. pp.84-85.

⁴³ Herman van Rompuy remarks made after the Fourth Summit in 2011, stated that he had 'explained [to] President Zuma the actions taken by the European Union to support this process and the need for the UN to play a leading role in coordinating the post-conflict activities.' Council of the European Union Presse 2011 312/11 (Presse 312)/EU of 15 September 2011 *Remarks by Herman van Rompuy President of the European Council following the EU-South Africa Summit*. South Africa, 2011.

⁴⁴ Graham S, 'South Africa's voting Behaviour at the United Nations Security Council: a Case of Boxing Mbeki and Unpacking Zuma?', in Masters L et al. (eds), *South African Foreign Policy Review Volume 2*. Pretoria: Africa Institute of South Africa, 2015.

⁴⁵ There were over the course of South Africa's first tenure on the Council, 121 resolutions; South Africa voted in favour of 120 and abstained on one. *Ibid.* p.77.

⁴⁶ Naeem Jeenah and Suzanne Graham both outline the change in South Africa's voting behaviour after the Libya vote and hint at South Africa being put off from repeating the circumstances and, one would assume, the same kind of unflattering attention. South Africa preferred rather to stay with its BRIC partners on the Syrian crisis. For further analysis of this situation, see Jeenah N, 'Engaging with a Region in Turmoil: South Africa and the Middle East and North Africa Region', 2015. p. 159, and Graham S, 'South Africa's voting Behaviour at the United Nations Security Council: a Case of Boxing Mbeki and Unpacking Zuma?', in Masters L et al. (eds), *South African Foreign Policy Review Volume 2*. Pretoria: Africa Institute of South Africa, 2015.

⁴⁷ Jeenah N, 'Engaging with a Region in Turmoil: South Africa and the Middle East and North Africa Region', in Masters L, et al. (eds), *South African Foreign Policy Review Volume 2*. Pretoria: Africa Institute of South Africa, 2015. pp.148-150.

⁴⁸ At a later date and after the bombing campaign had been initiated, the AU attempted a further initiative towards peace brokerage, firstly consulting with Muammar Ghaddafi and then the idea was to approach the opposition in Benghazi. However, President Zuma, who had been part of the process until that point, did not proceed with the rest of the Panel to Benghazi, but rather returned to South Africa. This was considered a grave oversight, which angered the opposition rebels who consequently rejected the AU proposal. *Ibid.* p.150.

⁴⁹ Graham S, 'South Africa's voting Behaviour at the United Nations Security Council: a Case of Boxing Mbeki and Unpacking Zuma?', in Masters L et al. (eds), *South African Foreign Policy Review Volume 2*. Pretoria: Africa Institute of South Africa, 2015, p.85.

⁵⁰ An unnamed European diplomat was reported to have quipped: '“Everyone knows when you talk about no-fly zones you're talking about the use of force and military intervention.”' Roussow M, 'SA's no-fly zone hits turbulence', *The Mail & Guardian*, 25 March 2016. <<https://mg.co.za/article/2011-03-25-sas-nofly-vote-hits-turbulence>>

⁵¹ Chandler D, 'The Road to Military Humanitarianism: How the Human Rights NGOs Shaped A New Humanitarian Agenda', *Human Rights Quarterly*, 23, 3, August 2001, pp.678-700.

⁵² Specifically, post-Cold War 'humanitarianism' has been re-framed from a human rights based perspective rather than the one with which it was originally associated based on neutrality and human needs. Human needs are therefore overlooked in pursuit of human rights/humanitarianism, the latter being highly politicised, and intervention justified on the basis of 'ethics'. The human rights/humanitarianism or 'new humanitarianism' in international discourse, has further over time, been institutionalised into one externally driven by non-governmental actors (including civil society), and according to a long-term 'developmental' outlook geared towards social and economic transformation. Poor organisation of the latter by non-western governments has become accepted as the root cause of conflict and civil wars in non-western countries. Sanctions and aid withdrawal are condoned, as in Zimbabwe for a time, in the name of 'humanitarianism' as a generalised term, while actual 'human values and practices' and victims' needs are forfeited. *Ibid.*

