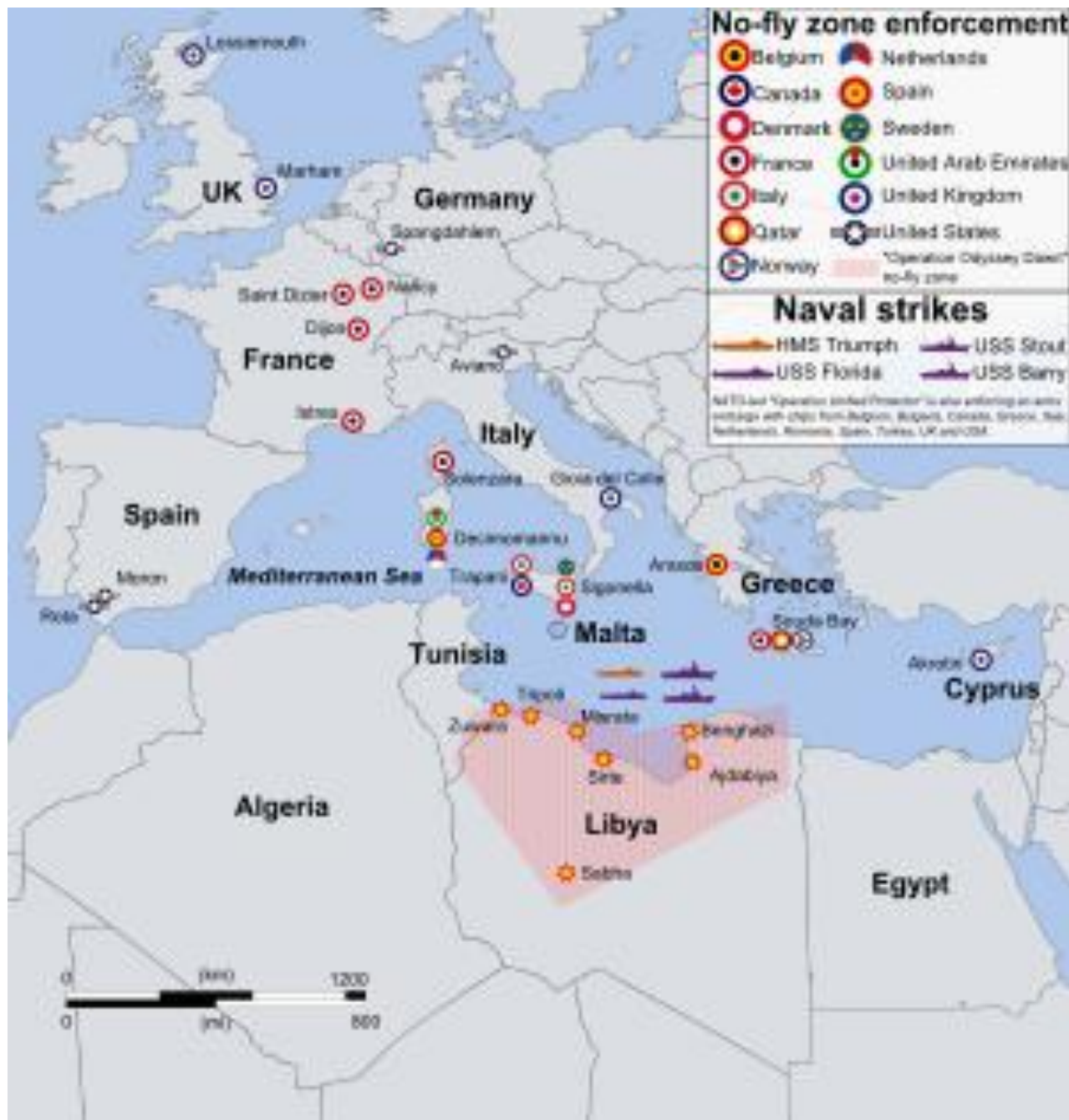


# Norm dynamics and ambiguity in South African foreign policy: The case of the no-fly zone over Libya

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# Introduction

When Muammar Gaddafi's forces bombarded Libya's third largest city and advanced on the rebel stronghold of Benghazi in March 2011, the UNSC adopted Resolution 1973, thereby imposing a ban on all flights in the Libyan airspace – a no-fly zone. Importantly, the resolution also committed member states to “take all necessary measures, to protect civilians and civilian populated areas under threat of attack”.

