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Anticipating the Sting of the French Referendum

France's early support of the ratification of the European constitutional treaty is critical for its successful adoption

Europe's 465-page constitutional treaty requires ratification by all 25 national governments of the European Union (EU) before October 2006 for it to come into force. But some domestic constituencies are difficult to convince of the benefits of the new treaty.

Concerns are growing that a no vote in the upcoming French referendum on 29 May 2005, could pose a serious setback to Europe's attempt to create a more politically and economically integrated club. A negative result could also undermine the deepening and expansion of the Euro zone and would be particularly detrimental to Turkey's bid for membership, despite the EU's decision to embark on accession negotiations with Turkey this year. As one of the founding fathers of the Union and a key architect of the revised treaty—former French president Valéry Giscard d'Estaing headed the 108-member convention that developed the new constitution—the outcome of the French vote will send an important political signal about the underlying competing interests between the nation states and the Union.

The revised constitution attempts to simplify the various overlapping treaties and protocols that underpin the Union; clarify the respective roles of the European Parliament, the Council and the Commission; enhance decision-making within the EU; and lastly, foster a stronger sense of belonging among continental citizens. It also seeks to engender closer policy congruence among members through the election of an EU president and an EU foreign minister, in addition to a reduction of the number of European Commissioners by at least a third from 2014 onwards. While member states retain their national veto on taxation and most

foreign policy issues, they have had to compromise on the harmonisation of certain aspects of criminal law, and a decrease in sovereignty on foreign trade, agriculture, fisheries and the environment.

The two-year negotiation process that accompanied the drafting of the new constitution ended on 29 October 2004 with the signature of the treaty by the EU heads of state and government. However, this represented only the first step in the formal adoption of the new treaty. France and seven other member states will hold plebiscites to ratify the document, while the remaining countries will leave the decision to their respective legislatures. Parliaments in Lithuania, Hungary, Slovenia, Italy, Germany, and Greece have already endorsed the treaty, as have voters in Spain. But voters in France seem to have turned their backs on the constitution.

According to a poll conducted by BVA published in *L'Express* on 19 April 2005, 58% of respondents are likely to reject the constitution in the coming referendum, despite pronouncements by Prime Minister Jean-Pierre Raffarin that his government will attain an endorsement of the treaty.

Previously enthusiastic, French citizens now consider the threat of lower-cost labour and stiffer competition from the new 'eastern' members, together with various other cost-cutting measures as clearly undermining established interests. The referendum happens at a time when France's unemployment exceeds 10% and business confidence is slumping. Protests against labour law deregulation and salary restraints are coinciding with a sharp fall in President Jacques Chirac's popularity. Many on the French left, for instance, see it as far too coloured by free-market

French Referendum continued:

principles representing a dangerous kind of 'Anglo-Saxon liberalism' that would endanger the French social model that rests on high taxes and protectionism. Voters are pooling their strength, fearful that the treaty would damage France's national interest, sovereignty and individualism.

This hardening of opinion against the treaty illustrates the changing attitudes to enlargement and closer integration in Europe. The new constitution is perceived to be tipping the balance too heavily towards pan-Europeanism, thereby undermining social cohesion and homogeneity.

Worrying for the pro-Europe enthusiasts are that this attitude is not only manifesting itself among the French, but is also prevalent among the British, Czechs, Poles, and the citizens of the Baltic states.

In the Netherlands it is widely feared that voters may use the referendum scheduled for 1 June 2005 to vent their anger against the centre-right government of Prime Minister Jan Peter Balkenende, because of high unemployment.

Ironically, in Britain it is the right, not the left that is most critical. They regard the constitution as too rigid and corporatist, and too influenced by Gallic centralism and German regulatory instincts. Britain does not accept the French idea that Europe can counterbalance American power in a 'multi-polar' world where the French-German axis sustains French influence. However, at this stage it is almost certain that the Labour government would lose a referendum on the constitution.

Therefore, a rejection by France of the treaty at this point in time could pre-empt that likely embarrassment. Both the British and Danish governments have decided to delay their referenda until 2006, in the hope that a series of approvals elsewhere in Europe will create the momentum for a positive result in their countries.

