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# South Africa's Reform Diplomacy and the Legitimacy of the UN Security Council

Charalampos Efstathopoulos

## Abstract

Using the case study of South Africa, this article examines how influential outsider states perceive the legitimacy of the UN Security Council and whether they can perform a critical role in affecting the legitimacy of the institution. The article demonstrates that South Africa's reform diplomacy challenges the authority of the existing membership of the Council but not the legitimacy of the original mandate of the Council as the guarantor of international peace and stability. Such a reform agenda allows for promoting South Africa's own candidacy as a new permanent member of the Council. Despite its activism in promoting such reform, South Africa's diplomacy is undermined by its incapacity to influence the positions of the permanent five members, the lack of support by other African states, and its own ambivalent foreign policy that oscillates between support for human rights and allegiance to the global South.

**Key words:** South Africa, UN Security Council, influential outsider states, reform, legitimacy.

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## **Introduction**

Contemporary global governance is often understood as suffering from a legitimacy deficit since the distribution of influence within leading international organisations is not reflective of the changing realities of global politics (Keohane, 2011). No case reflects this condition better than the alleged crisis of legitimacy facing the United Nations Security Council (UNSC) in the post-Cold War period (Morris and Wheeler, 2007; Weiss and Young, 2005). The rise of new powers, such as Brazil, India and South Africa, has created a disequilibrium where a number of influential states remain outsiders and only participate in UNSC deliberations as non-permanent members. The Council's permanent members, also known as the Permanent Five (P5), have retained their position as established powers within the Council's structure but lack of reform has meant that the Council no longer reflects the current global balance of power. Such disequilibrium is causing a legitimacy deficit of the UNSC. In this respect, the stance of influential outsider states can be critical in shaping the Council's legitimacy, depending on whether these states adopt diplomatic initiatives that challenge or endorse the global mission of the Council.

This article uses the case of South Africa in order to understand the role of influential outsider states in affecting the Council's legitimacy. The selection of South Africa can be justified on the basis of South Africa's role in the UN system and its broader role in African and global politics. South Africa has been closely associated with the Council throughout the last decade and has emerged as one of the main African contenders for a permanent seat. It has also served two tenures as non-permanent member during 2007-8 and 2011-12. South Africa has emerged as a leading African state in global governance, enjoying recognition in the international community as one of the representatives of Africa in multilateral fora. It has also been admitted to emerging power coalitions, such as the BRICS group, and remains the only African state in certain institutions, such as the G-20 Leaders Summit. These attributes render South Africa an influential actor in global governance and a relevant case study for examining the impact of influential outsider states on the Council's legitimacy.

To understand the role of South Africa, this article addresses two key questions. First, it enquires the extent to which South Africa perceives the UNSC as a legitimate institution; and second, it examines whether South Africa's reform diplomacy has been effective in shaping the legitimacy of the institution. To address these questions, the article proceeds as follows. First, it identifies the distinct roles that influential outsider states can perform in affecting the Council's legitimacy. The article then provides an overview of South Africa's diplomacy on the process of UNSC reform and discusses how South Africa gradually engaged in a campaign to promote its own candidacy for a permanent seat. The third section argues that South Africa has overall perceived the Council as a legitimate institution in terms of its founding mission, while the country's public statements suggest that the Council can fulfil its global mission if its permanent membership is expanded. South Africa's own association with the Council creates possibilities for legitimising South Africa's international

leadership and its candidacy for a permanent seat. The final section argues that despite South Africa's activism, its reform diplomacy has been ineffective in shaping the reform process due to the positions of the permanent five members and other African states, and the broader contradictions inherent in South African foreign policy.

### **The role of influential outsider states**

Despite the central role of the UNSC in international politics, the role of influential outsider states (i.e. influential non-permanent members) in affecting the authority and legitimacy of the institution has not been extensively examined to date. Studies have discussed in detail the role of the five permanent members in shaping the international mission and role of the Council (Price, 2009). Many studies have also examined how different regional groups in the UN General Assembly question the Council's contemporary role due to its continuous failure to admit new permanent members from the global South and enhance its geographical representation. Such a narrative assumes that excluded groups of states collectively contribute to the erosion of the Council's legitimacy, and therefore exert a similar type of agency when they question the authority of the Council in reaching decisions on issues of global security (Binder and Heupel, 2014). It can be argued, however, that within these larger groups of countries, certain states perform more influential roles in shaping collective perceptions of legitimacy. The role of these states has not been sufficiently examined to date in the context of the UN system. Their role as catalysts of political change and shapers of reform processes within the UN system requires a more focused academic analysis. Such influential states are assuming leadership roles in contemporary global governance and have already attained 'insider' status in other multilateral fora such as the World Trade Organisation and the G-20 Leaders Summit. Their willingness to undermine the Council's global role can therefore trigger a challenge of greater proportion and determine the collective stance of broader alliances and groups of states.

The category of influential outsider states would normally include those non-permanent members that have emerged as influential states in contemporary international politics. States such as Germany, Japan, Brazil, India and South Africa are all recognised as emerging powers in global governance, yet still lack UNSC permanent status. Due to their rising influence, these states have emerged in the post-Cold War period as leading candidates for a permanent seat and have increasingly exposed the Council's outdated structure. Such states therefore play an important role in legitimising or de-legitimising the Council, especially when the legitimacy crisis facing the UNSC derives from the failure to integrate these states in the first place. Since the emergence of influential outsider states is a principal reason why the Council is regarded as illegitimate, the stance of these states vis-a-vis the Council is constitutive of the latter's legitimacy. It can therefore be expected that the extent to

which influential outsider states act in defence of this institution is an important determinant of whether the institution continues to face a legitimacy crisis.

The agency of influential outsider states in affecting the legitimacy of the Security Council can be assessed through different approaches. Hurd proposes measuring the degrees of compliance and non-compliance of outsider states with UNSC decisions and evaluating their motivations for compliance or non-compliance (Hurd, 1999, pp. 390-391). While these are promising avenues for exploring the agency of outsider states, this article follows the proposition that we can identify degrees of legitimacy by examining “whether other centres of power come to the aid of an institution under threat, which might be a sign that the institution is accepted as legitimate as social structure” (ibid, p. 391). Adopting this framework, the article enquires whether influential outsider states act in defence of the Council when the institution’s legitimacy is threatened, and then assesses the impact of these acts of defence on the Council’s legitimacy.