In a “significant move”, South Africa voted in favour of the resolution. The South African government practically put its weight behind the international principle or normative orientation that sovereignty carries with it the responsibility for states to protect persons and human rights.



- The implementation of the UNSC vote in favour of a no-fly zone in Libya was met with mixed and opposing reactions by South African foreign policy observers and commentators in the period immediately after Western forces started to enforce the no-fly zone in March 2011.
- The South African government, soon after the initial stage of multinational military operations stated that “if you read the resolution itself, you will see it is very clear about no military intervention or foreign occupation of Libya”.



- In what seemed a contradiction of support for the no-fly zone, Cabinet made an appeal to relevant international role-players to “respect the unity and territorial integrity of Libya as well as its rejection of any foreign military intervention”.
- Critics asserted that South Africa had to be goaded into accepting a no-fly zone, but soon turned against its own position. For some observers President Jacob Zuma had adopted the philosophy of his predecessor, Thabo Mbeki, which was especially evident in South Africa’s relations towards Zimbabwe, namely to support the incumbent no matter what. These issues will specifically be discussed.

Certain ideas have been pivotal in shaping the vision, goals and strategies of Pretoria's foreign policy and these ideas need to be explored. From a scholarly point of view, the concept of *norm subsidiarity* seems to be quite helpful in explaining something of South Africa's confused stance on action taken against Libya. This will also specifically be explored.

## Structure of the study

- ▶ Background
- ▶ South Africa: An analysis of mixed views/reactions
- ▶ South Africa and norm dynamics in the Developing World
- ▶ South Africa's foreign policy and norm dynamics

## Background

- ❖ “The responsibility to protect”: UNSC Resolution 1973.
- ❖ The notion of sovereignty was qualified by the ever increasing impact of human rights in international norm dynamics. While there has been no abandonment of the norm of non-intervention in the internal affairs of states and furthermore no transfer or dilution of sovereignty, there has been a “re-characterisation” of sovereignty in the context of international norm dynamics.



## SOUTH AFRICA: AN ANALYSIS OF MIXED VIEWS

- South Africa's official position on the implementation of UNSC Resolution 1973 should firstly be viewed and analysed against the background of mixed views among South African foreign policy observers and commentators.
- Most foreign policy observers and commentators were sceptical towards the UNSC decision. But not all formed part of the chorus of criticism.

- ① One of South Africa's most authoritative commentators in favour of enforcing the no-fly zone in the Libyan airspace was Prof. Adam Habib.
- ① Habib premised his view on the point that in essence, the dilemma posed by the crisis in Libya was no different from that which the international community have often been confronted with elsewhere. For Habib, the question relating to norm dynamics was how and under what conditions should intervention occur to protect citizens from their own governments?

- ⦿ Habib also added a moral grounding to his arguments. “I ask: what would you have done as children, women and men in Benghazi and other opposition-held cities confronted by the potential of slaughter by an autocrat?” In his opinion the main purpose of the no-fly zone was to prevent a massacre in Benghazi and other opposition strongholds.
- ⦿ However, what was especially alarming to some South African observers were statements made by US decision-makers that rebels in Libya might be supported or armed by Western military forces.

- ⦿ For authoritative political commentator, Xolela Mangcu the link between intervention in Iraq and enforcing a no-fly zone in Libya was simply too evident and problematic.
- ⦿ Mangcu: “... the coalition forces seem intent on exceeding the mandate of UN resolution 1973, which is aimed only at protecting civilians from aerial bombardment by Gaddafi’s forces. But the language of the coalition leaders increasingly smacks of regime change... It seems to me that, short of a new UN resolution specifically aimed at Gaddafi’s removal, regime change would be no different from the US invasion of Iraq under George Bush....”



- ⦿ AU position: “silent diplomacy”?
- ⦿ Mtshali: “I can’t imagine, for the life of me, why the AU does not do anything about all the tyrants running around our continent. Oh wait, I forgot, most of them are dictators as well. As long as that is the lay of our land, we do not have any right to criticise NATO for taking matters into their own hands when it sees a deranged dictator killing his people... I would like to see more action by the AU on African dictators, and less yadda yadda.”

