

# South Africa's foreign policy and international relations during 2012

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## **1 Introduction**

The year 2012 was significant for South Africa's foreign policy and relations in the sense that the country held a seat on the United Nations (UN) Security Council, and, earlier in the year, completed its term as a member of the African Union (AU) Peace and Security Council. At the same time South Africa chaired SADC's Organ on Politics, Defence and Security Cooperation and was, therefore, specifically responsible for peace processes in Zimbabwe, Madagascar and the DRC. It was also the year after the global COP17/CMP7 meeting in Durban, and the complex developments in North Africa – Libya in particular. The year did not see significant formal policy developments save for the ANC's policy-making National Conference at which international relations were considered.

This overview and analysis of 2012 is not unique – in fact three publications worth mentioning have already appeared. Chris Landsberg and Jo-Ansie van Wyk edited the first issue of a foreign policy review,<sup>1</sup> while South Africa's relationship with Swaziland and the BRICS formation received attention in the third annual issue of the *New South Africa Review*.<sup>2</sup> In the latest annual publication of *State of the Nation*,<sup>3</sup> five chapters are devoted to 'South Africa and the World' with a strong focus on economic and security issues.

This chapter is divided into two main categories: first, the actors or role-players in the foreign policy context are identified and the broad policy framework as articulated by the Department of International Relations and Cooperation (DIRCO) during 2012, is set out. Secondly, the nature of South

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<sup>1</sup>Landsberg and Van Wyk (eds) *South African foreign policy review, Volume I* (2012).

<sup>2</sup>Daniel, Naidoo, Pillay and Southall (eds) *New South Africa review 3: The second phase – tragedy or farce?* (2013).

<sup>3</sup>Pillay, Hagg and Nyamnjoh (eds) *State of the nation: South Africa 2012-2013* (2013).

Africa's international relations during 2012 as an articulation of policy, or as policy application, is addressed. The policy practices are classified as either multilateral or bilateral.

## **2 The principal role-players in foreign policy**

The nature of a country's foreign policy and policy practices is often determined by the primary role-players. During the Mbeki era (1999-2008) foreign policy and practice was virtually the exclusive domain of the President, his experienced Minister and Deputy Minister of Foreign Affairs, and the legal adviser in his office. The Zuma administration commenced in 2009 with a new approach: first, it introduced a new name for the department (International Relations and Cooperation), and secondly a new and relative inexperienced Ministry (Maite Nkoana-Mashabane, Ebrahim Ebrahim, and Sue van der Merwe) and a President less prominent in international relations, but a more prominent Deputy President (Kgalema Motlanthe), took control. Since 2010 President Zuma has assumed a more prominent role, in part to lobby for South Africa's election to the UN Security Council at the end of 2010.

A brief discussion of the principal role-players follows.

### *2.1 The Presidency*

The most prominent role-player and driver of South Africa's international relations in 2012 was the President's Office, though it did not enjoy the same prominence in the formal foreign policy environment. The President surrounded himself with a team of advisors who took control of particular situations – like Zimbabwe or Madagascar – while DIRCO was not equally involved. The team was Lindiwe Zulu (the international relations adviser), Mac Maharaj (currently the Presidency's spokesperson, but part of the Zimbabwe mediation team), Charles Nqakula (currently the High Commissioner in Mozambique, but also part of the Zimbabwe team, and in the past involved in Burundi and the Sudan), and also Welile Nhlapo, recalled from Washington, DC as ambassador, to become Zuma's national security advisor and later special envoy to the Great Lakes region. Today he is the coordinator of the international diamond sector's Kimberley Process. DIRCO's Deputy Minister Marius Fransman, was also coopted by the Presidency to serve as South Africa's mediator in the SADC-led Malagasy transition. Deputy President Motlanthe's role in international relations has been scaled down, all the more so after his defeat as presidential candidate at the ANC's National Conference in December 2012. His activities were largely confined to formal diplomatic functions such as receiving Prime Ministers or Deputy Presidents (for example those from Turkey and Italy) on official visits

to South Africa. Motlanthe also represented South Africa on foreign visits at the same diplomatic level.

## 2.2 *Intelligence*

A feature of the Zuma approach, is the prominence of national intelligence as an important role-player in international relations. The Minister of State Security, Siyabonga Cwele, is almost always included in Zuma's state visits, attendance of summits, or participation in SADC. In some instances, he is present without his DIRCO colleague. A popular interpretation is that this reflects Zuma's own history in the ANC's internal intelligence and security and, therefore, his greater familiarity with that field. It could also suggest a particular style or approach to international relations which relies on security-defined and articulated information as most relevant or appropriate for international relations – reliance on confidential information – in preference to public processes of debate, and a more closed-group approach to the processes. Soon after his inauguration, President Zuma took control of the intelligence community by removing the three most senior officials in the State Security Agency, including Moe Shaik, and a Mbeki loyalist, Barry Gilder, who was coordinator of the National Intelligence Coordinating Committee (NICOC). The National Strategic Intelligence Amendment Act 37 of 1998 gives wide-ranging responsibilities to NICOC, including to 'produce and disseminate intelligence which may have an influence on any state policy with regard to: the detection and identification of any threat or potential threat to the national security of the Republic, or the protection and promotion of the national interests of the Republic, for consideration by the cabinet'.<sup>4</sup> Studies of the intelligence role in South Africa's international relations are seldom undertaken but its prominence in the Zuma approach demands closer attention.

## 2.3 *Three spheres of government*

The third set of actors is represented by the three spheres of government. While South Africa's constitutional dispensation is not a classic federal one, and international relations are a national 'exclusive competence', the provincial and local government spheres are involved in international relations of their own, though not in formal foreign policymaking. Limpopo is a good example of a province with an international relations unit in its premier's office. The Western Cape has also established international relations at a regional level, while Mpumalanga is engaged in ongoing relations with neighbouring Mozambique.

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<sup>4</sup>National Strategic Intelligence Amendment Act 37 of 1998 section 4(2)(c) <http://www.ssa.gov.za/Portals/0/SSA%20docs/Legislation/National%20Strategic%20Intelligence%20Act%2039%201994.pdf> (accessed 10 June 2013).