Acts of defence can comprise an indication that the Council is perceived as a legitimate “social structure”, but may also be driven by self-interest. Influential outsider states that aspire to enter the Council are also likely to act in defence of the Council in order to promote their national interests (Hurd, 1999, p. 391). They will therefore use their association with the Council to enhance their own international standing while emerging as representatives of smaller states. Self-interest, however, does not preclude the possibility that such acts of defence can also have a legitimation effect, even if that is not the principal motivation driving such acts. Conversely, the role of influential outsider states in challenging the legitimacy of the Council can be critical in causing the erosion of the Council’s legitimacy. As Caron argues, such erosion is “most likely if the perception of illegitimacy is held by a particularly influential actor or shared by a larger group of actors that in the aggregate are influential. Correspondingly, isolated allegations of illegitimacy by actors at the margin of the organisation would likely have little significance for the organisation as a whole” (Caron, 1993, pp. 558-559).

The following sections use the case of South Africa to understand how influential outsider states can perform such roles. Before examining whether acts of defence were evident in the case of South Africa, the article first provides an overview of South Africa’s reform diplomacy on the issue of UNSC reform.

### **South Africa’s reform diplomacy**

South Africa’s democratic transition in 1994 allowed for the re-admission of the country to the UN and other international organisations. South Africa’s re-integration with the international community coincided with increasing calls for reforming the UN and the Security Council in particular. Demands for reform had been expressed since the early days of the organisation as the process of decolonisation allowed an

increasing number of developing countries to demand for greater representation and greater attention to development issues. To accommodate the expanding membership of the General Assembly, the non-permanent category of the Security Council increased from six to ten members in 1965 (Weiss, 2003, pp. 147-149). It was only after 1991, however, that the reform debate intensified substantially as the organisation faced the complexities and challenges of the post-Cold War era.

South Africa's initial position on UN reform aligned with the Non-Aligned Movement (NAM) and the Organisation of African Unity (OAU), two organisations that encompassed the views of most developing countries on the issue of reform. The global South perceived the UNSC as an outdated configuration of power, dominated by Western states and operating as an unequal and non-transparent institution due to the lack of representation from the developing world (Geldenhuis, 1996, pp. 68-69). To correct this historical imbalance, the NAM and the OAU proposed a number of reforms that South Africa endorsed (Venter, 2003). These reforms were outlined in the 1997 Harare Declaration and called for the expansion of the Security Council to 26 members, including the addition of 5 permanent seats. Two permanent seats would be allocated to Africa, with African states retaining the right to elect their representatives. Africa would also be allocated 5 non-permanent seats.

For approximately a decade (1994-2004), South Africa's position on its own prospect as a candidate for a permanent seat remained ambivalent. President Mandela declared that South Africa should refrain from taking a dominant role in the continent in an effort to distance the new South Africa from the legacy of the apartheid regime. South African officials, however, privately admitted that South Africa deserved a permanent seat and stated that they would actively lobby towards this target, even if faced with the opposition of other African states (ibid). South Africa's bid for a permanent seat became clearer during 2004. The UN World Summit scheduled for September 2005 would decide whether to proceed on UNSC reform, and signalled the intensification of the campaign of leading candidates such as Germany, Japan, Brazil, and India (also known as the G4). Amidst increasing speculation on Africa's candidates, South Africa officially announced its candidacy for a permanent seat in September 2004 (Department of International Relations and Cooperation, 2004). Its position remained based on the "Ezulwini Consensus" of the African Union (AU, the successor of the OAU), which called for allocating two permanent seats with veto power and five non-permanent seats to Africa. The AU would also be responsible for electing Africa's representatives and deciding on the relevant selection criteria (African Union 2005, pp. 9-10).

Apart from South Africa, Nigeria and Egypt also emerged as the main contenders for the African seats. South Africa retained a number of advantages over its competitors. South Africa's post-1994 international stature was immense due to Mandela's persona and the normative capital acquired from the country's democratic transition. South Africa's influence across Africa had also been enhanced due to Mandela's successor, Thabo Mbeki's vision for an "African Renaissance" (Vale and Maseko, 1998). In

contrast to Mandela's cosmopolitan foreign policy, Mbeki's foreign policy prioritised strengthening South Africa's continental role through African solidarity and through good governance initiatives such as the New Partnership for Africa's Development (NEPAD). South Africa's leadership in shaping the conduct of good governance in Africa was applauded by the West, as evident by the country's invitation to the G-8 plus Outreach Five Summits. Its multilateral diplomacy also demonstrated an impressive record of leadership in institutions such as the Non-Aligned Movement (NAM), the World Trade Organisation (WTO), the United Nations Conference on Trade and Development (UNCTAD), and in negotiations such as those that produced the Non-Proliferation Treaty (NPT) (Nel et al, 2001). These advantages, however, also had adverse effects. The country's high-profile in the West raised questions over South Africa's commitment to Africa's causes, while many African states remained wary of South Africa's hegemonic inclinations in sub-Saharan Africa (Alden and Soko, 2005).

To alleviate such fears, South Africa was cautious in moderating its hegemonic role and adopting a pro-Africa and pro-global South stance in its foreign policy. This trend was evident in its campaign for a UNSC seat, where South Africa consistently allied with the AU consensus. In reality, however, South Africa's position gradually moved closer to that of the G4 (Kagwanja, 2009, p. 285-9). This was mainly the outcome of South Africa's strategic alignment with Brazil and India through the India-Brazil-South Africa (IBSA) Dialogue Forum that was founded in 2003. The forum served as a pressure mechanism for promoting reform in institutions such as the WTO and the UN. The central aim of the IBSA group was to highlight "the necessity of expanding the Security Council in both permanent and non-permanent member categories, with the participation of developing countries in both categories" (IBSA, 2003). Aligning with the G4 was also the preferable option for South Africa since the AU and G4 proposals shared common ground. The G4 countries were aware that the support of the AU would be necessary for reaching the required two-thirds majority in the General Assembly. The G4 had accordingly formulated its proposal to accommodate many of the AU positions. The key difference between the two groups was the issue of the veto. The G4 had initially demanded veto power for all permanent seats. In line with the AU position, South Africa had also endorsed the right of new permanent members to veto, arguing that it would be unequal to introduce two categories of permanent members (Reuters, 2005).

