



The emerging multilayered security architecture: German and South African perspectives on regional and global governance

**Workshop organised jointly by the Hanns Seidel Foundation
and the Institute for Security Studies**

Pretoria, 19 October 2011

Introduction

The African continent is experiencing severe security challenges. It currently occupies at least 60% of the United Nations Security Council (UNSC) agenda, utilises almost half of the 17 United Nations (UN) peace missions, as well as two-thirds of UN peacekeepers, deployed to its conflict ridden countries. These factors require common and global responses, in conflict prevention, conflict management and post conflict re-building as well as for legitimate and efficient global governance.

South Africa and Germany, as current serving non-permanent members on the UNSC, support the UN's involvement on the African continent. South Africa and Germany however maintain that regional security organisations, such as the African Union (AU), the Southern African Development Community (SADC), and the Regional Economic Communities (REC) within Africa play a central role in finding African solutions to African challenges, collectively with the UN. European regional organisations such as the North Atlantic Treaty Organisation (NATO) and the European Union (EU), while important to African regional governance, have a somewhat different role to play.

The workshop "The emerging multilayered security architecture: German and South African perspectives on regional and global governance" was organised jointly by the Hanns Seidel Foundation and the Institute for Security Studies in Pretoria on 19 October and was attended by approximately 40 representatives of various governments and think tanks. Expert opinions were provided from diplomats of the South African and German governments and embassies, as well as from former UN officials. Topics discussed included shifts in global power and influence, perspectives on the roles of the AU, the SADC, the EU and NATO, as well as global governance and perspectives on UN reform.

Welcome: Shifts in global power and influence

Brazil, Nigeria, Germany, India and South Africa have stated their intentions for permanent seats at the UNSC. This representation could encourage calls for UNSC reform of its membership structure. The German government has listed five top priorities for its UNSC membership: peace, security and crisis management; issues with global relevance such as consolidating peace; humanitarian issues; transparency and openness; and UN reform. South Africa's agenda for the UNSC include peace, development and security. The country is a strong advocate of multilateralism as a means to achieve these goals. It requires problems important to Africa regarding peace and security to be placed on the international agenda, while also focusing on the global level. South Africa wants to address conflict and post conflict situations in Africa that dominate the UNSC agenda, thereby emphasizing problems like the need for closer cooperation between the UNSC and the African Union Peace and Security Council (AUPSC), UN peacekeeping intervention in Somalia, children in armed conflict, and women, peace and security.

UNSC reform is also a huge priority for South Africa and it subscribes to the African position reflected in the 2005 Ezulwini Consensus according to which Africans demand two permanent seats with veto powers and five non-permanent positions, instead of the current three. There are signs that both South Africa and Nigeria may be prepared to engage within the AU to amend some of the provisions contained in Ezulwini given the unlikely agreement on the expansion of the veto powers to new permanent members. The AU will engage on the choice of countries once agreement on enlargement is reached. The option of regular elections within Africa for membership at the UNSC may then become an option. Africa can play an important role in enabling reform of the UNSC, since 54 of the 193 members are African states.

It was argued that Europe and Africa have common strategic interests that go far beyond a shared and sometimes troubled history of colonialism and exploitation. Apart from proximity and common security concerns that range from terrorism to drugs, Africa is a swing region in the global struggle for a rules-based system, and Europe remains Africa's largest investor and donor, even as its share of trade declines. These are important considerations to reflect on.

Session 1: Regional governance: South African and German perspectives on the roles of the AU, SADC, EU and NATO

A German perspective

Regional governance is a necessity in current times given the interconnectedness of cross border security threats such as failing states, organised crime and terrorism. Establishing and adjusting regional governance to current developments requires time, but no blueprint exists and time is of the essence.

NATO is the focal point and key platform for transatlantic political dialogue dealing with a range of possible threats to stability and security. The EU, similarly, has built its own European and Security Defence Policy (ESDP), with independent EU capabilities aiming at a common European defence. Both the EU and NATO offer non-EU member countries the option to cooperate in joint missions and there is a clear overlapping of members, objectives and potential operations. Division of labour works as follows: both NATO and the EU occasionally perceive threats differently and have different views on threat response. This allows for the EU and NATO to use their comparative advantages, avoid duplication and improve effectiveness. The Berlin Plus Arrangement, a NATO/EU strategic partnership allows the EU to make use of NATO operational capabilities and assets whenever NATO is not engaged.

On the Libya issue and the implementation of resolution 1973, consensus was clear amongst all partners that NATO would lead a military mission with 'the principle to protect'. Time was of the essence but the UN-consensus partially fell apart on implementation. This case demonstrated the differences in voting for a resolution and implementation of the resolution. It further demonstrated a clear case of overlapping responsibilities between Europe and Africa. The Libya issue provided an opportunity for NATO and the AU to enhance relations and consultations by keeping each other informed on the implementation of Resolution 1973 and the timing of meaningful mediation.