# SOUTH AFRICA AND NORM DYNAMICS IN THE DEVELOPING WORLD

- ◆ Whereas the South African delegation at the UNSC voted in favour of a no-fly zone over Libya – fully aware that enforcement of the resolution would entail air strikes – South African diplomats in New York soon after insisted that South Africa 's vote for Resolution 1973 was solely based on the interest of protecting civilians from Gaddafi's forces.
- ◆ The launching of air attacks on targets in Libya immediately sparked reaction from the AU, who was silent on the issue until 20 March, a day after international military action began. In a rather late than never kind of response an ad hoc High Level AU Panel on Libya stated that it opposed any foreign military intervention in Libya and that Libya's sovereignty should be respected.

- ◆ The South African government made it clear that it was committed to working within the ambit of the AU in the regional-African context to find a solution to the political crisis in Libya.
- ◆ The conceptual tool of what Acharya refers to as “norm subsidiarity” is a useful theoretical tool to explain the role of developing world countries in world politics. Norm subsidiarity also seems to be helpful in explaining something of South Africa’s “confused stance” since Western forces started their attacks on Libyan targets.

- ◆ Norm subsidiarity is the process whereby local or regional actors develop rules or create norms with a view to “preserve their authority from dominance, neglect, violation, or abuse by more powerful actors”.
- ◆ There has been a tendency among developing world role-players to question existing international norms as a response to the “tyranny” of higher level institutions in global governance. Specifically, role-players in the developing world resort to norm subsidiarity when confronted with what is perceived as great power hypocrisy. Of much importance is when the principle of nonintervention in the affairs of states is violated (eg. Libya).



# SOUTH AFRICA'S FOREIGN POLICY AND NORM DYNAMICS

- ▶ From a macro political perspective, two issues are thus of major significance in South Africa's foreign policy: the solidarity of South Africa with the AU and the importance of Africa in the foreign policy of South Africa.
- ▶ Through 'subsidiarity norms', local actors offer normative resistance to higher level institutions or great powers. At the same time, local actors – like the South African government and the AU in this particular case – claim the right to formulate rules and deal with local or regional issues without intervention by any higher level authority.

- ▶ Acharya makes an interesting point by arguing that system-dissatisfied weak states/powers tend to be more prone to norm subsidiarity than system-satisfied weak states/powers.
- ▶ The question that needs to be explored is to what extent are South Africa's current foreign relations a result of or driven by dissatisfaction with the system status quo – especially given the South African government's ongoing insistence that the reform of the UNSC is urgent and that the South African government would go a long way to assist in rectifying inequitable power relations.

- ❑ Laurie Nathan: Pretoria's foreign policy stand of recent years should be understood in the light of an anti-imperialist paradigm which was especially evident during the rule and foreign policy approach of former President Thabo Mbeki.
  
- ❑ This anti-imperialist paradigm revolved around the following themes:
  - ▶ the iniquitous political and economic power imbalance between the North and the South;
  - ▶ the need to reform the UN, the Bretton Woods institutions and other international organisations;
  - ▶ the domineering and hypocritical approach of Western states that use powerful international organisations to chide and bullying developing countries;
  - ▶ South-South co-operation and solidarity as a form of collective strength.

## EVALUATION AND CONCLUDING REMARKS

The case of the no-fly zone over Libya once again underscored the point that ambiguity has been and still is a theme running through the literature on South Africa's foreign policy.

- On the one hand, South Africa officially supports an international norm system where sovereignty is no longer providing protection to any state against attack from the outside while engaged nationally in the most brutal human rights abuses. In the 2011 Budget Speech, the Minister of International Relations and Co-operation stressed that the importance of the UNSC cannot be understated and called on all its members to respect the letter and spirit of the UNSC resolutions.
- On the other hand, the South African government – operating in and inspired by the regional AU framework – has come to view UNSC authorisation for intervention action, specifically in Africa, with increasing scepticism as abuse by more powerful actors in the form of acts of dominance and violation.



Peter Schrank



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SA FOREIGN  
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INTERNAT. RELATIONS MINISTER  
**NKOANA-MASHABANE**



- ◎ Tom Wheeler: “None of this makes any real sense... There is no substance, no coherence”.
- ◎ The Economist strikingly observed that South Africa often appears to be pursuing two contradictory sets of values. In some instances Pres. Zuma is upholding the principles of national sovereignty and non-interference — principles that suit despots around the world. In other instances he (Zuma) insists that his “primary objective” is to contribute to democracy, human rights and justice in the international community. “The result is a mishmash of unpredictable responses to apparently similar situations in different countries.”