The issue of veto, however, increasingly undermined the reform process, as the P5 remained opposed to granting veto to prospective permanent members or abolishing their own veto power. For this reason, the G4 shifted to a more flexible position and announced they would accept permanent seats lacking veto power. Although South Africa initially remained aligned with the NAM and OAU positions, refusing to compromise on the issue of veto, it gradually shifted to endorsing the G4 pragmatic approach (Bourantonis, 1998, p. 100). During 2005, Nigeria and South Africa strived to obtain permission from the AU to re-negotiate the issue of veto, aiming to increase

their own prospects for a permanent seat. In July 2005, a number of states in the AU reportedly reached a preliminary agreement with the G4, causing a split within the organisation that soon led to an emergency meeting that aimed to re-assess Africa's common position (von Freiesleben, 2008, p. 7). Acting as leaders of this moderate bloc, Nigeria and South Africa attempted to persuade the AU to benefit from the available offer of permanent seats without veto, and focus on gaining veto power once Africa had secured these places in the Council (Abubakar, 2005). This compromise position was challenged by a hard-line bloc of states that was led by Egypt. The latter aimed to undermine the candidacies of Nigeria and South Africa, and enhance its own prospects for a permanent seat (von Freiesleben, 2008, p. 7). The issue was put to vote at a critical AU Summit in August 2005 where 90% of the AU voted for the original position of demanding full veto powers (Henshaw, 2005).

South Africa officially endorsed this outcome but the country's officials suggested that the AU inflexibility had become unreasonable and obstructionist to the reform process (Associated Press, 2005). Given that AU support was crucial for claiming a permanent seat, South Africa could not afford to break ranks with the AU (Serrao, 2011, p. 3). The unrealistic position of the AU however meant that South Africa's own campaign was undermined and lacked an appropriate coalition platform (ibid). The 2005 UN Summit eventually failed to lead to the reform of the Council as the G4 lacked the necessary support. The Summit clearly demonstrated that reform was opposed not only by the P5 but also by other developing countries that opposed their regional rivals' prospects. A critical group that opposed the G4 in this respect was the Uniting for Consensus (UfC) group, which included Pakistan, Italy and Argentina, and opposed any expansion of the Council's permanent membership without UN-wide consensus on such a change.

Despite the deadlock, South Africa intensified its reform diplomacy in the following years. It joined the Four Nations Initiative (Chile, South Africa, Sweden and Thailand) that was launched in 2005 and released a number of proposals in 2007 aiming to improve the governance of the UN Secretariat. Among its proposals, the group declared that its four members would cooperate to promote the Council's reform in both permanent and non-permanent categories (Center for UN Reform Education, 2007). The principal coalition for South Africa, however, during this period was the IBSA group. The coalition drafted a new proposal (informally called the L69) that was co-sponsored by 27 states and called for the expansion of both permanent and non-permanent members, including two permanent and two non-permanent seats for Africa. The proposal was co-sponsored by Nigeria, which appeared to have been offered by the IBSA the second African permanent seat (von Freiesleben, 2008, p. 13). The L69 caused great controversy as it threatened to override the consensus-building processes of the Working Group on UNSC reform. The group demanded putting its proposal to a vote in the UN General Assembly that would be decided by a simple majority (rather than two-thirds). The division caused by the L69 led certain states that initially associated with the group to withdraw their



support, and the group eventually compromised to a Working Group draft that called for ‘Intergovernmental Negotiations’. While the group appeared unlikely to have gained even the simple majority vote it had initially sought, some analysts argued that the real purpose of the IBSA was to inject renewed momentum to the reform process (ibid). The IBSA states soon reiterated the same objective in October 2007 with the release of the Tshwane Declaration, demonstrating South Africa’s continuing collaboration with Brazil and India (Department of International Relations and Cooperation, 2007).

South Africa continued to use the L69 platform in the following years in order to further promote the case for new permanent seats while criticising the UfC for obstructing the reform process (Permanent Mission of South Africa to the United Nations, 2012). By highlighting the substantial convergence between the L69 and the AU, South Africa sought to reiterate its commitment to the Ezulwini consensus while seeking to isolate those African states that sided with the UfC. Officially, the UfC did not include any AU members since all 12 of its core members were from other regions. The UfC had actually been criticised by the AU (with Sierra Leone and Egypt representing the group) for failing to address Africa’s demands on the issue of veto, which should be completely abolished or extended to all new permanent members (Center for UN Reform Education, 2012). Nevertheless, it had also been reported that behind the scenes, the UfC enjoyed support from 20-30 states, including some states from the AU and the P5 that shared the UfC objections on the re-allocation of permanent seats (Center for UN Reform Education, 2015). South African attempts at moderating the AU through the L69 were further complicated by the formation of the Committee of Ten (C10). The group included representatives from all African regions and was authorised by the AU as the principal body for coordinating the African position on UNSC reform since the AU could not engage continuously with the reform debate (Center on International Cooperation, 2014, p. 18). As a result, South African attempts to moderating the AU shifted to building common ground between the L69 and the C10, an endeavour that has been met with modest progress to date (ibid, see also final section).

These regional developments demonstrated that while the AU officially remained committed to the consensus position, informal splits dominated the organisation and undermined South Africa’s reform diplomacy. At the international level, however, South Africa was relatively more successful in enhancing its credentials as leader of Africa. Under President Zuma, South Africa gained influential positions in global economic governance that allowed for strengthening its candidacy for a permanent seat. In 2008, South Africa became the only African member in the G20 Leaders summit, a group formed to provide collective leadership in the management of the world economy. The G20 demonstrated that effective collective action at the global level required the inclusion of emerging powers, and in this respect, could comprise the catalyst for reforming the UNSC (Quarterman, 2010). As the G20 remit gradually expanded to discuss security issues, such as the Syria crisis during 2013, analysts

noted that the G20 threatened to replace the UNSC as the main international body for great power deliberations (Pentilla, 2013). Even those analysts that saw the UNSC as remaining the most legitimate body for authorising the use of force, recognised that the G20 could allow for exploring whether international consensus is possible on key issues, and, therefore, whether an expanded UNSC would be practically effective (Jones, 2010, pp. 9-10). For South Africa, the different proposals for greater coordination between the UN and the G20 appeared to provide greater opportunities for influencing UNSC deliberations.