At local government level, South African cities have bilateral agreements with other cities. The Minister of DIRCO emphasised on 21 April 2012 in the Eastern Cape, the important role cities can play in the implementation of South African foreign policies. Rapid urbanisation across the globe means that cities are becoming more important political and economic players, and in South Africa, according to the minister, they can contribute much to improve alignment and synergy within the government spheres and so promote the implementation of treaties and bilateral agreements. South African cities, according to Nkoana-Mashabane, should also explore the possibility of cooperation with other African cities as part of the intra-African cooperation initiative.<sup>5</sup>

#### 2.4 *National parliament*

A fourth important role-player in South African foreign policy is the national parliament in its role as an oversight instrument of the executive, and specifically of the Presidency and DIRCO. Constitutionally, parliament is responsible for approving DIRCO's annual budget, adopting legislation required for foreign policy implementation, adopting all of South Africa's binding international conventions or agreements in the form of domestic legislation, and authorising any deployment of South African military equipment and troops outside the borders of the country. Both houses of parliament have committees responsible for international relations. In 2012 the National Assembly's Portfolio Committee on International Relations and Cooperation consisted of eleven members, two each from the ANC, Congress of the People (COPE), Democratic Alliance (DA), and Inkatha Freedom Party (IFP), and one each from the African Christian Democratic Party (ACDP), the United Democratic Movement (UDM), and the Freedom Front Plus (FF+). In the National Council of Provinces, the Select Committee on Trade and International Relations was responsible for three departments: DIRCO, Tourism, and Trade and Industry.

The Portfolio Committee played an active oversight role and during 2012 with a total of 99 parliamentary questions answered by the minister. A pattern emerged reflecting that the highest number of answers were given in March (the first month of parliamentary activity after its summer recess), followed by November and December (the last two months before the summer recess). The highest number of questions (39) dealt with DIRCO's financial management, training, and ambassadorial problems, followed by questions on Zimbabwe (7), Israel/Palestine (4), South Africa's loan to Swaziland (4), peace and security issues in Africa (4), three questions each about the African Renaissance Fund,

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<sup>5</sup>Nkoana-Mashabane 'Minister Maite Nkoana-Mashabane stresses the importance of local government in foreign policy implementation' DIRCO media statement Pretoria 21 April 2012.

climate change, SADC, Syria, and electoral support for other countries; two questions each about the UN, the AU and Madagascar, and one question on the EU.<sup>6</sup> While it is clear that the parliamentary members' main focus was on the department's operational management, a wide range of questions were asked about policy-related matters – for example, about South Africa's approach to the Syrian conflict, the Israeli/Palestinian issue, or the Malagasy conflict. International relations and policy are, however, not yet a major parliamentary focus and are still treated as primarily an executive responsibility.

During 2012, the national parliament adopted one new law tabled by DIRCO. This was the Implementation of the Geneva Conventions Act 8 of 2012, which is an example of legislation adopted in accordance with the Constitution's section 231(4). This sub-section provides that 'any international agreement becomes law in the Republic when it is enacted into law by national legislation ...'. Sub-section (2), on the other hand, provides for ratification of an international agreement by the national parliament which does not, however, make the treaty part of South African domestic law, although the Republic is bound on the international plane. Adoption of this legislation is significant in that it incorporates some of the most important aspects of international humanitarian law into South African law. It is concerned with the four Geneva Conventions of 12 August 1949, and the two additional Protocols to the Conventions of 8 June 1977.

The Act's main objectives are to ensure that South Africa complies with the Conventions (s 2(b)), and to ensure prevention of, and punishment for, breaches of the Conventions (s 2(c)). As this legislation deals with the role of armed forces, armed rebels, or militias during times of armed conflict that cross international borders, the jurisdiction question is very important. The Act determines in section 7 that any South African court may try any person for any offence or omission under this Act, even if it was committed *outside* the Republic. Its possible implications for refugees, asylum seekers, or political exiles and former leaders, are therefore wide-ranging. It also affects the working of the International Criminal Court (ICC). Therefore, the Act's section 20 determines that nothing in the Act must be interpreted as limiting, amending, repealing, or altering any provision of the Implementation of the Rome Statute of the International Criminal Court Act 27 of 2002, or exempting any person from it or prohibiting any person from complying with it.<sup>7</sup>

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<sup>6</sup>DIRCO 'Parliamentary questions and replies for 2012' <http://www.dirco.gov.za/docs/2012pq/index.html> (accessed 1 May 2013).

<sup>7</sup>Implementation of the Geneva Conventions Act 8 of 2012.

This raises the question of whether, under current South African law, the Rome Statute enjoys a higher legal status than the Geneva Conventions. Their common factor is war crimes. The ICC also includes the crimes of genocide, crimes against humanity, and potentially also the crime of aggression. On the other hand the Conventions determine humane and humanitarian conduct during armed conflict, but that does not change the status of war crimes as criminal acts. One can ask: is a genocide committed during an armed conflict not also a war crime, and therefore also part of the Conventions? The Act does not clarify the differences in jurisdiction between the two Acts, and this will therefore be left to judicial interpretation.

The fact that in 2012 only one Act was passed by parliament under the portfolio of international relations and cooperation, is once again an illustration of how much it differs from other portfolios that depend much more on a legislative policy mandate. In DIRCO, policy instruments in the form of white papers, speeches, and statements, as well as policy actions, are used far more frequently than legislation.