Clearly sentiments about the treaty in other member states might just assist to carry the day. Germany opted for parliamentary ratification of the constitution and achieved an overwhelming endorsement of the treaty. The German Bundestag had no difficulty approving the new constitution when 569 parliamentary

| MEMBER STATE | PROCEDURE | DATE SCHEDULED |
|---|---|--------------------------|
| Austria | Parliamentary | May 2005 |
| Belgium | Parliamentary | 2005 |
| Cyprus | Parliamentary | May 2005 |
| Czech Republic | Parliamentary | June 2005 |
| Denmark | Parliamentary | 27 Sept 2005 |
| Estonia | Parliamentary | Not fixed |
| Finland | Parliamentary | End of 2005 |
| France | Parliamentary | 29 May 2005 |
| Germany | Parliamentary | 12 May 2005 - approved |
| Greece | Parliamentary | 19 April 2005 - approved |
| Hungary | Parliamentary | 20 Dec 2004 - approved |
| Ireland | Referendum + Parliamentary | End of 2006 |
| Italy | Parliamentary | 6 April 2005 - approved |
| Latvia | Parliamentary | Beginning of 2005 |
| Lithuania | Parliamentary | 11 Nov 2004 - approved |
| Luxembourg | Parliamentary and Consultative Referendum | 10 July 2005 |
| Malta | Parliamentary | July 2005 |
| Netherlands | Parliamentary | 1 June 2005 |
| Poland | Referendum | 25 Sept 2005 |
| Portugal | Referendum | Early Oct 2005 |
| Slovakia | Parliamentary | 11 May 2005 - approved |
| Slovenia | Parliamentary | 1 Feb 2005 - approved |
| Spain | | 20 Feb 2005 - approved |
| Sweden | Parliamentary | Dec 2005 |
| United Kingdom | Parliamentary + Referendum | Early Jan 2006 |
| <i>Information from Europa: http://europa.eu.int/constitution/ratification_en.htm</i> | | |

endorsements encountered only 23 rejections and only two abstentions on 12 May 2005. The German government is confident that the ratification process in the other member states will continue, even if the French reject the treaty.

Yet, the way forward is uncertain if any of the EU member states reject the treaty although repeat referenda are a possibility. After the Maastricht Treaty was rejected by Denmark in 1992, and the Nice Treaty by Ireland in 2001, both countries were invited to repeat the vote. The majority of their electorates then endorsed the treaties. However, negative majorities would seriously delay the process, especially as this threat now comes from some of the founding nations of the new Europe.

There has been growing concern that the increasingly inward focus of the EU following the recent accession of 10 relatively less prosperous Central-Eastern

European states, to be followed in relatively short succession by Romania and Bulgaria, could marginalise Africa on the EU agenda. However, this is highly unlikely. Both the EU and the G-8 consider Africa a priority area to help achieve the Millennium Development Goals. Britain, which is set to take over the EU presidency in July this year, as well as chair the G-8, has put Africa at the centre of its agenda for both bodies through the recent report of the Commission for Africa. On another level, the 'woes' befalling EU integration are instructive for Africa's own attempts at integration. Notwithstanding substantial deepening and widening since the Treaty of Rome, many European citizens still hesitate to embrace a more continental political identity.

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Toward a Sustainable Peace in Côte D'Ivoire?

The persistent mediation of South Africa in finding a solution to the deeply seated and intractable conflict in the Ivory Coast seems to have borne some fruit with the symbolic handing over of weapons by pro-government militias this week. The Peace Accord that was signed on 6 April in Pretoria demanded that paramilitary and pro-government militias hand over their weapons before the rebels disarm. After several false starts, the official starting date for the disarmament of the rebel groups has now been set for 27 June.

Indeed the involvement of President Mbeki under the auspices of the AU Peace and Security Council, has extracted important concessions from President Laurent Gbagbo's government to resolve the civil conflict that erupted five years ago. The most important of these is the decision to allow all parties who signed the January 2003 Marcoussis peace agreement to contest the presidential elections that are scheduled for 30 October this year. President Gbagbo, in a carefully executed *coup de grâce* resorted to Article 48 of the constitution, which allows the president to use extraordinary measures when the sanctity of the country's institutions or the territorial integrity of the country are at stake, for his change of heart.

He had previously insisted that a national referendum is necessary on the *Ivorité* question regarding who qualifies to be called an Ivorian and hence stand for presidential office. The principle of *Ivorité* had been used to exclude presidential candidates who did not have two Ivorian-born parents.