In 2011, South Africa also joined the BRICS group to become the only African state in this prestigious coalition of emerging powers. South Africa's admittance was mainly justified on the grounds of its diplomatic activism and regional power status, given that it lagged behind the other BRICS in other economic indicators. The BRICS membership allowed South Africa to further consolidate its cooperation with two permanent members of the UNSC (Russia and China) and two of the leading candidates for permanent seats (India and Brazil). While conflicting interests remained between the other BRICS states on the issue of UNSC reform, South Africa's candidacy was arguably the least controversial and the one all four states would be less reluctant to support (Maseng, 2013, p. 23). South Africa itself had been cautious in not opposing Russia and China on key issues for their international relations such as Ukraine, Tibet and Taiwan (Mokwele, 2014). Recent BRICS summits also appeared to promote greater coordination on the issue of UNSC reform, as "China and Russia reiterate the importance they attach to Brazil, India and South Africa's status and role in international affairs and support their aspiration to play a greater role in the UN" (BRICS, 2014).

### **Legitimacy through association**

The reform diplomacy of South Africa demonstrates how influential outsider states such as Brazil, India and South Africa seek to improve their voice in global governance by promoting the reform of international institutions and the Council in particular, and enhancing their international status through this reform process. Such status enhancement allows these states to legitimise their position in global governance and attain formal recognition in the hierarchy of states. The following section focuses on whether these states seek to attain such recognition through acts that defend the Council's legitimacy. The "evaluative statements" of influential outsider states reveal how the Council's legitimacy is perceived by these states while simultaneously conferring or withholding legitimacy from the Council itself (Binder and Heupel, 2014). In this respect, the official statements of the South African government reveal the world-view that drives the country's foreign policy to a much greater degree that is often acknowledged. As Nathan has remarked, "ANC policy statements, generally ignored in studies of South African foreign policy, have considerable explanatory power, expressing in stark terms the ideas that lie at the

heart of the government's approach" (Nathan, 2011, p. 71). As will be shown below, the statements of South African officials on the reform of the Council are indicative of how the South African position perceives the legitimacy of the Council.

Numerous public statements reveal that South African officials identify the legitimacy deficit to questions of membership and not in the Council's original mandate. The underlying assumption of such a position is that the Council's legitimacy can be restored if the institution is reformed to become more representative of the broader society of states that exists in the UN General Assembly (Hurd, 2008). For example, the South African Minister of International Relations and Cooperation, Maite Nkoana Mashabane, has clearly noted that "the UNSC is facing serious credibility and legitimacy questions due to its composition in particular in the Permanent category" (Department of International Relations and Cooperation, 11 September 2012). Speaking at the UN General Assembly, President Zuma has also noted that the Council's "decisions will constantly be attacked for lack of legitimacy – regardless of the content of the decision" since "it does not reflect the contemporary geo-political realities especially with respect to Africa" (Department of International Relations and Cooperation, 24 September 2012).

Reducing legitimacy to questions of membership obscures the dichotomy between the legitimacy of authority and the legitimacy embedded in the global liberal order (Clark, 2003). Most debates on the crisis of legitimacy in global governance focus on questions about the "authority to rule", where legitimacy is confined to questions of membership (ibid, p. 91). Restoring legitimacy is reduced to achieving progress in terms of democratisation and equitable representation, and devising an institutional configuration that meets these objectives. The assumption of such reform is that "principles of legitimacy already exist, but are in some sense being disregarded or violated" through undemocratic and non-representative processes (ibid, p. 94). Such reform of the global order "would entail reconfiguring it, to be sure, but very much in its own original image" (ibid, p. 91).

The rhetoric of South Africa's reform diplomacy often emphasises the need to adhere to the UN Charter as the guide for reforming the Council. According to the UN Charter, the members of the UN "confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf" (United Nations, 2014). A Council that acts in accordance with the Charter is therefore legitimate. During his time as the South African Ambassador to the United Nations, Baso Sangqu, had accordingly stated: "the fundamental objective of this reform is to ensure that the Council, consistent with the UN Charter values of universalism, collective responsibility, fairness and equity, is broadly representative and reflects the current state of world affairs" (Department of International Relations and Cooperation, 15 November 2012). In a similar vein, the former Deputy Minister of International Relations and Cooperation, Ebrahim I. Ebrahim, had stated: "This body (the Council), which believes and preaches the culture of democracy and the

will of the majority...cannot at the same time...practice something that contradicts the purposes and the principles of its founding Charter” (Department of International Relations and Cooperation, 12 March 2012).

The above narrative suggests that illegitimacy derives from the resilience of those actors (for example, the P5 or the UfC states) to admit new permanent members and improve the Council’s ability to meet its original mission. As Caron has argued in his study of the Council’s evolving legitimacy, “allegations of illegitimacy appear to manifest a sense of betrayal of what is believed to be the promise and spirit of the organisation” (Caron, 1993, p. 559). The disharmony between the organisation’s original vision and its lack of ability to deliver (through its existing membership) upon this vision constitutes the major source of allegations of illegitimacy (ibid). South African statements proclaim a commitment to the Council’s role as the guardian of peaceful conduct within the global order. The criticisms made by South African officials are oriented towards the actors that are seen as violating the universal mission of the Council, and are not directed upon the institution itself. President Zuma, for example, has stressed how the Council’s “current composition has a propensity for deadlock and paralysis even in the face of crisis. It remains unrepresentative and undemocratic in both its composition and decision making” (Department of International Relations and Cooperation, 25 September 2012).