### 2.5 *African National Congress (ANC)*

The fifth role-player is the African National Congress as the governing party. In July 2012 the ANC convened its National Policy Conference in preparation for the National Conference at the end of the year. The ANC's National Executive Committee (NEC) has a standing sub-committee on international relations. Between 2007 and 2012 it was chaired by the Deputy Minister Ebrahim Ebrahim. At the latest conference he was replaced by Obed Bapela, the Deputy Minister of Performance Monitoring and Evaluation, who has no real background in international relations. It is worth noting that Lindiwe Zulu, President Zuma's international relations advisor, was included in this committee but not as its chairperson, though she was appointed as the chairperson of the sub-committee for communications and the media, and not for international relations. The composition of these committees was confirmed in January 2013.<sup>8</sup>

In Southern Africa, bilateral relations are often not conducted through diplomatic government channels but by means of party-to-party relations. In this respect the NEC sub-committee is very important, as are persons such as Collins Chabane and Charles Nqakula. At the ANC's Policy Conference, a discussion document served as the basis for deliberations. A major part of the document discussed the 'balance of forces' which was the ANC's assessment of the global situation, trends, changes since 2007, its understanding of the

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<sup>8</sup>ANC 'NEC subcommittees and the Teams of Deployees' <http://www.anc.org.za/show.php?id=10017> (accessed 30 January 2013).

global economic crisis since 2008, the prominence of the G20, and Africa's evolving international role. It stated, for example: 'Africa has seen a growing scramble for economic power between the West and the emerging East in ways that could become reminiscent of the Cold War'.<sup>9</sup>

For policy purposes, the document was divided into a section on Africa and a section on the world beyond the continent. DIRCO and ANC policy documents are not identical: they use different lexicons with the ANC presenting its views as a liberation movement, while DIRCO occupies a more centrist position. Further, the ANC is more focused on Africa when compared with DIRCO, and places less emphasis on the North and the other diplomacy focus areas like trade, climate change, tourism, or technological developments. However, in terms of policy hierarchy, the decisions of the ANC's National Conference are very important and influential in macro-policymaking.

The policy discussion document emphasised the strengthening of African institutions and leadership. Governance of states and their institutions – especially in the form of good governance, democracy, and management of the African Peer Review Mechanism – received attention. The ANC also stated its support for the Pan-African tradition of establishing a union government for Africa, but not for its more radical variant as articulated by Gaddafi. It also made a serious case for strengthening the regional economic communities, and with regard to SADC, the ANC was concerned about its institutional capacity. It expressed the wish to promote the vision of *developmental* regional integration which is, in theoretical terms, aligned to the New Regionalism of Hettne, Söderbaum, and others. The ANC also supported the promotion of a free trade area in SADC. The peace and security issues confronting the Southern African body have become increasingly complex, and the ANC consequently underscored the notion of 'African solutions for African conflicts', the implication being that the objective should be that the national citizens must own the solutions to their own problems. This view was not fully discussed, but it holds several implications. On the one hand, it could embody a veiled criticism of the UN's approach to African conflicts. On the other hand, it could also include a criticism of peace processes mediated and negotiated by political elites to the exclusion of popular participation in the processes. It supports the developmental approach which implies that peace-making is not, in the first instance, about the state and its institutions, but should rather lay a foundation for the social and economic development of the population as a whole.

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<sup>9</sup>ANC 'International Relations – Policy Discussion Document March 2012' at 11 <http://www.anc.org.za/docs/discus/2012/internationalb.pdf> (accessed 25 April 2012).

Regarding the global environment, the ANC reaffirmed its stance on transforming global governance institutions like the UN, the WTO, and international financial institutions. In addition, it committed itself to strengthening South-South cooperation in NAM, the G77+China, IBSA, and BRICS. At the same time it called for stronger North-South dialogue.<sup>10</sup>

This policy discussion document did not introduce new proposals or perspectives. However, new developments were included like the global economic crisis, and South Africa's membership of BRICS, but these failed to translate into new policy positions or changes in emphasis, similar to those introduced by the previous National Conference (2007).

Six months after the Policy Conference, the National Conference was held in Mangaung and a number of policy resolutions were adopted. The resolutions on Africa concentrated on support for and the strengthening of institutions like the AU, the Pan-African Parliament, SADC, the Pan African Women's Organisation, the Pan-African Youth Union, and the All-Africa Student Union. South-South cooperation should be strengthened, according to the ANC, because it is a crucial aspect of its vision for a better world. Resolutions on specific countries were adopted, including on Swaziland (supporting its democratic movement), Sudan and South Sudan, Zimbabwe, Madagascar, Somalia, DRC, Mali, Guinea-Bissau, Iran, Sri Lanka, the Middle East, and North Africa, Western Sahara, Cuban solidarity, and Syria (favouring a dialogue process and supporting the UN peace efforts). Significant is the fact that the ANC resolved to develop new policy guidelines for South Africa's involvement in peacekeeping.

The importance of the ANC's party-to-party diplomacy was also acknowledged. While traditionally it concentrated on relations with liberation movements, the ANC was foreseeing similar relations with other progressive-minded political parties even beyond Africa.

The ANC's long-standing concern about global governance was repeated in the resolutions, especially regarding reform of the UN, IMF and World Bank. It also noted the negative perception that the International Criminal Court is selective in its prosecution mainly of Africans.

The subtext in the ANC's resolutions reveals dissatisfaction with the government's foreign policymaking processes (such as the White Paper on South Africa's Foreign Policy) and, therefore, the National Conference resolved in 2012 to undertake its own policy review. It will include the following six areas:

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<sup>10</sup>ANC n 8 above at 1-37.



- (1) an appraisal of the relationship between the foreign policy and South Africa's national interest;
- (2) the effect of South Africa's membership of international organisations, and the quality of South Africa's foreign service;
- (3) the impact of international migration;
- (4) coordination of para-diplomacy (meaning the international relations conducted by provincial and local authorities);
- (5) the state of South Africa's bilateral relations; and
- (6) that the promotion of South Africa's national interest, should not lead to sub-imperialism and dominance, but should include the interests of the states with which South Africa interacts.