On EU African relations, the Joint Africa-EU Strategy (JAES) signed by 53 African states and 27 European member states, interlocks the cooperation of the regional organisations and marks a convergence in EU and AU external relations, including in security. The EU views Africa as geopolitically strategic to its own security, although the enhancement of Africa's security is essential to promoting the EU's own security. The JAES focuses on a multilateral approach as well as bilateral country-to-country approach, it aims at achieving greater legitimacy such as the engagement between the AU, EU, SADC and the Economic Community Of West African States (ECOWAS), and it respects the principle of African solutions for African problems.

A South African perspective

The activities of SADC and the AU cannot be divorced from that of the UN as the objectives, role and actions of the regional organisations are based on the principles of the UN Charter. The challenge for regional organisations is to determine if the objectives are being realised. A commissioned study on ways in which to improve the work of the UN through regions and sub-regions, found that gaps did exist. The aspect to cover is a serious meaningful consultation among the teams that come up for a common position for a common cause, for instance on UN reform.

The issue of responding to security threats can be dealt with by consultations, collective security and collective decisions and the actual interface between the various peace and security layers. On the Libya issue, South Africa had agreed on the contents of Resolution 1973 and that particular actions had to be taken. Questions were however raised as

to the consultation process and a common position - whether NATO was the only option, and why regional bodies were not approached. Collective security talks to a collective position and collective action, and global members of a global family have to be like equal members of the group. It would have been prudent to work with those regional organisations that are in close proximity than to exclude them from the process.

The principles, modalities and guidelines of the UN Charter are wanting. Rather than using collective security the UN selectively uses regional organisations. SADC for example, is managed in a manner that is quite circumstantial. Many constraints are posed by the principles of the UN Charter, particularly on operational matters and regional organisations are excluded from policies, budgetary issues, and other pertinent happenings. Urgent reform of the UN is called for given the regional exclusions.

Discussion

The lack of cooperation and dialogue of the South African government with the EU, NATO and the UN on the Libya issue was highlighted particularly due to EU investment of military might, as well as funding on post conflict issues and development in Africa. It was said that South Africa would continue to marginalise itself if dialogue with other regional powers was not opened. Counter responses favoured the view that European regional organisations and the UN were responsible for marginalising the AU, and the behaviour of the UK, France and the USA was not excusable. The implementation of Resolution 1973 was an opportunity for a consultative as well as mediative process – but the course of 1973 would not have changed with consultation. The weakness demonstrated by the AU on the issue of Libya, particularly the appointment of a low level working group, the AU plan, the slow response, and ultimately the silence and self-marginalisation, were highlighted in the discussion, as was the AU's silence on Gaddafi's 40-year rule. Moreover, it was stated that colonisers should not have been involved in the solution to the Libya problem, and Resolution 1973 should have stipulated a condition for the National Transitional Council (NTC) to disarm, rather than be provided a seat at the UN while not having formed a government.

Africa's principle of African solution to African problems was also noted as being acceptable to the EU, but Africa would be required to build its assets and capabilities, or its opinion on a particular issue would continue to be limited. It was argued that the African solutions for African problems mantra was misunderstood as Africa could not do so without the assistance of other powers.

Session 2: Global governance – perspectives on UN reform

The concept of the contradiction of legitimacy and effectiveness of the UN is only partly true. While regional organisations are important and often necessary, they are not sufficient for resolving issues on the international agenda; for example, the conflict in Darfur required the UN to send peacekeepers to the area despite the AU capacity. Regional solutions were

preferred in the early 1990s but never prevailed due to regional organisations working without a UN mandate. Thus the UN does bring legitimacy and effectiveness to many situations but the UN is constrained by capacity issues.

The struggle between the legitimacy of the UN and its effectiveness is a forced dilemma but not a complete trade-off. While there has been constant and prevailing undue focus by the Permanent 5 countries (P5) on national interests and the inappropriate use of the veto power, the real trade-off is between the interests of states and the interests of people. Reform should be about people not states.

Devising a reform about people is challenging, and simply increasing the numbers of states on the UNSC could worsen the situation. Currently *realpolitik* is blocking reform and to change purely the balance of power is not sufficient. Countries are fiercely resisting change. The political, economic and security realities are changing as nothing remains permanent and the continued decline of the UN is inevitable. The status quo can however remain for a long time and decline will affect the general Assembly not only the UNSC. Furthermore, despite the decline, progress of recent years in developing a normative agenda and a set of tools for the protection of women and children, protection of civilians, security sector reform and such has been evident.