Gbagbo's relenting on this point opens the door for the candidacy of the former Prime Minister and the leader of the largest opposition party in Côte d'Ivoire, Allasane Ouattara. The exclusion of Ouattara has been widely considered as the most critical obstacle to the return of peace and stability in the country. Côte d'Ivoire, which has essentially been divided into a rebel-held North and a government-held South, has descended into economic chaos and political anarchy over the last five years. Previously, a leading economic power in West Africa, the world's largest exporter of cocoa and a significant producer of coffee, palm oil and gold, the country has gone into an economic tailspin after the conflict broke out. One of the most significant achievements of Mbeki's mediation efforts was to bring all the parties to the conflict together under one roof for the first time since 2003 to discuss the future of the country.

However, the end of conflict does

not automatically lead to peace and stability. Much still remains to be done to ensure a peaceful outcome in Côte d'Ivoire. These include the strengthening of the UN presence in the country, the successful disarmament of the belligerents, the preparations for the elections and the rebuilding of confidence in the political institutions as vehicles for aggregating conflict.

According to the current time-frame, the country has just over six months to prepare for one of the most important elections in its history. Only time will tell whether Pretoria's spirit of reconciliation will prevail in the hard cut and thrust of, now hopefully, the upcoming political contest between the parties. To ensure a positive outcome South Africa must ensure that the political commitment to peace made by all parties in Pretoria is followed through in the coming months. In addition, significant pressure and support from ECOWAS, the UN and other important role players such as France are required to ensure that the parties abide by their commitments. Côte d'Ivoire might yet prove to be a successful example of the South African model of the road to peace and reconciliation.

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The Unresolved Dilemma of North Korea's Nuclear Capability

To what extent is Washington and Pretoria seeing eye-to-eye on the DPRK?

Although South Africa is regarded by many, including the US, as the poster child for nuclear disarmament, its red-carpet treatment of the North Korean Vice President of the DPRK Presidium, Yang Hyong Sop, in March is seen by some as being at odds with its principles of non-proliferation.

In an interview in 2003 with John Wolf, US Assistant Secretary of State for Nonproliferation, US correspondent Charles Cobb asked: 'Do you consider South Africa...the model of nuclear disarmament?' Wolf replied, 'South Africa has been a voice in favour of the non-

proliferation treaty... has consistently played a leadership role both in the nonaligned movement and in the NPT context.' By implication then yes, it is a model, an example, says Wolf, of what it is 'to stand up and say the nuclear non-proliferation treaty is under attack and we're prepared to fight for it.'

Defend perhaps, but fight? As direct a contravention to the principles of non-proliferation as the North Korean nuclear programme is, South Africa is not about to tussle with Pyongyang. It's not prepared to be pretentious either, even if it is the

archetype poster child for nuclear disarmament. South Africa chose instead to bring out the red carpet and, on 16 March, hosted a high-level delegation of the DPRK on an official visit. The decision highlighted South Africa's 'questionable' pattern of friendships with pariah states, at least that is what the opposition claims. Deputy President Jacob Zuma, however, insists that the move to strengthen bilateral ties with North Korea is in South Africa's best interest and 'should not be misinterpreted.'

Yet, from a purely bilateral perspective North Korea barely

North Korea continued:

registers on the horizon. In 2004, bilateral trade amounted to only R1.5m, down from R40m in 2003. It is South Africa's insistence on the avoidance of confrontation at all costs that should explain its engagement with the DPRK. 'We have a view that nuclear technology should be utilised to benefit the people of the world, not for destructive purposes.' That, says Zuma, is why the international community needs 'an atmosphere conducive to negotiations' and must 'respect and recognise the sovereignty of countries involved.'

Respect and recognition need not be synonymous with tacit support, but South Africa's position has been interpreted that way. So when Yang said the North Korean government 'treasures and values' human rights, Zuma chose not to probe, just nodded instead. A month later, South Africa's delegation took those words with them into the United Nations Human Rights Commission (UNHRC) and voted *against* resolutions condemning human rights abuses in North Korea. That puts South Africa and the US on opposite sides of the fence. While the US is hoping to coerce Pyongyang into forfeiture, South Africa does not want to rock the boat.