⁵³ South Africa, had at the point of writing, informed the ICC of its intent to withdraw its membership based on what it believed to be its biased targeting of African leaders. Burundi had also indicated that it would be preparing to do so, and Gambia also followed. That the ICC's case around Sudanese leader Omar al-Bashir over spilt into a re-examination of the use of the 'human rights' concept, giving rise to

what has been termed in academic circles and public media as a ‘post-human rights era’, or an era where human rights are contested, and, in the case of African countries, re-examined from an African perspective. At a public dialogue held by the Centre for Conflict Resolution (CCR) on *Human Rights Challenges in South Africa’s Foreign Policy*, in Pretoria, 2016, Deputy Director-General for Global Governance and continental Agenda, Ambassador Ebrahim Saley stated of the UN Human Rights Council that it had lost its credibility by “its ‘unbalanced’ handling of issues arising from the ‘so-called open ended war on terror’ including ‘secret’ detention centres such as Guantanamo Bay and extra-judicial, summary and arbitrary executions, torture and enforced disappearances.” Ambassador Saley was also reported to have said ‘some countries’ exhibited ‘double standards’ in the UNHRC, as they focused ‘solely on human rights abuses in Africa and the Middle East and neglecting such abuses, and the right to self-determination in other places like Western Sahara and Palestine’. See Fabricius P, ‘SA’s different universe of human rights: Has Zuma switched off the light of human rights that used to guide SA Foreign Policy’ *Institute for Security Studies*, 26 October 2016. <<https://issafrica.org/iss-today/sas-different-universe-of-human-rights>> See also Allison S, ‘African revolt threatens international criminal courts legitimacy’, *The Guardian*, 27 October 2016.

<<https://www.theguardian.com/law/2016/oct/27/african-revolt-international-criminal-court-gambia>>

⁵⁴ ‘Of course, we cannot possibly agree on all issues...’ Roeland van de Geer’s presentation to the South African Institute for International Relations (SAIIA) in April 2014. *Africa and the European Union: the 2014 Africa-European Union Summit*, Pretoria, April 9, 2014. <<https://www.saiia.org.za/speeches-presentations-other-events-materials/505-speech-by-amb-van-de-geer-on-africa-and-the-eu/file>> ; also mentioned regularly in personal interviews undertaken for this research.

⁵⁵ Personal interviews, Pretoria, 2016.

⁵⁶ There have been many studies detailing the relations between the EU, North Africa and the Middle East (or MENA), and how authoritarian leaders maintained their power (both directly and indirectly) with EU support: fear of instability in the region led to the EU ignoring human rights violations selectively, in order to maintain ‘stability’. Authoritarian leaders often heightened fears by portraying opposition parties, the majority of which were Islamist, as anti-western/anti-imperialist. The case of the Algerian ‘interrupted’ elections in 1992 is informative. See Cavatorta F, *The International Dimension of the Failed Algerian Transition: Democracy betrayed?* Manchester: University Press, 2009, pp.149-150; see also Schlumberger O, ‘The Ties that do Not Bind: The Union for the Mediterranean and the Future of Euro-Arab Relations’, *Mediterranean Politics*, 16, 6, 2011, pp.135-153.

⁵⁷ The term Islamist is used here to refer to political parties.

⁵⁸ In the exchanges on human rights over the course of the SP, it has been the EU that has appeared to be reticent to move forwards with a dialogue on human rights, with South Africa initiating. See Draft Minutes, 12th Meeting of the SA-EU Joint Cooperation Council (JCC). Brussels, 20 July 2011. <<http://www.dialoguefacility.org/Resource%20Centre/SA-EU%20reports/JCC%202011Minutes.doc>>

⁵⁹ ‘South Africa stressed the need for all to respect the right the Zimbabwean people to determine their future free of outside interference and that the most urgent task now it to assist the leadership of Zimbabwe across the political divide to negotiate an agreement that will help Zimbabwe solve its challenges.’ Council of the European Union Presse 2008 12233/08 (Presse 222)/EU of 25 July 2008 *First EU-South Africa Summit* Bordeaux. Brussels.

⁶⁰ South Africa has had an interest in maintaining stability in Zimbabwe to prevent civil war and the further possibility of refugees overflowing into South Africa. The relaxing of sanctions on the other hand, could see EU business interests positively affected. This has happened without much progress being made precisely in those issue areas (human rights) that saw their introduction. See *Zimbabwe’s reforms: An Exercise in credibility – or pretence?* Southern African Report, 6. Pretoria: Institute for Security Studies, 2016,p.22, endnote 99; Gevisser M, *Thabo Mbeki: The Dream Deferred*. Cape Town: Johnathan Ball, 2009, p.300; Gumede WM, *Thabo Mbeki and the Battle for the Soul of the ANC*, Cape Town: Zebra Press, 2005, p.185.

