

**REMARKS BY DEPUTY MINISTER EBRAHIM
AT THE SOUTH AFRICAN INSTITUTE OF INTERNATIONAL
AFFAIRS
ON
'SOUTH AFRICA AND THE UNITED NATIONS SECURITY COUNCIL:
PROMOTING PEACE IN THE MIDDLE EAST AND NORTH AFRICA'**

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Chairperson and Member of the SAIIA National Council, Mr Kuseni Dlamini;
National Director of SAIIA, Dr Elizabeth Sidiropoulos;
Senior Government Officials;
Ambassadors and High Commissioners;
Members of Diplomatic Corps;
Distinguished guests;
Ladies and Gentlemen;

I am particularly grateful to the South African Institute of International Affairs (SAIIA) for bringing us together this evening to reflect on South Africa's role in the UN Security Council in Promoting Peace in the Middle East and North Africa.

Chairperson, Ladies and Gentleman,

It has been South Africa's privilege to serve in the UN Security Council for four of the past six years. These historical first and second terms have brought with them many challenges and opportunities. Earlier in the year I addressed the University of Limpopo to explain how South Africa used its tenure in the Council to promote the African Agenda, the main priority of our foreign policy. This evening I would like to address another important area for South Africa, namely the promotion of peace in the Middle East and North Africa, especially in the wake of the Arab Uprisings.

First of all I would like to sketch the context for my remarks by outlining South Africa's approach to foreign policy in general and then by reflecting on the mandate of the UNSC.

Our foreign policy decisions since 1994 have been guided by our principles, foremost amongst which is the desire for a more just, humane and equitable world. In the conduct of our international relations, we attach the utmost importance to the promotion of human

rights, democracy, justice and international law. Inspired by our history and ethos, we believe that it is our moral duty and in our national interest, to champion human rights struggles around the world. We do so not merely by condemning human rights violations but also by asking how we can do something concrete to address such violations. We do this through our active engagement bilaterally, as well as in the execution of our responsibilities as a member of the UN Security Council and other multilateral fora.

The UN Security Council has the primary responsibility for the maintenance of international peace and security and acts on behalf of the entire UN membership. Two Chapters of the Charter, VI and VII, provide the Security Council with a toolkit it can utilize to address conflicts.

It is wrong to think that the Council only has one or two options at its disposal, namely sanctions and military intervention. What is often forgotten is that the Security Council should at all times promote the **pacific settlement** of disputes and that it should act preventively. The provisions under Chapter VI of the Charter encourages parties to a conflict, as well the Council, to first and foremost seek **negotiated** settlements, through mediation, conciliation, arbitration or even judicial means. The Charter even anticipates that initial measures might fail, encouraging the Council to recommend an adjustment to the proposed settlement if this happens – the aim is thus to exhaust the options for the pacific settlement of disputes with the emphasis on prevention - not response.

I am emphasizing these elements of the mandate of the Council because they are often not even considered when addressing disputes. It has become a habit for members of the Council to automatically jump to the provisions of Chapter VII, which provides for the Council to adopt a number of measures to pressure parties and/or to mandate responses to crises as well as to maintain or restore peace. However, these must be measured, appropriate and, as the Charter reminds us, without prejudice to the rights, claims and/or positions of the concerned parties. It is under this Chapter that the Council can adopt sanctions and should these fail to restore peace it can mandate urgent military measures.

Chairperson, Ladies and Gentleman,

I apologise for the technical start to this conversation, but as I explained it is important background to keep in mind for our discussion this evening.

There are many reasons why developments in the Middle East and North Africa are a priority for South Africa. First and foremost being that because of our own historic struggle for liberation, we identify with the struggle of the Palestinian people for self determination. This is a cause we unequivocally support.

Palestinians have the right to their own state, as Israeli's already do. South Africa explicitly supports the solution to the Israeli-Palestinian conflict through a negotiated agreement between the parties that would result in two states, Israel and a Palestinian State, which is viable and contiguous, with East Jerusalem as its capital. These states must exist side-by-side in peace and security, within internationally recognized borders.

Any form of violence is unacceptable and we strongly support the international community's call for a re-start of negotiations between the parties to determine the borders and land-swaps, the status of East Jerusalem, the return of refugees and security guarantees. However, the format of the negotiations has not been able to yield any outcome for 21 years, so we believe it is time for a new approach rather than resuscitating a process that has no life and no chance of working. We are particularly disappointed with the Quartet, which seems unwilling and unable to take decisive action.