By focusing on questions of authority (i.e. who has the right to be a permanent member), South Africa implicitly defends the founding principles of the Council and projects the notion that the existing permanent members can no longer serve the initial mission of the Council as guarantor of international peace and stability. The assumption is that a reformed Council with developing countries such as South Africa in its ranks will be more effective in maintaining international peace and security. In his first speech to the UN General Assembly, President Mandela stressed that restructuring the Council would allow the UN “to inspire greater confidence in itself among all the member nations and to reflect better the impulse towards the democratization of international relations” (Mandela, 1994). South Africa’s contribution to reforming the Council would be guided by the UN Charter. As the Minister of International Relations, Maite Nkoana-Mashabane, noted: “the Charter of the United Nations bestows on the Security Council the high responsibility “for the maintenance of international peace and security” and South Africa will, in the execution of these responsibilities, play her part, as a responsible member, in answering this high calling by giving effect to the purpose and principles of the UN Charter” (Department of International Relations and Cooperation, 15 October 2010).

The above statements suggest that while South Africa’s reform diplomacy challenges the current composition of the Council, it also entails deeper effects of legitimation. To identify such effects, legitimacy in the global order has to be understood as a deeper and more diffuse phenomenon than questions of authority suggest (Clark, 2003). Identifying more diffuse processes of legitimation reveals that the legitimacy of the UNSC might be enhanced even when the legitimacy of the authority in that

institutional order is questioned. Clark argues that “at stake here is not the authority of rule, but the quest for a normative account of what it means to be part of this order, who is entitled to membership of it, and of the various rights and responsibilities entailed by such membership” (ibid, p. 92). The legitimacy deficit cannot be reduced to specific configurations of authority, but must be broadened to account for institutions that are legitimised by the use of a particular discourse of legitimacy (ibid, p. 93).

In this respect, South Africa’s adherence to certain standards of legitimacy, such as equitable representation in the Council, may actually entail embracing and reconstituting the relations of power embedded in that institution (Brassett and Tsingou, 2011, p. 10). By articulating a particular discourse of legitimacy, South African diplomacy endorses and promotes “the ongoing constitution and normalisation of certain practices” (ibid, p. 11). Such a nuanced understanding of legitimacy reveals the underlying agency of South Africa in legitimising the UNSC even when it challenges the holders of authority in that institution. President Zuma, for example, has noted how reform should be moderate and be targeted at eradicating “some contentious aspects of the UN system such as the veto powers and the exclusion of regions such as Africa in the Security Council” (Department of International Relations, 2014).

This conceptualisation of legitimacy in South Africa’s reform diplomacy promotes the notion of “rightful membership”, a form of membership that has been embedded in the international society of states in the post-Cold War system (Clark, 2005). Rightful membership is granted to states that abide to good governance, democratic accountability and human rights, and pursue these ideals in the conduct of their foreign policies (ibid, pp. 174-5). The post-apartheid South African state was itself constituted by the notion of “rightful membership” after it was re-admitted to the international community in 1994. Prior to this point, the apartheid regime had been delegitimised and rendered as a pariah state by extensive UN sanctions (Klotz, 1995). Post-apartheid South Africa was re-shaped by the notion of rightful membership since its newfound commitment to good governance, democracy and human rights allowed the new state to emerge as a legitimate and even exemplar regime (the so-called “rainbow nation”) in the international community (Becker, 2010). After 1994, the ideals of rightful membership were integrated into South Africa’s foreign policy and guided its international activism in reforming global governance. In this respect, South Africa’s reform diplomacy in the UNSC is reflective of its own historical legitimisation by the UN system. The Deputy Minister of International Relations and Cooperation, Marius Fransman, has stated that as a Council member “South Africa would be able to strive for values and principles that the founding fathers of the United Nations had in mind when establishing their body in order...These enduring values and principles are enshrined in South Africa’s Constitution” (Department of International Relations and Cooperation, 30 March 2011).

This section overall demonstrates that the UNSC is viewed by South Africa as a legitimate institution. Such a perception derives from South Africa's reform diplomacy that promotes the expansion of the Council's permanent membership but recognises the global mission of the Council as the prime regulator of crises and conflicts worldwide. Such reform diplomacy not only reflects South Africa's own legitimisation by the UN system, but also allows for legitimising South Africa's international status and its candidacy for permanent status. South Africa's reform diplomacy is therefore driven by perceptions of legitimacy and status-seeking interests. The legitimisation of South Africa's international role can be generated through symbolic and operational association with the Council. States have historically attempted to deploy UN channels in order to legitimise their actions and their status (Claude, 1966). The UN itself is perceived as an "agency of legitimisation" through which states attempt to persuade other states that their initiatives are legitimate and in accord with the norms of the international community (ibid, p. 374). The symbolic association of states with the Council confers legitimacy upon states that actively seek such association. Campaigning for a permanent membership or gaining multiple admittances as non-permanent member can grant states with legitimacy and authority through association (Hurd, 2002, p. 43). States strive to achieve such association with the Council "not for the power it brings, but rather for the apparent proximity to those with real power, the Permanent Five" (ibid, p. 44). For the Council to confer legitimacy upon states that are associated with it in formal or informal ways, these outsider states must also act in ways that endorse and legitimise the institution. As noted in this section, South Africa has supported the global mission of the Council, while attempting to enhance its international profile through the close association that derives from its campaign for a permanent seat. The next section enquires whether such efforts have been successful.

### **Limits to reform and legitimation**

While South Africa's has been active in pursuing the reform of the Council and enhancing its status through close association with the institution, its attempts at legitimisation have been subject to limitations and disorder. This is the result of various factors that have determined the broader direction of South African foreign policy, and especially the limits of the country's capacity in re-shaping global governance (Alden and Le Pere, 2004). Nevertheless, South Africa's agency should not be discredited as marginal since it has contributed to the legitimacy of different fora of global governance. For example, South Africa contributed to re-legitimising the role of the Commonwealth, granting a new sense of purpose to the organisation after it was granted re-admission in the post-apartheid period (Taylor, 2000, p. 65). It also played a role in legitimising the developmental potential of the World Trade Organisation (WTO), especially through its role as middle power facilitator in the launch of the Doha Development Agenda in 2001 (Keet, 2002). South Africa was the only African country invited to the G-8 plus Outreach-5 Summitry (also called the

“Heiligendamm process”) that was initiated in 2003 and comprised the first attempts of the G-8 to accommodate the most influential emerging powers (Vickers, 2008). Since the formation of the G20 Leaders Summit in 2008, South Africa has also remained the only African country in this forum. More recently, South Africa has hosted the 2013 BRICS Summit in Durban that led to the announcement of the group’s new agenda, “BRICS and Africa: Partnership for Development, Integration and Industrialisation” (BRICS, 2013).