An increasingly important assumption in foreign policy is that a state's domestic policies should be the framework for its foreign policy and relations – or in more conventional terms, that the national interest promoted by foreign policy, must be defined by domestic priorities. The ANC's National Conference endorsed the government's National Development Plan (NDP) as its new long-term policy framework. However, the conference resolutions also insisted that the NDP's content on international relations should be strengthened, and that the foreign policy objectives should also be reflected in the NDP. The suggestion was, therefore, that the NDP was formulated without inclusion of the White Paper's main policy principles.<sup>11</sup>

## 2.6 *Line-function departments*

The final point about the main role-players in international relations is that since 1994 almost all the line-function government departments have become involved in international relations in their own field. As a result, policy actions are sometimes contradictory or at least not coordinated. In 1996 in the Department of Foreign Affairs' first discussion document, the suggestion of a coordinating council was raised but without any concrete results as yet. Though departments responsible for tourism, defence, trade and industry, and home affairs have arguably the most direct interest in international relations and policy, the discussion here will be confined to DIRCO and the Presidency. Government coordination in the form of clusters also provides an indication of how international relations are perceived in the overall government function. DIRCO is placed in the International Cooperation, Trade, and Security Cluster, together with Defence and Military Veterans, Finance, Tourism, Trade and Industry, Rural Development and Land Reform, and

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<sup>11</sup> ANC 'African National Congress 53rd National Conference Resolutions' 4 February 2013 38-49 <http://www.anc.org.za/docs/res/2013/resolutions53r.pdf> (accessed 10 February 2013); 'ANC conference resolution: On international relations' *politicsweb* 5 February 2013 <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=3550418&sn=Detail> (accessed 6 February 2013).

Water and Environment Affairs.<sup>12</sup> Only Defence, Tourism, and Trade and Industry appear to be directly relevant for coordination with DIRCO, and interdepartmental cooperation remains one of the most complex governmental challenges.

In the next section the focus will be primarily on DIRCO and its policy function during 2012.

### **3 DIRCO and foreign policy**

DIRCO's engagement with foreign policy in 2012 is presented under two heads: first, its representation of the national interest as the main guiding motive of foreign policy is analysed; and secondly, its policy framework for this period is explored.

#### *3.1 The national interest*

Though not a new idea, in its 'Strategic Plan 2012-2017' DIRCO restated its departmental vision and mission. Its vision is for 'an Africa that is prosperous, peaceful, democratic, non-racial, non-sexist and united and that contributes to a world that is just and equitable'.<sup>13</sup> The most notable aspect of this statement is that it does not refer to South Africa at all. Most possibly this would be justified by stating that Africa is the centre of South Africa's foreign policy, and therefore it should in the first instance be focused on Africa. At the same time, the statement is almost a clone of the state values listed in the South African Constitution, thereby extrapolating South African values to African values in general. The department's mission is regarded as promoting South Africa's national interests and values, the African Renaissance, and creation of a better world for all. Here, however, South Africa is more prominent and its national interest and values are the core focus.<sup>14</sup>

An analytical look at the two statements suggests the presence of a philosophy of three overlapping or concentric circles – representing South Africa, Africa and the world – underlying the foreign policy. South Africa is in the core, followed by Africa, and then the world in the outer circle. Underlying this perspective is arguably a communitarian (as opposed to an individualistic) international philosophy of interdependent circles or spheres which assume that South Africa's prosperity and national interest depend on Africa's, which

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<sup>12</sup>The Presidency 'Government Departments and the Functioning of Clusters – Towards a Fifteen Year Review' [http://www.thepresidency.gov.za/docs/reports/15year\\_review/gdyc/disability/chapter3.pdf](http://www.thepresidency.gov.za/docs/reports/15year_review/gdyc/disability/chapter3.pdf) (accessed 15 June 2013).

<sup>13</sup>DIRCO 'Strategic Plan 2012-2017 of the Department of International Relations and Cooperation' at 8.

<sup>14</sup>DIRCO n 13 above at 8.

in turn depend on the world's. It is a variation on former Archbishop Tutu's 'Ubuntu notion' of 'I am what I am because of you'. Philosophically, it is therefore impossible for the South African government to define a national interest which is entirely self-centred, or purely nationally determined.

At the same time, the notion that a state's national interest is determined by its domestic priorities was also embraced by DIRCO. Deputy Minister Marius Fransman said in his budget speech on 25 April 2012, that the national interest is 'the driver of our external relations. This is a foreign policy juxtaposed with our domestic priorities'.<sup>15</sup> As a result, in his view, South Africa's foreign policy is driven by a strong developmental imperative.

Twice in DIRCO's Strategic Plan, reference is made to the 'national interest' in problematic terms. The Director General, Jerry Matjila, cautioned that the department must present South Africa's interests in 'an international environment that is increasingly characterised by growing competition and national interests taking precedence over the common good'.<sup>16</sup> A similar sentiment can be detected in an 'uncertain global environment, in which there is a growing emphasis on pursuing national interests at the expense of the global good'.<sup>17</sup>

What is meant by the 'common or global good', as opposed to the 'national interests' is not explained. The national interests (in the plural) most probably refer to the interests of states individually – but can it be anything other than the national interest of South Africa and other states that is embraced by DIRCO in its mission? Can it imply that the definition of South Africa's national interest includes interests not directly in its own interest, but primarily in others' interest, but for pragmatic or altruistic reasons supported by South Africa? The answer might be that the South African government believes in an harmonious co-existence between South Africa's national interest, Africa's continental interests, and the global common good which is derived from its communitarian world view – but which is an exceptionally idealistic perspective. It implies that other states do not share the same idealism, which is bemoaned by Matjila and DIRCO.

In more practical terms, promotion of the national interest was related by Deputy Minister Fransman to successful economic diplomacy,<sup>18</sup> while

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<sup>15</sup>Fransman 'Budget vote speech of the Deputy Minister of International Relations and Cooperation, Honourable Marius Fransman, to the Portfolio Committee on International Relations and Cooperation, Wednesday 25 April 2012' <http://www.dfa.gov.za/docs/speeches/2012/frans0426.html> (accessed 27 April 2012).

<sup>16</sup>DIRCO n 13 above at 6.

<sup>17</sup>DIRCO n 13 above at 13.

<sup>18</sup>Fransman n 15 above.

Minister Nkoana-Mashabane linked it to improved South-South and North-South cooperation, and to South Africa's participation in institutions of global governance.<sup>19</sup> One expects the test of the national interest notion to be whether all the international relations promote the national interest.

### 3.2 *The policy framework*

In terms of the latest Strategic Plan, the foreign policy is informed by three sets of domestic priorities, namely the 'Five Priority Areas of Government' (based on the ANC's 2009 election manifesto, these are job creation and poverty reduction, health care, education, combatting of crime, and food security and land reform), the Medium Term Expenditure Framework, and the 'Twelve Strategic Outcomes'. DIRCO concentrates on Outcome 11: 'Creating a better South Africa and contributing to a better and safer Africa in a better world'.<sup>20</sup> What was not included here, is the National Development Plan as the government's long-term policy framework.