⁶¹ ICG (International Crisis Group), *Zimbabwe: The road to Reform or Another Dead End?* Harare/Johannesburg/Nairobi/Brussels: ICG, 2011, p.11.

⁶² Ibid.p.23. See also The Solidarity Peace Trust, *The Hard Road to Reform*. Durban: The Solidarity Peace Trust, 2011.p.16.

⁶³ Begun in the 1990s as a backlash against neoliberalisation, the Indigenization Campaign and its Act (the Indigenization and Empowerment Act) was aimed at making foreign business interests with assets of more than USD\$500 000, ground 51% of their holdings in Zimbabwe. Significantly, China was excluded. See The Solidarity Peace Trust, *The Hard Road to Reform*. Durban: The Solidarity Peace Trust, 2011, p.13 and 20.

⁶⁴ Ibid.p.8.

- ⁶⁵ Ibid.p.18; SADC (Southern Africa Development Cooperation), *Communiqué: Summit of the Troika on Politics, Defence and Security Cooperation*, SADC 31 March 2011, Livingstone: SADC, 2011. < <http://www.thepresidency.gov.za/pebble.asp?relid=3776> >
- ⁶⁶ The Solidarity Peace Trust, *The Hard Road to Reform*. Durban: The Solidarity Peace Trust, 2011,p.19. See also *Panapress*, ‘Zim Paper Sharply Criticises Zuma’, 4 April 2011. <<http://www.panapress.com/Zim-paper-sharply-criticises-Zuma--13-767076-18-lang4-index.html> >
- ⁶⁷ It is worth quoting here: ‘ “... the mere fact that President Zuma of South Africa voted for the atrocities that the US and its NATO allies are committing in Libya... makes him an undesirable SADC facilitator on the political and security situation in Zimbabwe. Zuma cannot be trusted...It has become very clear that Zimbabwe’s national security interests do not lie in SADC or AU pacts given the Judas Iscariot fact that is now rampant in the region.”’ Johnathan Moyo ‘ Unmasking SADC Troika Circus in Zambia’, cited in The Solidarity Peace Trust, *The Hard Road to Reform*. Durban: The Solidarity Peace Trust, 2011, p.20.
- ⁶⁸ Ibid.p.10.
- ⁶⁹ Council of the European Union Presse 2011 312/11 (Presse 312)/EU of 15 September 2011 *Remarks by Herman van Rompuy President of the European Council following the EU-South Africa Summit*. South Africa, 2011.
- ⁷⁰ According to Global Witness, the international advocacy group instrumental to establishing the KP after exposing ‘blood diamonds’ in 1998, the KP was ‘founded on a commitment to stamp out “systematic and gross human rights violations” and to set in place safeguards to ensure that such diamond related abuses could never happen again’. In 2009, Bernard Esau, Namibian Deputy Minister of Mines and Chair of the he KP for that year declared that the KP ‘was not a human rights organisation’. See Global Witness website, <http://www.globalwitness.org/en/campaigns/conflict-diamonds/kimberley-process/> and Global Witness, *Return of the Blood Diamond: The Deadly Race to Control Zimbabwe’s New-Found Diamond Wealth*. London: Global Witness, 2010, pp.2-9.
- ⁷¹ Ibid.
- ⁷² European Union External Action Service (EEAS) webpage <http://www.eeas.europa.eu/delegations/zimbabwe/eu_zimbabwe/political_relations/index_en.htm >
- ⁷³ Council of the European Union Presse 340 12592/13 (Presse 340)/EU of 19 July 2013 Sixth South Africa-European Union Summit Joint Communiqué. Brussels.p.5.
- ⁷⁴ Elections in Zimbabwe in July of 2013 were reported to have been ‘won’ on offering material benefits and also from ‘the informal mining sector’. See The Solidarity Peace Trust, *The End of A Road: The 2013 Elections in Zimbabwe*. Johannesburg: The Solidarity Peace Trust, 2013.
- ⁷⁵ The yearly review performed by the EU, on restrictive measures against Zimbabwe have been extended for a further year against President Robert Mugabe, his wife Grace Mugabe, and Zimbabwe Defense Industries: Measures imposed against five high ranking members of the ‘security apparatus’ will remain suspended. An arms embargo will remain in place. See Council of the European Union ‘Zimbabwe: EU Extends Sanctions by one year’, Press Release, 15 February 2016, < <http://www.consilium.europa.eu/en/press/press-releases/2016/02/15-zimbabwe-eu-prolongs-sanctions-by-one-year/>>
- ⁷⁶ ‘Mugabe Urges AU Boycott of EU Summit’, *ENCA News Online*, Friday 28 March, 2014, <<http://www.enca.com/africa/mugabe-urges-au-boycott-eu-africa-summit> >
- ⁷⁷ ‘SA Joins Other African Countries in Boycotting the EU-Africa Summit’, *SABC News Online*, Sunday 30 March, 2014, <<http://www.sabc.co.za/news/a/b7aefa80437527288db98da64eba5fdc/SA-joins-other-African-countries-in-boycotting-EU-Africa-Summit-20143003> >
- ⁷⁸ Literally, ‘ who must come and who must not come.’ Louw-Vaudran L, ‘EU Diplomats taken aback by Zuma’s Summit Snub’, *Mail & Guardian Online*, 4 April, 2014, <<http://mg.co.za/section/news-africa>>
- ⁷⁹ Ibid.
- ⁸⁰ Council of the European Union Presse 340 12592/13 (Presse 340)/EU of 19 July 2013 Sixth South Africa-European Union Summit Joint Communiqué. Brussels.p.5.
- ⁸¹ Summit Joint Communiqués in 2009,2010, 2011. Council of the European Union Presse 2009 13231/09 (Presse 266)/EU of 11 September 2009 Second South Africa-European Union Summit. Kleinmond; Third South Africa-European Union Summit Joint Communiqué Brussels 28 September 2010 <http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/er/116791.pdf > ; Council of the European Union Presse 2011 14292/11 (Presse 311)/EU of 15 September 2011 Fourth South Africa-European Union Summit Joint Communiqué. South Africa;
- ⁸² Fabricius P, & Lindiz van Zilla ‘Al Bashir Saga: ANC Government Takes on SA Constitution-Again’, *Biznews.com Online*, June 15, 2015, < <http://www.biznews.com/undictated/2015/06/15/al-bashir-saga-anc-government-takes-on-sa-constitution-again/> >