Other bodies such as the G20 do not possess the capacity or political will to step into any space and this suggests that the UN should continue but be reformed taking into account the interests of the people. The dissatisfaction of the people of the Arab Springs due to the failure of its leaders suggests that people should be treated as objects of policy not subjects of policy. The challenge is how to mitigate *Realpolitik*. An open analysis of the problems of the UN are required rather than to aim straight for a solution. Among others, the following problems can be identified:

1. The power imbalance of the veto power. The veto is more of a problem than the problem of imbalance. The veto gives powerful countries an exceptional power even if they not entrenched in Charter. The veto cannot be legislated away thus should be withered away.
2. Inconsistency of focus to address some issues and not to address other issues. This is because of the primacy being given to the interests of states as opposed to the interest of people. This cannot once again be legislated away but be made to wither away over time so that power can be used as was intended in 1945, to protect ones own immediate natural security.
3. Due process is an exclusive subculture and perpetrates the interest of the state. Parties to conflict should be present at the table; rather, the UNSC takes a decision then invites the parties to discussions.

4. Appropriate resourcing is required for the UN itself, for example, for non-military purposes in which conflict prevention should be resourced not armed conflict.

Discussion

An argument was made that UN reform was not an issue, in as much as the UNSC not living up to its compact of 1945 was. While this was agreed with, the change in the global architecture of the EU, the end of the Cold War, as well as decolonisation, raised a new set of issues and challenges. It was advised that all the principles and factors for reform should be explored first before any change was effected. In 2005, changes effected to the UN, such as in peace-building, resulted in much success.

It was advised that reform requires a meaningful process and should be brought about with minimum change to the UN Charter. Eight to ten members should serve for one term, and should deal with the challenges and principles of reform such as structure, resources, capacity and implementation. A huge political leadership of committed countries is required to bring about reform to the UN - not a UN of 193 countries, but a small group of IBSA (India, Brazil & South Africa), BRICS (Brazil, Russia, India and China) and other groups.

The likelihood of GIBSA, comprising Germany, India, Brazil and South Africa, as the new G4 was suggested as being unlikely as dynamics within the world are changing constantly, and a series of new overlapping partnerships and groups were emerging, discussing security as well as issues such a science and technology.

The US, it was stated, is AN obstacle to reform but not an insuperable obstacle, and a way has to be found to get the US to go along with reform. This would require political bipartisanship in the US that has been absent for a while. A larger package is needed to live and re-capacitate collective activity.

Exchanging South African and German perspectives – common ground?

South Africa and Germany's need for permanent membership of the UNSC was discouraged due to various reasons. One reason provided was the huge financial cost associated with the position. The other reason provided was the need for strong voices to counter the aims of the Permanent 3 (P3) members, as most resolutions are generated by the P3, with rare contributions from Russia and China. The third reason provided was the disadvantage to the new permanent members, as P3 members do investment of resources in the operational functioning of the UNSC and this is advantageous for them.

Other reasons include that new permanent members would be required to serve legitimacy and efficiency, stand up to the P5, as well as withstand the pressures of the UN. The UNSC as it stands has many criticisms directed towards it including the inability to hold NATO to account for human rights violations perpetuated in Libya, not holding Zimbabwe and Kenya liable given the interest of the P3 in the countries, and withholding

Germany and Japans permanent UNSC status despite their respective second and third highest financial contributions to the UNSC.

Discussion

South Africa's continuous use of and reference to the 50 year-old UN Charter was criticised as regressive and not in line with current developments, particularly as it continues to guide applications in 2011. The counter argument was that the rules-based system allows smaller countries to hold super powers accountable.

The perspective of South Africa on the Responsibility to Protect (R2P) policy is that it was important for the protection of civilians in Libya, but was severely abused by NATO for purposes of self-interest. It was further stated that the UN never investigated the killing of Black Africans by Gadaffi, and none of the countries as well as the AU ever stood up to Gadaffi's rule for 40 years, but the countries continued to use Gadaffi's money to their advantage.

On the Group of 4 (Brazil, Germany, India and Japan) issue, it was stated that the G4 is a powerful group as it came the closest to forcing some kind of breakthrough with UN reform, to the extent that even the Coffee Club, founded by Italy, Pakistan, Mexico and Egypt, began falling apart. The dynamics of the G4, it was said, requires changing but its current direction will not significantly change a UNSC that will behave any differently. A win-win situation is needed where all countries will benefit, instead of fierce resistance. Change will come sooner if a series of broader amendments is undertaken.

In terms of South Africa's lax approach to issues, it was advised that Germany and South Africa should undertake to write resolutions, for example, the UNSC passed a resolution lifting the arms embargo in Libya, but no resolution was passed lifting the NATO bombings. Thus if a country wishes to abstain from voting for a particular resolution, they should be proactive and write a counter resolution, despite the possibility of a veto.

Conclusion

The workshop concluded with the point that the multi-layered security architecture for regional and global governance is inevitable. South Africa's inactions in not solidifying its position, as well as the adoption of the legalistic approach have resulted in loss of African support and are contributing to its isolation. On the ground experience is fundamental and Germany and South Africa stand to benefit tremendously by forming a partnership.