The department's overall policy framework is a combination of the latest amended 'White Paper on South Africa's Foreign Policy'<sup>21</sup> adopted by cabinet in late 2012, and its Strategic Plan. The framework constitutes six priority areas, namely

- (1) to enhance the African Agenda and sustainable development;
- (2) to strengthen the political and economic integration of SADC;
- (3) to strengthen South-South relations;
- (4) to strengthen relations with strategic formations of the North;
- (5) to participate in the global governance system; and
- (6) to strengthen political and economic relations.

The central focus on the African Agenda is justified in the following terms: 'The struggle for a better life in South Africa is intertwined with our pursuit of a better Africa in a better world. Consequently, Africa is at the centre of South Africa's foreign policy'.<sup>22</sup> The policy implications of this priority are that the South African government will support regional and continental processes to deal with crises, to strengthen regional integration, to increase intra-African trade, and to promote sustainable development. In her budget speech, Minister Nkoana-Mashabane referred to the fact that the theme of the AU summit in 2012 was to

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<sup>19</sup>Nkoana-Mashabane 'Budget vote speech of the Minister of International Relations and Cooperation, Honourable Maite Nkoana-Mashabane, to the National Assembly, Wednesday, 25 April 2012' DIRCO News and Events <http://www.dirco.gov.za> (accessed 20 March 2013).

<sup>20</sup>DIRCO n 13 above at 6

<sup>21</sup>DIRCO 'Building a better world: The diplomacy of ubuntu – White Paper on South Africa's foreign policy' Final draft – 13 May 2011.

<sup>22</sup>DIRCO n 13 above at 21.

promote intra-African trade and infrastructural development. In the same vein, President Zuma chairs the AU/NEPAD Presidential Infrastructure Championing Initiative, and is particularly involved in the North-South Road and Railway Corridor on the East African coast, and in the Great Lakes region. Moreover, South Africa's policy supports the formation of regional free trade areas and the Africa Free Trade Area by 2017.<sup>23</sup>

Secondly, in 2012 the government reaffirmed its aim to revitalise NEPAD and to provide ongoing support for the African Peer Review Mechanism (APRM). The minister called NEPAD 'our flagship program on the development front'. South Africa provides the facilities for NEPAD's secretarial work in its Planning and Coordinating Agency. From a policy point of view, the minister regarded NEPAD's achievements as its ability to redefine Africa's development agenda to effectively challenge Afro-pessimism and to emphasise the importance of self-reliance and mobilisation of the domestic resources so that Africa can be more self-assertive in its development.<sup>24</sup>

The third policy implication of the African Agenda was for South Africa to contribute towards socio-economic development in Africa by disbursing development funding through the African Renaissance and International Cooperation Fund.<sup>25</sup> The government gave notice that it wished to replace the Fund with the new Partnership Fund for Development, and to establish the South African Development Partnership Agency (SADPA) in the near future. At the same time in 2012 it also indicated its intention to finalise the 'Strategic Framework and Policy Guidelines' applicable to all forms of external development cooperation in which SADPA will play a key role.<sup>26</sup>

South Africa's involvement in developmental and humanitarian assistance to other African states is highly significant both politically and philosophically. First let us consider the affected projects in 2009-2012.

- R24 million to Sierra Leone to fund Cuban doctors involved in medical services;
- R300 million to Zimbabwe to support its economic recovery programme;
- R3 million for the Africa Research Centre which is a focal point for ombudsman offices in Africa;
- R4 million for the AU Observer Mission for the elections in the Sudan;
- R15 million to the International Atomic Energy Agency for improvement of veterinary laboratory capacities in several African countries;

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<sup>23</sup>Nkoana-Mashabane n 19 above; DIRCO n 13 above at 21.

<sup>24</sup>Nkoana-Mashabane n 19 above; DIRCO n 13 above at 21.

<sup>25</sup>DIRCO n 13 above at 21.

<sup>26</sup>*Id* at 7.

- R100 million towards supporting the economic recovery of Cuba after the hurricanes in 2008;
- R5 million for South Africa's involvement in the AU and SADC Observer Missions for the elections in the Seychelles, Zambia, and the DRC;
- R10,6 million to transport humanitarian assistance donated by SADC members to Somalia;
- R126 million to assist the DRC in their presidential and parliamentary elections in 2011;<sup>27</sup> and
- Guinea: support for a rice project in partnership with Vietnam.<sup>28</sup>

Philosophically, this policy action is most probably an articulation of South Africa's insistence on self-reliance as a key articulation of the African Renaissance concept, followed in programmatic terms, by NEPAD and the APRM. It could be argued that it therefore presents another further option for African states' utilisation of SIDA, USAID, Oxfam or DFID. Politically, Deputy Minister Fransman presented it as another policy instrument available to South Africa to contribute towards addressing poverty alleviation, underdevelopment, and Africa's marginalisation. But he was frank in pointing out that it also held personal benefits for South Africa: 'It is recognised that these challenges simultaneously reflect South Africa's own interests for security and development, and reflects its solidarity with the plight of people elsewhere'.<sup>29</sup>

The second key priority for DIRCO, was to strengthen SADC's *integration*. For DIRCO's strategic planning, SADC's integration is critically important in South Africa's global competitiveness. Therefore, South Africa favoured a developmental integration agenda for SADC that combines trade integration, infrastructural development, and sector policy coordination. Not only economically, but also as regards peace and security matters, South Africa felt that SADC's objectives should be better aligned. In 2012 the situation in Madagascar, Zimbabwe, and Swaziland required SADC's intervention. As a general principle, South Africa wishes to ensure political stability and economic viability in Southern Africa, and therefore the successful elections in the Seychelles, Zambia, the DRC, and Lesotho were seen of the same two considerations'.<sup>30</sup>

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<sup>27</sup>Davidson (DA) question 1318 (NW1529) 'Status of the aid the Government is providing for countries' 11 July 2012 <http://www.dirco.gov.za/docs/2012/pq/pq1318.html> (accessed 15 April 2013).