Although the legitimacy of these organisations remains overall problematic, the inclusion of an influential African state in these fora has, to some degree, improved the representativeness of these organisations. In the case of the UNSC, South Africa has played an active role in the reform process and its support for the Council’s democratisation could therefore not only enhance its own international position but also allow the institution to become more acceptable among other developing countries. To what extent has South Africa fulfilled this objective? Despite its diplomatic activism, South Africa’s reform diplomacy has been ineffective in shaping and influencing the reform process. While lack of reform must be attributed to a range of factors, South Africa has lacked the ability to promote large-scale transformation and directly influence the broader terms of the reform process. Three major factors have constrained South Africa’s agenda: (i) the inflexible positions of the P5; (ii) the divisions within the AU; and (iii) the contradictions in South African foreign policy.

The deadlock in the reform process is to a large extent a result the P5 positions. While the P5 are not directly opposed to South Africa’s candidacy per se (at least not officially), they maintain different views on the key aspects of UNSC reform. Within the P5, many analysts suggest that the UK and France are relatively more open to expanding the Council since they perceive that delaying reforms will de-legitimise the UN and lead to more radical calls for replacing their own Council seats (Tharoor, 2011). It has therefore been suggested that London and Paris could proactively promote a single European permanent seat (to be also shared with Germany) in order to shape the reform process, while enhancing their international status as enlightened states (Deudney and Maull, 2011). At the moment, the UK and France are the only permanent members that have provided a reform proposal. Their proposal calls for a “pragmatic intermediate solution” that would create a new category of seats with a longer mandate and would then be followed by a review process. The UK and France have also explicitly declared that expansion should include the G4 and the “representation of Africa” (Permanent Representative of United Kingdom and France, 2010). Whether such a position is of benefit to South Africa is debatable. France is likely to support a Francophone African state due to historical ties and in order to enhance its own influence in the Council (Maseng, 2013, pp. 23-24). The UK appears to be more supportive, with Foreign Secretary William Hague stating in 2012 that the UK shares the same position with South Africa on the issue of permanent African representation (Foreign & Commonwealth Office, 2012).

The US has overall remained ambivalent on the issue of reform. Officially, Washington endorses the prospect of new members that will act as responsible stakeholders in a liberal international order, provided that certain conditions are fulfilled. Any reform proposal should not undermine the efficiency and effectiveness of the Council or challenge the veto power of the P5. It should also account for country contributions to global peace and security, specify the names of the countries proposed for permanent seats, and gain a two-third approval by the US Senate (Mahmood, 2013, p. 131). From the perspective of the US, South Africa's candidacy remains a puzzle. South Africa could be part of a broader alliance of democracies within the Council (along with the G4 states) and help shift the balance of power in favour of the US (McDonald and Patrick, 2010, p. 19). South Africa's voting record, however, as non-permanent member has often opposed US preferences on issues like human rights and non-proliferation. While South Africa's regional leadership is seen as an asset, its leadership of the NAM and the G77 could contribute to anti-US sentiment in the Council. Further weaknesses of the country's candidacy include its modest diplomatic corps, modest military force projection and modest population, and the ongoing domestic challenges of democratic consolidation (ibid, p. 44). The US is also unlikely to support South Africa unless it gains the official nomination of the AU.

Russia also maintains a number of requirements. The Russian position is that veto power should remain limited to the P5 and not granted to new permanent members, while no restrictions on the use of veto should be introduced. Russia emphasises the need for a balanced reform that will allow for greater representation and participation of emerging powers, but will not undermine the effectiveness of the Council (Russian News Agency TASS, 27 April 2015). The Council membership should therefore remain limited to no more than 20 members and any reform plan must be endorsed by a minimum of two-third majority in the UNGA, a process that remains difficult as also admitted by Russian Ambassador to the UN Vitaly Churkin (Russian News Agency TASS, 29 September 2014). Support for South Africa, however, has been evident. During Medvedev's presidency (2008-11), it was clarified that Russia would endorse the G4, South Africa and Egypt (Nikitin, 2012, p. 11), while more recently the Russian Foreign Ministry's special envoy, Vadim Lukov, has stated that Russia will support the IBSA states (Russian News Agency TASS, 25 March 2015). A BRICS alliance in the UNSC would help Russia counter-balance the Western powers, while lack of clear support for its IBSA partners could affect Russia's own international status.

China's position on reform has remained more ambiguous compared to the rest of the P5. Its official position is that reform should achieve the broadest possible consensus, accommodate different groups and avoid "an artificial time limit" and "immature reform proposals". While it is noted that the representation of developing countries, and African countries in particular, should increase, it is also noted that reform should focus on allowing small and medium size countries "to sit on the Security Council in



turns” (Ministry of Foreign Affairs, 2014). Such a position is effectively supportive of the UfC (a group where China participates) and hostile to the G4, since China opposes the candidacy of Japan and India in order to retain the only Asian permanent seat (Mahmood, 2013, p. 133). This became clear during March 2015 when China took the lead in blocking the Intergovernmental Negotiations because of the Chairman’s suggestion for a fixed timeline. China’s closest supporters were leading UfC members Pakistan and Italy (Business Standard, 27 March 2015). China will not support any reform plan that is not endorsed by the AU, although it is not supportive of AU demands for granting two permanent seats to Africa since that may undermine the Council’s effectiveness (Lei, 2014). China also expects the AU to reach a stronger consensus and unanimity before it can endorse any African candidates (The Star, 12 June 2015).

