

9 JULY 2008

Pe

Zimbabwe's cries unheeded

The global community has failed to go to the aid of desperate Zimbabweans calling for help, writes KENNEDY GRAHAM.

The agony of Zimbabwe reveals the schizophrenia the global community experiences today over defending "democracy".

World leaders have never developed a consistent global policy towards unconstitutional usurpations of power – whether to intervene with force, apply economic sanctions, ban sporting and cultural ties, suspend memberships, roundly condemn, urge redemption or simply stay silent.

International law has developed more precise rules over conflict than democracy. The United Nations charter permits force only in the common interest, allowing for two scenarios – self defence against external attack, and UN authorisation in response to threats to peace. Domestic coups were expected not to comprise such threats.

The charter says nothing about "democracy". But it identifies human rights and the self-determination of peoples as measures to strengthen peace. The Universal Declaration of Human Rights specifies popular will as the basis of governmental authority, expressed in periodic, genuine elections through universal and equal suffrage, with secret balloting. That is now a binding obligation on virtually all states, including Robert Mugabe's.

What to do when that is flagrantly flouted – should the global community intervene? There have been precedents. In 1950, UN member states regarded Seoul as the legitimate government of a theoretically unified Korea. When northern forces crossed the 38th parallel, the UN judged the "internal situation" a threat to peace. A UN force intervened.

In 1960, when a breakaway province of the Congo declared independence, the UN authorised a force against it. Congo stayed intact.

In 1965, when the white government of Southern Rhodesia declared independence, the UN authorised economic sanctions, enforced by naval blockade. It

declared the Rhodesian constitution of no legal validity, and the "racist regime" illegal. It finally fell, ushering in a triumphant, and widely respected, Mugabe.

Apartheid South Africa has been the barometer of policy change. In 1952 the UN was split over whether it could even be an agenda item. Over time, the UN admitted the item, condemned Pretoria and applied sanctions. The measures, stopping short of military intervention against a covertly nuclear-armed country, nonetheless prevailed.

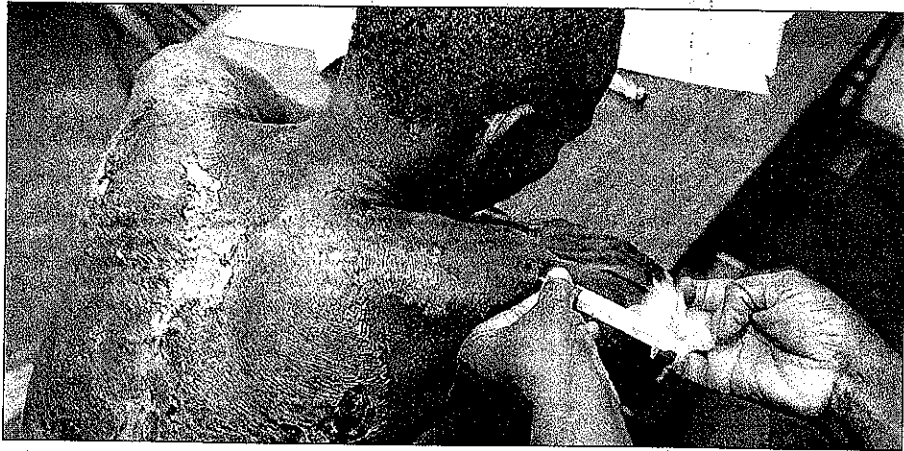
In 1984, when South Africa introduced a new constitution, the UN declared it invalid. Today, the rainbow nation covers for Mugabe's atrocities through personal loyalty to a once-heroic liberation fighter.

When domestic disputes touched Cold War divides, things changed. While the General Assembly would condemn superpower incursions and regime change (Hungary, Czechoslovakia, Dominican Republic, Cuba, Grenada and Panama), the Security Council suffered paralysis. Nothing was done.

The post-Cold War era has witnessed more instability within nations, less between them. No longer stymied, the Security Council is flexing its muscles. When the legitimate government was ousted in Haiti in 1992, the council slapped on sanctions, subsequently sending a military force to restore Jean-Bertrand Aristide to power.

Rwanda has cast a moral pall over our generation. It is worth remembering the genocide was ignited by the assassination of the legitimate president, along with that of neighbouring Burundi. The Security Council, pushed and pulled by a vacillating United States president, condemned the "numerous killings" to avoid the legal obligation of intervening against "genocide". When I visited Burundi two months after the carnage next door, dread hung thickly in the air.

Not only coups can justify



Election violence: a supporter of the opposition Movement for Democratic Change waits to be treated for severe burns in Harare after being attacked by forces loyal to Robert Mugabe. Photo: Reuters

international intervention but also human-rights violations if they are "gross and systematic". Those committed during the fragmentation of Yugoslavia prompted the doctrine of "humanitarian intervention" – the global community has a secondary obligation to intervene if a government is unable or unwilling to protect its own citizens. The doctrine was hijacked with Nato's 1999 Kosovo bombing, but has since been revived as the "responsibility to protect".

Do we have the "responsibility to protect" Zimbabweans today from Mugabe's actions, through targeted sanctions or military intervention? That depends on who "we" are. If it is the global community acting through the UN, two problems arise. The skewed Western power structure in the Security Council makes UN action appear neo-colonial. And, for related reasons, the implacable resistance of Russia and China to intervention threatens old-style vetoes.

The moral justification and legal authority of intervening with force "in the common interest" was set back decades by the recent intervention in Iraq. The Iraqi government had been recognised as legitimate, if odious, at the UN for 24 years, despite its aggression against

Iran. Even its invasion of Kuwait was rolled back without authorisation for "regime change". The 2003 intervention was formally claimed by the coalition as enforcement action to uphold UN disarmament decisions, but it proceeded against the council's better judgment, being described by the Secretary-General as "illegal".

With no weapons of mass destruction found, the ex-post justification switched to transplanting democracy in the Arab world, one of the more arresting examples of ignorance and hubris of modern times. That misguided adventure has done nothing to help the global community advance the genuine democratic rights of peoples, heightening suspicions everywhere.

As a result, the "medical cases" that could be helped – Myanmar, Fiji, Belarus, Zimbabwe – languish between a rock and a hard place. Global intervention reeks of "hauteur de la distance". Regional intervention carries fraternal blood-line risk.

The organisation best placed to intervene against Mugabe is the African Union. Doctrinally, the AU leads the world – its constitutive act empowering military intervention by majority vote without veto against genocide, war crimes or crimes against humanity. Unconstitutional seizures of power require suspension

of membership.

But in practice the AU has failed, receiving Mugabe as president after his shameless election, described as illegitimate by independent observers. The AU meekly asks him to converse with his opponent. Of course he will, as "recognised" president.

The global community, having engaged in solemn self-flagellation over Rwanda, has failed again a desperate people calling for help. Until we develop a binding legal obligation upon all UN member states to automatically label an illegitimate regime "unlawful", acting forcefully in response, this will continually recur.

Recognition of Mugabe's regime should be universally withheld. All diplomatic ties should be severed, with UN, AU, Commonwealth and Southern African Development Community membership suspended.

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