We believe, with the overwhelming majority of the international community, that the continued illegal settlement expansion by Israel in the occupied Palestinian territories undermines the possibility of a negotiated settlement. This expansion is aimed at changing the realities on the ground and if fully implemented, would make a contiguous Palestinian State unviable, if not impossible. In addition, as we have seen in the most recent past, the settler communities perpetrate a great deal of violence against ordinary Palestinians. Coupled with the inhuman conditions created by the continued blockade against Gaza these developments make the possibility of a negotiated settlement and eventual reconciliation between Israelis and Palestinians very difficult.

We are deeply concerned by the humanitarian situation in the Occupied Palestinian Territories, especially the dire situation in Gaza. Palestinians have to contend with occupation by the Israeli military; a separation barrier that separates not only Israel from Palestine, but Palestinians from one another; a set of bypass roads, checkpoints, and other demeaning measures, such as destroyed olive trees, and a lack of water which, according to UN reports, is worse than in refugee camps elsewhere in the world. The situation is so bad that the UN has recently warned that should this trend continue Gaza will be unlivable as early as 2020.

Part of the failed diplomatic approach is that the UN Security Council has not been able to address these developments nor to move a negotiated settlement forward. Since the year 2000, Permanent Members of the Security Council have vetoed 17 resolutions addressing the situation in the Middle East, ten of which were cast by the United States, of which 9 related to the situation between Israel and Palestine.

The most recent US veto was cast in February 2011, when 138 Member States of the United Nations introduced a Security Council resolution calling for an end to settlement activities by Israel in the West Bank, including East Jerusalem, as such activities are illegal under international law.

It is with these stark realities in mind that South Africa as a member of the UN Security Council has consistently called for more assertive action by the Council to bring about a permanent settlement. The Question of Palestine was a top priority for South Africa in its first term on the Council, when we galvanized the members of the Non-Aligned Movement to call for the monthly meetings of the UN Security Council on the Middle East to be conducted in the public Chamber and not behind closed doors – a position strongly opposed by the Permanent Members of the Council. Because of our continued pressure, the Council eventually agreed to a formula where the briefings of the Secretariat will always be in public, with a Council Debate on the Middle East every three months open to all UN Members. We took this initiative further in January this year when as President of the Council we successfully held two public meetings, one in which the UN Emergency Relief Coordinator, Ms Valery Amos, briefed on the humanitarian situation in the Occupied Territories and the second a High-level Open Debate on the situation in the Middle East. The large number of UN Member States who participated in the debate illustrates the importance the international community attaches to finding a resolution to the crisis.

Unfortunately, it suits the narrow domestic interests of one Permanent Member to prevent real action by the UN Security Council. We will continue to promote the cause of Palestine, including support for its membership bid to the United Nations, because we believe that Palestinians deserve better.

I want to conclude on this particular question by reiterating that South Africa's strong support for Palestine should not in any way be interpreted as being anti-Israeli. What we oppose are policies and actions of occupation, not the existence of Israel or the right of Israeli citizens to live in peace and security.

Chairperson, Ladies and Gentleman,

Another reason the MENA region is important to South Africa is that it forms part of our Continent. There is an inextricable link between our developmental aspirations and genuine stability in the Middle East and particularly North Africa. We have recently seen, for example, how the uncontrolled flow of arms from Libya has directly affected stability elsewhere on the Continent, particularly its neighbours such as Mali and Mauritania.

Over the past decade, the African Union has adopted one of the most comprehensive security regimes in the world, and is able to bring to bear a great deal of experience in resolving conflicts that it can share. It was with this experience in mind that the African Union proposed a Roadmap last year to assist in resolving the situation in Libya through a negotiated settlement.

Some argue that the manner in which the Security Council addressed the developments in Libya is an example of how it should respond to all conflicts. We don't agree. Yes, South Africa voted in favour of Resolution 1973 last year mandating a no-fly-zone, because the information available at the time indicated that a massacre was about to occur in Benghazi. Preventing mass atrocities is well within the mandate of the UN Security Council. However, regime change by foreign military intervention is not and it was this aspect that South Africa objected to.

Let me be clear, South Africa does not promote nor support dictatorships. In our view the Arab Uprisings have demonstrated clearly that the legitimate rights of the majority cannot be denied. Similarly, their aspirations cannot be reduced to a security problem to be managed. These popular uprisings have fundamentally challenged the whole Arab order, giving renewed hope and energy to people of the region and beyond for liberty, democracy and a better life. South Africa welcomes the positive changes that have been taking place in the MENA region. We have availed ourselves to post-uprising states to share our experience of successful political transition as they lay the foundations for their new systems of government.

But in the unfortunate cases where popular uprisings have transformed into military conflicts, South Africa believes strongly that the key to finding a lasting solution is through inclusive processes of dialogue and reconciliation. Military intervention and regime-change solutions are almost always counterproductive, exacerbating conflicts and prolonging the killing.