<sup>28</sup>Nkoana-Mashabane n 19 above.

<sup>29</sup>Fransman n 15 above.

<sup>30</sup>Nkoana-Mashabane n 19 above; DIRCO n 13 above at 22.

For South Africa, SADC is an important entry point into the AU and NEPAD, because both rely heavily on the regional economic communities. During 2012 South Africa was the chairperson of the SADC Organ on Politics, Defence and Security Cooperation and consequently paid considerable attention to Zimbabwe and Madagascar. It is a transitional period for SADC in the sense that both situations are examples of how SADC's finding a balance between its intervention in a member state, on the one hand, and the national regimes' resistance to it on the other hand. The notions of regional responsibility to intervene in conflict or crisis situations, and to take responsibility for the implementation of peace or transition agreements, pose a policy challenge to SADC and to South Africa, as to how to strike a balance between national sovereignty and regional political/security integration. It is an early test case for the readiness of member states, when SADC decides to implement its decision of an economic free trade area, because the same quest for a balance of two considerations will arise.

The department's third key policy priority is *South-South cooperation*. In this respect the emphasis was on partnerships to advance South Africa's development needs and the African Agenda. Examples of such partnerships are the grouping of India, Brazil, and South Africa (IBSA), but even more important, is BRICS (Brazil, Russia, India, China, South Africa). The minister was emphatic about its importance: 'The holding anchor of our South-South cooperation strategy is the BRICS partnership mechanism',<sup>31</sup> although Russia normally does not see itself as part of the South. She stated that South Africa's involvement in BRICS is driven by three objectives, namely to advance South Africa's national interests, to promote South Africa's regional integration and infrastructural programmes, and to cooperate with key players of the South on issues of global governance.<sup>32</sup>

Until 2012 South-South cooperation took place mainly with Asia (including India) and not significantly with Central and Southern America. The minister conceded in her budget speech that the latter was a region that deserves more South African attention.

The fourth key priority area was *North-South cooperation*. The USA is considered by South Africa as a building block for partnerships with the North. In 2012 the South African minister and the American Secretary of State, Hilary Clinton, met for a 'Strategic Dialogue' aimed at strengthening bilateral relations and discussing global issues. In 2012, Europe was still regarded by South African policymakers as a very important partner for trade,

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<sup>31</sup>Nkoana-Mashabane n 19 above.

<sup>32</sup>*Ibid.*

investments, tourism, technical cooperation, and development projects. South Africa's key strategic partners were the EU as a bloc, France, Germany, UK, Russia, the Nordic states, and Turkey. However, it was acknowledged that Central and Eastern Europe should receive added South African attention.<sup>33</sup>

It is noteworthy that these policy priorities also provide insight into how DIRCO is defining South Africa's state identity: it is first part of Africa and secondly part of the global South. The world is therefore plotted on South-South and North-South axes, but the South African decision makers do not attend to where South Africa stands in terms of global East-West relations and issues. It cannot be argued that the West is equivalent to the North (what about Japan, Korea or even Australia?) and neither is the East equivalent to the South and therefore that an identity on the East-West axis is not required.

Finally, South Africa's foreign policy has long been concerned with *global governance* and its reform. As a policy point of departure, in 2012 South Africa again committed itself to multilateralism and a rules-based international order. South Africa's emphasis on the United Nations system has been well-established over the past ten years in order to promote global security, sustainable development, human rights, and international law. The UN is also favoured by the South African government as the 'foremost vehicle' for global development, and by which to address underdevelopment. Very importantly, the South African policy position in 2012 was also that international conflicts should be resolved peacefully in accordance with the global instruments of the UN Charter and public international law.<sup>34</sup>

The latter aspect directs our attention to how South Africa approaches conflict situations in general, especially while it occupied a seat on the UN Security Council during 2011-2012 and was required to deal with Libya and Syria. Though not explicitly articulated in any official document or statement, the South African diplomatic practices amount to a policy approach which can be summarised as follows: for conflicts in Africa, the first criterion is to determine whether they constitute an 'unconstitutional change of government' in terms of the African Charter on Democracy, Elections and Governance. (The Arab Spring in Tunisia and Egypt in 2011 complicated its application but it remained the main guideline). Secondly, the South African approach is always against any form of military intervention or use of the 'responsibility to protect' as a justification, because in its mind this would amount to 'regime change', which was discredited by the Americans in Iraq and Afghanistan. The South African call is, therefore, always for a non-military, political approach.

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<sup>33</sup>*Ibid.*

<sup>34</sup>Nkoana-Mashabane n 19 above; DIRCO n 13 above at 22.



This approach always takes the form of a national dialogue aimed at producing a ‘Roadmap’ for a transition. (The ‘ripe moment’ theory in terms of which talks or mediation are only possible once a ‘mutually hurting stalemate’<sup>35</sup> has been reached by the conflicting parties, is therefore not supported by South Africa.) Such a roadmap should ideally include a multiparty unity government and constitutional talks that culminate in an election. The record of this approach is mixed: it could not resolve the situations in Libya, Côte d’Ivoire (April 2011), the DRC, or Syria, while the results in Madagascar are also still in the balance.

In the next section the focus is on South Africa’s practice of international relations in a select number of spheres.

#### **4 Applied international relations in 2012**

The prominence of the South African president in international relations has already been mentioned. In 2012 President Zuma presented the State of the Nation address to parliament on 9 February. However, unlike most of these speeches in the past, he included almost no references to South Africa’s international relations in this policy speech.

Five official state visits were conducted during 2012. President Zuma visited Jamaica, while he received the leaders of Botswana, Namibia, Lesotho and India in South Africa. The Caribbean, and therefore also Jamaica, is a region the South African government has identified as ‘diplomatically under-explored’ and this possibly explains the visit. It is also one of the most important regions of the African diaspora, which receives increasingly more attention in the AU. It is noteworthy that three southern African states visited South Africa – all three of them are also members of the Southern African Custom’s Union. President Zuma also received the heads of state of Malawi, Nigeria, and the DRC on working visits. All these visits emphasise the prominence of South Africa’s relations with other African states not only in policy statements, but also in practice.