For South Africa, the most effective strategy for gaining stronger support from Russia and explicit endorsement by China is to act through the BRICS coalition. South Africa has accommodated Russian and Chinese interests on a number of issues and in September 2015, the ANC head of international relations Obed Bapela officially announced that South Africa now enjoyed the full endorsement of China and Russia (Davis, 2015). The scale of such support, however, is not yet evident. Even if South Africa satisfied all of the P5 official requirements, it remains unclear whether their rhetorical endorsement would translate to actual support. As noted above, South Africa and other key candidate states managed after 2007 to revitalise the reform debate through the L69 and shift focus from the Working Group to Intergovernmental Negotiations in the General Assembly. In December 2009, South Africa and the G4 requested from the Chair of the Intergovernmental Negotiations, Ambassador Zahir Tanin, to provide the General Assembly with a negotiated text. To support their position, South Africa and the G4 reportedly gathered signatures from 140 states, including the UK, France and more than 30 African states (Centre for UN Reform Education, 2010). Although this initiative was opposed by the UfC, the revitalisation of the reform debate was a diplomatic victory for South Africa. The US, China and Russia, however, gradually undermined this process during the next two years and eventually blocked the 2012 proposal made by Zahir Tanin on Security Council Reform (UN, 2012). As a senior UN diplomat noted, the 2012 deadlock demonstrated that the US, China and Russia “have no interest in Council enlargement and are willing to work actively against it even when there is a very limited promise of progress” (Bosco, 2013b).

The second factor that has frustrated South Africa’s reform diplomacy relates to divisions within the AU. Many African states have contested South Africa’s approach to reforming the Council and South Africa’s own leadership in the UN system (Cornelissen, 2006). As noted above, AU politics over the issue of UNSC reform are dominated by informal splits, which, however, are not openly declared as African states continue to declare their commitment to the common position. The AU has maintained a rigid and inflexible position that cannot easily be accommodated by

other parties, while the nomination of Africa's representatives has not yet been put to a vote, therefore allowing the informal splits to remain. South Africa has been forced to remain aligned with the AU in order to maintain its solidarity with Africa and receive the 54 African votes in the case of a UN vote. As a result, South Africa has remained entangled in the "multilateral maze" of the AU and has been forced to exert weaker leadership on UNSC reform (Spies, 2008). South Africa has struggled to drive the AU towards greater flexibility, as South African officials increasingly recognise that the AU's inflexible stance is deliberately maintained by African states (especially those belonging to the UfC and C-10) that seek to undermine Africa's leading candidates because they lack the capacity to promote their own candidacy (Fabricius, 2014). Such regional rivalries have largely constrained Pretoria's reform agenda.

The relationship with Nigeria is particularly critical as the two states have the capacity to shape the AU position, a condition that is acknowledged by many AU states (Center on International Cooperation, 2014, pp. 11, 19). Former Nigerian President Goodluck Jonathan claimed that it is natural for the two African powers to be leading the reform process: "if South Africa and Nigeria do not lead that struggle, then who will?" (Bosco, 2013a). The two states however have increasingly taken conflicting approaches to African affairs. South Africa's peace-broker initiative in Côte d'Ivoire was seen as questioning Nigeria's role in the Economic Community of West African States (ECOWAS), while the Libyan interim government (the Transitional National Council) was only recognised by Nigeria and not South Africa, which demanded for a more inclusive governing body (Maseng, 2013, p. 21). Apart from West Africa, other African blocs are also opposed to South Africa's leadership. South Africa has retained a strong base of support within the South African Development Community (SADC), as evident by the SADC voting in favour of South Africa's candidacy for a UNSC non-permanent seat for the period 2011–2012 and its bid for the chair of the AU Commission. The Francophone African states, however, have demanded being allocated one permanent seat (with Senegal emerging as potential candidate), and enjoy France's support (ibid, pp. 23-24).

Overall, African states are divided on South Africa's reform diplomacy. This is noted in a series of interviews conducted by the Center on International Cooperation with AU member state representatives, AU officials, UN officials and think tank experts in Addis Ababa (Centre for International Cooperation, 2014, pp. 17-21). Certain interviewees noted that South Africa has been active in requesting for the re-evaluation of the AU common position, especially after Egypt, which was often seen as obstructing the adoption of a more flexible position, was expelled from the AU in July 2013. South Africa's request for greater flexibility was shared by certain interviewees (including certain C10 members), who viewed favourably the increasing convergence between the AU and the L69, especially after the latter accommodated the AU position on the veto. Others, however, criticised South Africa's lack of commitment to the Ezulwini consensus, and its self-serving actions that were seen to undermine the C10. This became evident at the AU Summit in January 2014 when

President Zuma called for a retreat of AU foreign ministers to review the AU position. South Africa did not consult the C10 prior to its proposal, causing frustration to those C10 members that preferred for informal consultations to take place prior to announcing any such initiatives (ibid, pp. 19-21). The C10 eventually reaffirmed the commitment to the Ezulwini Consensus, declaring that this is viable position, and therefore deciding not to accommodate South Africa concerns (Lusaka Times, 10 May 2015). Even those states, therefore, that were open to reviewing the Ezulwini consensus remained sceptical of South African initiatives. According to Alden and Schoeman's interview with a senior African diplomat in July 2011, "South Africa's 'arrogant stance in Africa' was resented by many African countries and should there be any talk of permanent African representation on the Security Council, Africa would not vote for South Africa" (Alden and Schoeman, 2013, p. 123).

The third factor that undermines South Africa's reform diplomacy is the disorder caused by conflicting preferences in its foreign policy. On the one hand, South Africa has sought to act as the defender of human rights in Africa and defend the Responsibility to Protect (R2P) principle. On the other hand, it has strived to maintain its solidarity with African nations and its BRICS partners, and has strived to defend the pluralist norms of sovereignty, non-interference and non-intervention. Such conflicting preferences have undermined South Africa's own commitment to UN principles and have led to policy choices that violate South Africa's self-proclaimed humanitarian values in order to pursue realpolitik and maintain solidarity with Africa and the global South (Melber, 2014). Prioritising Southern bonds reflects Pretoria's realist interests in supporting African states, but these interests are also constituted by the ANC's historical commitment to combating imperialism and neo-colonialism (Nathan, 2011).