North Korea's 'tussle' with the US began six weeks after the inauguration of President Bill Clinton in 1993, when it announced its withdrawal from the Nuclear Non-Proliferation Treaty (NPT). By May 1994 North Korea had removed 8,000 fuel rods from its 25-megawatt reactor – enough plutonium to make five or six atomic bombs. Washington enunciated its bottom line: 'We do not want war and will not provoke a war over this or any other issue in Korea'; but if UN sanctions 'provoke the North Koreans into unleashing a war...that is a risk that we're taking.'

As it happened, former President Jimmy Carter went to Pyongyang and, promising to undercut the UN sanctions strategy, won a pledge from Kim Il Sung to freeze the North's nuclear programme. President Clinton, with little support from the foreign policy establishment, took charge of the Carter initiative and finally persuaded North Korea to roll back its nuclear arms programme in exchange for 'compensations' based largely on the Carter-Kim

Il Sung deal. The deal hit a snag. On 4 October 2002 North Korea acknowledged that it had initiated a clandestine programme to produce enriched uranium, despite a pledge not to do so in Article 3, Section 2 of the 1994 Agreed Framework. US foreign policy decision-makers shifted into pre-emptive action. Instead of deterrence, the US would have what political scientist Thomas C. Schelling once called 'compellence': marshalling American military might to shake up 'potential' adversaries. North Korea was singled out by President George W. Bush as one of three nations in a putative 'axis of evil' and in 2002 made the National Security Strategy's hit list of 'rogue states'. Bush abandoned Clinton's nearly successful attempt to buy out North Korea's medium- and long-range missiles, would not offer compensations in the form of either aid or investment, and gave no written assurances that North Korea would not be the target of Washington's nuclear wrath. The US position was clear: 'America and the world will not be blackmailed.'

The result? On 10 February 2005 North Korea said publicly for the first time that it had nuclear weapons and was suspending indefinitely participation in the six-way nuclear disarmament talks between China, the US, Russia, Japan, South Korea and Pyongyang. North Korea maintains that it 'manufactured nukes for self-defence to cope with the Bush administration's undisguised policy to isolate and stifle the DPRK', to quote *The New York Times*.

Washington denies the accusations, but refuses to negotiate on Pyongyang's terms and has since been debating a plan to seek a UN resolution empowering the US to intercept shipments into or out of any country that might contain nuclear materials or components – a plan tantamount to a quarantine of North Korea. Renewed activity at a suspected North Korean nuclear test site has only pushed more of Washington's 'red line' buttons, prompting Secretary of State Condoleezza Rice to send out a warning: 'The United States maintains significant, and I want to underline *significant*, deterrent capability of all kinds in the Asia-Pacific region so I don't think there should be any doubt about our ability to deter

whatever the North Koreans are up to.' No doubts about US capabilities, but what about the ramifications of a war? In 1994 a US commander, General Gary Luck, estimated that as many as one million military and civilian casualties, including 80,000 to 100,000 American lives, would be lost should the US pursue military action against North Korea. Not only is the anticipated body count a deterrent, so is the fact that the US's capability is quite stretched because of its troop deployments in Iraq and Afghanistan.

So Washington stands at a crossroads. If it remains committed to overturning so-called 'regimes of tyranny', it should continue to adopt unrelenting measures against Pyongyang. But what has the current approach achieved? As Charles Pritchard, former ambassador and special envoy to North Korea, says of this administration's decision-makers: 'They blew it.' The ABC approach – 'Anything but Clinton' – has aggravated, not moderated the historical enmity between Washington and Pyongyang. The alternative then is a stab at diplomatic give-and-take or, in the well-chosen words of Senators Sam Nunn and Richard Lugar, 'cooperative threat reduction.' Outside the six-party talks, the US has shown too many inconsistencies with its commitment to negotiations. If Washington refuses to make any concessions, Pyongyang will not relent on its nuclear programme. 'Figuratively speaking,' says Yang, 'the ball is in the US's court.'

For South Africa, the key question in its engagement with North Korea should be what leverage can it exercise in encouraging North Korea to rejoin the NPT and disarm. South Africa has always believed in the importance of maintaining lines of communications with all states, even those regarded as pariahs by the West. However, it should also be strategic in identifying both where it has an opportunity to make a difference and also in assessing how such engagement may impact on other global priorities for South Africa, such as the need to build alliances between the North and South on critical issues like UN reform.