We believe that our approach has been validated by the manner in which the international community approached the situation in Yemen. Mounting domestic and international pressure finally ended the suppressive 33 year rule of President Saleh and led to the formation of an inclusive government under former Vice President Hadi. South Africa remains convinced that patient mediation efforts by the international community, especially the regional organizations is the best model for solving other crises, as opposed to the aggressive intervention that we witnessed in Libya. As Nelson Mandela reminded us: "If you want to make peace with your enemy, you have to work with your enemy. Then he becomes your partner" What is called for in Yemen today, is sustained international focus to ensure

that the process of transitions moves forward, there are still too many cases of violence in that country and people are still leaving Yemen because they feel insecure.

Chairperson, Ladies and Gentleman,

Turning to the dire situation in Syria, South Africa deplores the escalating violence and continued massacres of civilians. The increase in the levels of violence by both sides, especially the use of heavy weapons and aircraft in attacking civilian populated areas, is shocking. South Africa condemns these deplorable acts.

The Human Rights Council mandated International Independent Commission on Syria, which investigated the deteriorating human rights situation in Syria, recently released a report which clearly states that the intensity and duration of the conflict, coupled with the increased organization and capabilities of the organized opposition, has escalated the conflict to a civil war. In addition to the report's conclusion that the Government forces and Shabbiha militias are perpetrating serious human rights violations, it found that the opposition groups are also violating human rights, although not at the same level of intensity as the government. Given the nature of the conflict and the conclusions by the Commission, it is clear that all parties to the conflict are in the logic of war, and that the crisis fulfils the international requirements for civil war. Both sides therefore have obligations under international humanitarian law. We also reiterate that all those in violation of international law and international humanitarian law should be held accountable.

We are therefore deeply disappointed that the Council has, as yet, not been able to apply pressure on all sides to bring an end to the violence and to comply with their respective obligations under the Six-Point Plan and the Geneva Action Group Communiqué. It is essential that a political path be supported by a united, cohesive international effort towards a Syrian-led negotiated political transition aimed at establishing a democratic pluralistic society in which minorities are protected. As the former Joint Special Envoy of the United Nations and the League of Arab States, Mr Kofi Annan, stated, the parties will have to negotiate, the only question is whether they do so now, or after a bloody and protracted civil war. A civil war serves no one's interests, least of all the innocent civilian population.

We welcome the appointment of Mr. Lakhdar Brahimi as the Joint Special Representative of the UN and the Arab League. We also welcome the appointment of and Mr. Nasser Al-Kidwa as his deputy. Whereas we were disappointed by the resignation of Mr. Annan as the Joint Special Envoy, we thank him for his outstanding commitment to the peaceful resolution of the Syrian crisis and commit to building on his noble efforts.

It is now widely accepted that the legitimate struggle of the Syrian people for reform has been hijacked by other elements, such as jihadists, including Al Qaeda, as well as powerful states using Syria as a proxy to pursue geopolitical rivalries. These developments do not bode well for Syria, nor for the region. Should Syria collapse it will adversely affect regional stability in the Middle East and potentially even spark a sectarian bloodbath throughout the region.

South Africa reiterates that the situation in Syria cannot be solved by military means or by assisting one side militarily and otherwise to defeat the other. A military approach may look appealing in the short term, but it will inevitably expose the country's confessional and sectarian fault lines, resulting in the sort of horror that we continue to witness in Iraq.

The uprisings in the Middle East and North Africa is in fact the rejection by ordinary people of autocratic elites who for too long have governed with narrow self-interests instead of for the greater good. Unfortunately the militant suppression of uprisings has not elicited a consistent response from the UN Security Council. Libya received intervention, Yemen strong support for a mediated settlement, and Bahrain – ignored. On Syria, the Security Council's divisions have rendered it ineffective. This organ of the United Nations has noble intentions, which South Africa fully supports. Unfortunately the antiquated structure and working methods of the Council, compounded by the narrow interests of its permanent members, undermines the global quest for peace, resulting in selective action and patchy outcomes. The inability of the Security Council to address the needs of all people for peace and security undermines the legitimacy of the entire United Nations.

This is why we as emerging states have to ask ourselves, is it not time for a new approach to addressing peace and security matters? Should we not use our solidarity to place pressure on the Security Council to become more responsive to the needs of the majority. Reforming the Security Council to become more representative seems an impossible task at times, but we should never give up. It is time that we the South, specifically Africa and Latin America, which are not represented at all, gain permanent membership of the UN Security Council? It will make the body more responsive, representative and legitimate - and will go a long way to restoring its ability to meeting its obligations to the victims of conflict around the world.

I thank you.