South Africa's foreign policy consequently reflects the conflicting identities of a nation proclaiming its adherence to human rights and democratisation, and the ANC's own political tradition in defending the values of Third World solidarity and anti-colonial struggles. Such disorder has led to a selective support for liberal values and a tolerance for regimes that violate human rights. Such contradictions became evident during South Africa's membership (2006-2010) of the UN Human Rights Council (UNHRC), when it refrained from challenging the practices of states such as Iran, Myanmar, Sudan and Zimbabwe (Jordaan, 2014). South Africa has attempted to defend its position and claim that it promotes an African version of R2P that places emphasis on mediation, dialogue and consultation, and opposes the selective use of military force that actually aims towards regime change rather than civilian protection (Smith, 2015). South Africa itself was instrumental in the initial development of the R2P principle during the 2005 UN World Summit, pressing for the inclusion of R2P norms into the AU's Constitutive Act, and leading the process of establishing the AU's Peace and Security Council as the body responsible for implementing the African approach to R2P that prioritises negotiation and resolution (ibid). South Africa subsequently acted as a 'norm entrepreneur' (during its two tenures as non-permanent

member) in linking the AU Peace and Security Council with the UNSC, and providing recommendations and policy initiatives that allowed for greater coordination between the two bodies (Alden, 2015). Through such initiatives, South Africa acted as the representative of Africa in order to persuade the international community that African states must retain a different approach to managing their own affairs (Verhoeven et al, 2014). As noted above, however, other African states have contested South Africa's role in performing such a bridge-building role.

The contradictions of South Africa's reform diplomacy became apparent during South Africa's two tenures as non-permanent UNSC member during 2007-8 and 2011-12. Both terms provided South Africa with the opportunity to play a larger role in the reform process and demonstrate its capacity as a responsible member of the Council. In its initial address to the Council in 2006 and before it assumed its seat, South Africa identified its major goals in promoting 'synergies' between the AU and the UNSC, and promoting the expansion of the UNSC permanent membership (Department of International Relations and Cooperation, 2006). South Africa's first term at the Council, however, was marked by controversy since the country's voting behaviour raised questions over its proclaimed commitment to human rights. South Africa voted against UNSC resolutions condemning human rights violations in Myanmar (resolution S/2007/14) and Zimbabwe (resolution S/2008/447), and opposed the introduction of sanctions against Iran for its nuclear programme. South Africa's positions prioritised solidarity with Africa, even when such solidarity required side-lining its own moral principles (Van Nieuwkerk, 2007). South Africa attempted to 'regionalise' African issues, block Western interference in African affairs and defend the sovereignty of developing countries (Bischoff, 2009). This approach had questionable benefits as South Africa's status as leader of the global South remained contested among African states, while Western states that were otherwise sympathetic to South Africa's candidacy a permanent seat, were now more sceptical about the country's capacity to uphold the solidarist values of the international community (ibid, p. 106).

The re-election of South Africa as UNSC non-permanent member for 2011-12 provided a new opportunity for re-launching its agenda for the Council's reform. South Africa's experience during its first UNSC term had exposed the country to the arm-twisting tactics of the P5, and could arguably provide the experience to deal more effectively with such pressures (Wheeler, 2011). Official South African statements repeatedly expressed the resolve to push the reform agenda against major power politics and on the grounds of fairness and equity (Mail and Guardian, 2011; The Times, 2010; Xinhua News, 2011). Despite the willingness to adopt a more coherent stance, South Africa's voting behavior during its 2011-12 term projected mixed signals over its position on major international issues. South Africa initially voted in favour of Resolution 1973 for a "no-fly zone" in Libya, but subsequently opposed the NATO-led intervention against the Qaddafi regime, asserting that the mandate provided by the resolution had been abused. In 2011, South Africa abstained from the

vote on the resolution S/2011/612 condemning Syria for human rights abuses on the grounds that the proposed resolution was not impartial in how it treated the two sides of the conflict. During 2012, South Africa voted in favour of resolutions S/2012/77, S/2012/219 and S/2012/245 seeking to end conflict in Syria; it subsequently abstained, however, from resolution S/2012/538 on the grounds that the Council's lack of impartiality would lead to the deterioration of the situation in Syria.

South African diplomacy as non-permanent member aimed at projecting the country's humanitarian commitments but not at the expense of breaking ranks with the BRICS, the IBSA and the AU (Kornegay, 2012). For South African officials, such as the former Deputy Minister of International Relations and Cooperation Ebrahim Ismail Ebrahim, it was possible to act in accordance with the UN charter while resisting the pressures of the P5. As he noted: "we executed our mandate independently – not bowing to outside pressure – and with integrity by upholding and defending the principles and purposes of the UN Charter" (Department of International Relations and Cooperation, 4 July 2013). A senior British diplomat, however, recalled the controversy evident in South Africa's refusal during the UNSC deliberations to support the very same measures that had facilitated South Africa's own democratisation: "it was one the most incredulous moments in my diplomatic career: hearing the South African ambassador claim in the Zimbabwe debate that sanctions never work in international politics" (Verhoeven et al, 2014, p. 520).

## **Conclusion**

The case of South Africa provides important insights for understanding the role of influential outsider states in global governance and the UN system in particular. The discussion has demonstrated that influential outsider states will be inclined to defend rather than challenge existing structures of global governance as a result of perceptions of legitimacy and interest-based considerations. As these states assume roles of greater leadership and responsibility in certain institutions, they are inclined to recognise the effectiveness of major power fora in resolving global crises, even if they remain outsiders in certain cases such as the UNSC. The process of gradual integration into international institutions brings these states to view global governance as legitimate since existing institutions are now perceived as more responsive to their interests and preferences. Their reform diplomacy will therefore target at challenging the existing configuration of authority within these institutions and will not question the legitimacy of these institutions in managing and regulating different spheres of global affairs. Such perceptions of legitimacy are also informed by status-seeking considerations since influential outsider states seek to associate their foreign policies with institutions that confer upon them international prestige and legitimacy.

Since influential outsider states display both the willingness and capacity to shape reform processes, they will seek to strengthen the legitimacy of existing institutions

by promoting a type of reform that supports the founding mission of the institutions and allows them to gain insider status. Such reform agenda, however, can be subject to substantial limitations. Certain institutions such as the UNSC are inelastic to reform because of rigid and inflexible decision-making structures. To promote reform in such cases, influential outsider states will have to mobilise large-scale coalitions and gather the support of both major powers and smaller states. Such a process entails contradictions as the attempt to address different international audiences undermines the coherence of their reform diplomacy. Influential outsider states can therefore influence but not shape the legitimacy of certain institutions solely through their own capacity and activism. Their acts of defence can contribute to stabilising and legitimising certain institutional structures, or even alleviating broader institutional collapse, but will have a more limited effect in driving the process of reform and restructuring.

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