As regards peace and security matters, President Zuma played a prominent role in 2012. He was the leader of the mediation team on behalf of SADC to Zimbabwe in what was a critical time for the finalisation of the parliamentary and consultative processes of constitution-making. South Africa also chaired the SADC Organ on Politics, Defence and Security Cooperation until August 2012. It meant that President Zuma (and Deputy Minister Fransman) were

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<sup>35</sup>Zartman ‘The timing of peace initiatives: Hurting stalemates and ripe moments’ (2001) 1/1/Sept *The Global Review of Ethnopolitics* at 8-18 [http://www.peacemaker.un.org/sites/peacemaker.un.org/files/TimingofPeaceInitiatives\\_Zartman2001.pdf](http://www.peacemaker.un.org/sites/peacemaker.un.org/files/TimingofPeaceInitiatives_Zartman2001.pdf) (accessed 20 July 2013).

responsible for leading the mediation in Madagascar. At the international level, the president attended the Nuclear Security Summit in Seoul.

After his political defeat at the ANC's National Conference in December 2011, Deputy President Kgalema Motlanthe's profile in the diplomatic field declined. He visited or received state representatives from Malawi, Turkey, Germany, Finland, Nigeria, and Italy during the year. The diplomatic interaction that was arguably most significant, was that with Turkish Prime Minister Erdoğan. Turkey is a G20 member, an emerging regional hegemon in the Middle East, but also still cherished EU dreams. The bilateral relations with Turkey have reached a new intensity in the last few years, which the Motlanthe initiatives consolidated.

The Ministry often uses an internal work division, and the pattern of visits during a year can be an indication of this. Minister Nkoana-Mashabane visited Ethiopia, Belgium, Thailand, Myanmar, Cyprus, and Russia during 2012. She also attended several ministerial meetings in preparation for summits to be attended by President Zuma, in particular those for the NAM summit in Iran, the BRICS summit in India, FOCAC in Beijing, the SA-EU summit and the AU and SADC summits. She also served as the COP17/CMP7 President after the Durban conference until the end of 2012, her task being mainly to ensure the establishment of the *ad hoc* Working Group on the Durban Platform for Enhanced Action regarding climate change. It is possible to conclude that these visits and meetings were too diverse to reveal any specific tendency or priorities about the minister's role in the ministry or department.

Deputy Minister Ebrahim Ebrahim held bilateral meetings with the governments of Egypt, Saudi-Arabia, Chile, Malawi, the Philippines, Pakistan, the UK, and China. He is definitely the Deputy Minister who took responsibility for the Middle East, though this did not keep him away from others regions. Moreover, he took responsibility for much of the public diplomacy in the form of regular departmental briefings of the media on international developments, and he went to several universities and research institutions in 2012 to address specific aspects of South Africa's international relations.

Deputy Minister Fransman interacted with representatives from Panama, Hungary, Cuba, the Ukraine, and Switzerland during 2012. He was also responsible for SADC's mediation in Madagascar. His attention was therefore divided between Europe, Latin America and Madagascar in 2012.

A feature of South Africa's bilateral relations is the use of bi-national or joint commissions. The following commissions met during 2012: the South African-

French Forum for Political Dialogue, the 4th South Africa-Chile Joint Consultative Mechanism, the SA-US Strategic Dialogue, the 2nd meeting of the South Africa-Vietnam Partnership Forum, the South Africa-Malawi Joint Mission for Cooperation, the 8th session of the Bi-National Commission with the DRC, the Joint Commission for Cooperation with Zimbabwe, the 3rd South Africa-Argentina Binational Commission, the inaugural session of the Joint Commission of Cooperation with Uganda, the 3rd session of the South Africa-Ireland Partnership Forum, and the 5th South Africa-China Strategic Dialogue Mechanism.<sup>36</sup> Thus, in 2012 activities at this level were dominated by African partners, followed by those in Europe, Asia and Latin America.

## **5 South Africa and the United Nations**

South Africa is a vocal supporter of multilateralism in which the UN is one of the key elements. During the period 2011-2012 the country was one of the ten rotating members of the Security Council, which is exceptionally soon after its first term in 2007-2008. One of the key issues that confronted the Council during this period, was the war in Syria and South Africa's stance on it deserves some attention. Another important event during 2012 was President Zuma's participation in the General Assembly on the rule of law at the national and international levels.

South Africa served as President of the Security Council for the month of January 2012. Hence, that month's agenda could provide an indication of how South Africa used its presiding function to influence the Council. Nine matters were tabled during January. These involved cooperation between the UN and regional/sub-regional organisations (primarily African) in maintaining international peace and security; peace consolidation in West Africa; a report on the developments in Libya; a report by the Secretary General on Côte d'Ivoire; peace and security in the Sahel region as a result of the Libyan conflict; Syria; the Middle East situation, including the Palestinian issue; election of members of the International Court of Justice; and a general discussion of the maintenance of international peace and security. Only one resolution was adopted during this month: Resolution 2033 (2012) on cooperation between the UN and mainly African regional organisations.<sup>37</sup> South Africa was presumably instrumental in the drafting of the resolution and regarded it as very important in developing a sound relationship between the UN Security Council and the AU Peace and Security Council, as well as with regional bodies like ECOWAS and SADC. It is noteworthy that five of the

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<sup>36</sup>Extracted from DIRCO '2012 Media Statements' <http://www.dirco.gov.za/docs/2012/index.html> (accessed 1 May 2013).

<sup>37</sup>UN 'United Nations Security Council – Meeting Records' <http://www.un.org/sc/meetings/records/2012.html> (accessed 17 April 2013).

nine discussions dealt directly with African matters, which were most possibly deliberately planned by the South African leadership to support its intention to give more international prominence to African issues. The Middle East was another important focus area in the Council, which is another interest for South Africa, especially the Palestinian issue.