⁸³ Ambassador Jerry Matjila, in the opening of the Joint Cooperation Council meeting in 2011 said ‘SA-EU Strategic Partnership was of key importance, and that SA’s membership to other groupings cannot be at the detriment of its relationship with the EU’. 11th meeting of the SA-EU Joint Cooperation Council Pretoria, 15 September 2010.

<<https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww.dialoguefacility.org%2FResource%2520Centre%2FSA-EU%2520reports%2FFINAL%2520Minutes%2520JCC2010.doc> >

⁸⁴ In discussions following the public dialogue on *Human Rights Challenges in South Africa’s Foreign Policy* hosted by the Centre for Conflict Resolution (CCR), in Pretoria 2016, Ambassador Ebrahim Saley, Deputy Director-General, Global Governance and Continental Agenda, Department of International Relations and Cooperation (DIRCO), Tshwane, stated that human rights remain central to SA’s foreign policy, however, ‘we [South Africa] are critical of those who use human rights to effect regime change.’ (Notes taken by the author.) The ANC 2015 Discussion Documents, although not directly related to active foreign policy, is considered to give an early indication of the ruling party’s direction in the near future. It also goes to great lengths to deal with this very issue and is insightful as to the current sentiment held by the ruling party: “ ‘We reaffirmed our unwavering commitment to the protection and promotion of human rights on the continent of Africa and beyond... We believed, as we still do, that those who committed such crimes must be prosecuted and punished by an impartial body empowered by international cooperation to defend the universal values of justice. The matter relating to the President al-Bashir therefore is of major concern to the African National Congress and we the allegations levelled against him in a serious light... It [South Africa] remains committed to a system to international justice to ensure that the most serious crimes of concern to the international community as a whole must not go unpunished.’ African National Congress (ANC) National General Council *Discussion Documents*, 2015.p.174-175. <<http://www.anc.org.za/documents/discussion-documents/any-author/2015>>

⁸⁵ African philosophy of communalism , promoting a ‘common good of society’ and ‘humanness’ as key to human growth. Venter E, ‘The notion of Ubuntu and Communalism in African Educational Discourse’, *Studies in Philosophy and Education* 23:149, 2004, pp.149-160.

⁸⁶ See the AU (African Union) *Constitutive Act of the African Union*, Article 4, Principles (p) ‘Condemnation and rejection of unconstitutional changes in government.’ <http://www.au.int/en/sites/default/files/ConstitutiveAct_EN.pdf >