The South African assessment of its latest participation in the Security Council was first, that it ensured that the African voice was heard in the Council; secondly that South Africa managed to advocate a more coordinated relationship between the Security Council and the AU; thirdly that resolution 2033 (2012) provided a framework for better cooperation between the UN Security Council and the AU Peace and Security Council; and finally, that South Africa still supports reform of the Security Council so that African states can have both permanent and rotating members.<sup>38</sup>

During 2011 South Africa found itself in a complicated situation regarding its support for Security Council resolution 1973 (2011) authorising intervention in Libya. Its apparent contradictory statements on the matter, were officially explained as a product of a poor communication strategy. During its first term in 2007-2008 the same was said regarding controversial voting decisions on Myanmar, Zimbabwe, and the Palestinian question. Therefore, the Syrian issue posed a challenge for the South African delegation to use its public diplomacy better, and to communicate its position more succinctly.

Deputy President Motlanthe explained on 13 June 2012 the South African stance by first condemning the killings in Syria, thereby criticising the Assad regime in public, and at the same time calling for a ceasefire. Secondly, he embraced the Kofi Annan six-point plan of April 2012, as well as Security Council resolution 2043 (2012) calling for a Syrian-led national dialogue to determine a political solution. According to Motlanthe, the South African position was premised on the assumption that peace and stability are necessary preconditions for growth and development.<sup>39</sup>

A month later, Deputy Minister Ebrahim explained South Africa's position in the Security Council vote on extending the mandate of the UN Supervision Mission in Syria (UNSMIS). South Africa relied exclusively on the Annan plan as a possible solution for Syria, and Ebrahim emphatically stated that 'there is no military solution to the dispute'. In the previous section South

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<sup>38</sup>UN Department of Public Information – News and Media Division 'Press conference on ending of South Africa's two-year Security Council tenure' 3 January 2013 [http://www.un.org/News/briefings/docs//2013/130103\\_South\\_Africa.doc.htm](http://www.un.org/News/briefings/docs//2013/130103_South_Africa.doc.htm) (accessed 19 March 2013).

<sup>39</sup>Motlanthe 'Motlanthe reiterates SA position on Syria' *BuaNews* 13 June 2012 <http://www.buanews.gov.za/news/12/12061316151001> (accessed 13 June 2012).

Africa's approach to conflict resolution was summarised and its stance on Syria closely resembles this. Ebrahim made it clear that South Africa supported an extension of the UNSMIS mandate, and that 'South Africa will therefore support any decision of the Security Council that is balanced and geared towards supporting Mr Annan's call for all sides in the conflict to adhere to their commitments under his six point plan'.<sup>40</sup> It should be noted that since the collapse of the Annan plan and the end of South Africa's term on the Security Council at the end of 2012, and given the fact that the military nature of the conflict has become so dominant, the South African government seldom makes statements on Syria.

On 24 September 2012, the high-level meeting of the UN General Assembly discussed the rule of law at the national and international levels. President Zuma participated in the discussion and it provided a platform for him to explain why South Africa is such a staunch public supporter of a rules-based international dispensation. His point of departure was a moral one: the vision of South Africa's foreign policy can only be realised through a global commitment to the promotion of the rule of law, and worldwide respect for human rights. Apart from establishing a correlation between South Africa's direct interests and a more rules-based international order, the statement is unrealistic and did not reflect South Africa's international practice. The country maintains relations with states responsible for serious violations of human rights and that do not support international judicial bodies like the International Criminal Court (ICC), or ignore international conventions on nuclear proliferation and other matters. However, Zuma also drew a correlation between the rule of law and human development, which is worth pursuing.

Given South Africa's stance on UN reform, President Zuma made an attempt to link such reform to the credibility of international law. His question was whether the international community is governed by a system in which the law is 'equally enforced and independently adjudicated'. His assertion was that given the Security Council's 'undemocratic and unrepresentative nature', its decisions will inevitably lack legitimacy regardless of their merits. This, in turn, would render adherence to the international rule of law problematic.<sup>41</sup> As a pragmatic politician, this event allowed him an opportunity to repeat South Africa's well-known policy position. His address, however, failed to consider controversial issues for South Africa and other African states, such as the ICC

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<sup>40</sup>Ebrahim 'South Africa's position on the situation in Syria' DIRCO media statement 19 July 2012.

<sup>41</sup>Zuma 'Address by President Jacob Zuma of the Republic of South Africa to the High-level Meeting of the 67th session of the General Assembly on the Rule of Law at the national and international levels' 24 September 2012 New York.

or the 'responsibility to protect'. He also failed to acknowledge that the Security Council is not the only source of international law.

## **6 Conclusion**

The year 2012 was arguably less eventful for South Africa's international relations than 2011. In 2011 the government prepared and hosted the international COP17/CMP7 meeting which conscientised South Africans to climate change. At the same time, as a member of the UN Security Council and AU Peace and Security Council, South Africa had to deal with the Arab Spring, especially in Libya.

In 2012 the main foreign policy development took the form of resolutions adopted by the ANC's National Conference. Most of the existing policy principles were reaffirmed, and no major changes were introduced. In comparison, the 2007 National Conference was more of a 'watershed event' in that it introduced the Zuma ascendancy to power. The Conference in 2012 was directed more to consolidation than innovation.

With regard to its practical or applied international relations during 2012, these were dominated by South Africa's involvement in the UN Security Council, its responsibility on behalf of SADC to resolve the crises in Zimbabwe and Madagascar, its preparation for the BRICS 2013 summit in Durban, and the election of Dr Dlamini-Zuma as the new AU Commission chairperson. Her election revealed a deep-seated division between Southern and West Africa that challenged any notion of South Africa's leadership in Africa.

An analysis of South Africa's international relations during 2012 indicates that at the rhetorical level, a strong bias towards African matters existed. However, in practice it reveals far more diversity. Africa is certainly a priority, as is South Africa's commitment to the global South. However, instead of linking BRICS to the South (as DIRCO does), it could be argued that BRICS presents a new polarity concentration point in relation to the North and the West. BRICS can be interpreted as a new pole for a combined South and East, in which South Africa can use its South identity to create partnerships with the East (or non-West in the case of Russia and Brazil). Moreover, South Africa uses its membership of the G20 to promote a new and more inclusive centre for the global economy in preference to the G8. These associations provide the basis of a new state identity for South Africa at the international level which reaches beyond Africa.