CHAPTER 5:
HUMAN RIGHTS

INTRODUCTION

This chapter focuses on human rights – what they are, the role they have played in Zimbabwe and their effect on foreign policy. This is important not only to this specific dissertation, but any study on Zimbabwe related to an international relations discourse due to the notions discussed in the previous chapter entitled “Normative Theory” and “Theory of International Law and Society”. Both notions are centred on the importance of rights and their role in world politics.

Human rights also frame a large portion of the international law discussed in the previous chapter. In order to fully understand international law as a construct, one needs a comprehensive concept of rights themselves.

A mere half century after this movement (human rights movement) was born out of the disasters of the Second World War, human rights ideals form both practice and theory of international law and politics. Although the frailties of human rights as an ideal or ideology or state practice are evident, that ideal has become part of modern consciousness, a lens through which to see the world, a universal discourse, a potent rhetoric and aspiration.1

“The Notion of Human Rights” discusses the birth of the human rights movement and relates this movement back to international relations discourse. “Human Rights Discourse” investigates the work of leading theorists in order to show the different way that rights can be conceptualised, and their different applications. “Human Rights in Zimbabwe” focuses on rights in the country. Due to the fact that the notion of human rights has not been upheld in Zimbabwe, the section discusses rights violations. “How Human Rights Violations Affect Foreign Policy” links this chapter to both chapters 6 and 7, and shows how human rights play a role in foreign policy and decision – making.
THE NOTION OF HUMAN RIGHTS
The notion of human rights was born out of centuries of primarily customary law and the end of the Second World War. Customary law was the original source of international law and influenced treaties due to the need for generalised treaties to be read in light of pre-existing custom. This was because no international human rights law existed. This all changed when the trial at Nuremberg (the trial that judged Nazi war criminals – 1945 – 1946) gave the then tiny human rights movement the opportunity for a massive awakening.

The UN Charter had become effective prior to the trial in 1945, and included a limited number of human rights provisions. These provisions however, were more a set of guidelines to be realised by states in the years to come, as opposed to the trial that was concrete and tangible – prosecutions, convictions, and punishment. The prosecutions’ case was based on many norms drawn from international law, yet it was also based on a new and different development of this law (a result of this was, for example, the Charter annexed to the London Agreement of 1945 that cites “crimes against humanity” in Article 6) that set the stage for the formulation of human rights norms.

1948 then saw the adoption of the Universal Declaration of Human Rights (UDHR) by the UN General Assembly that preceded the more detailed provisions of the ICCPR and the ICESCR (both approved in 1966, and discussed in depth in Chapter 4). In 1949 the four Geneva Conventions were signed, with the two Protocols following in 1977. These conventions and protocols cover many problems arising out of land, air or naval warfare. Some of these include the protection of wounded soldiers, medical buildings, and civilian populations.

Linking the UDHR to what was then Rhodesia, when the UN General Assembly was adopting the Universal Declaration of Human Rights, Britain was expropriating land in Zimbabwe (one of its colonies), and Zimbabweans were striking against a minimum wage. Britain placed full support behind the declaration, yet colonialism and its practices were still the accepted norm. It was not the first time Britain had behaved like a hypocrite either.
In 1941, the British Prime Minister, Winston Churchill, and the U.S. President, Franklin Roosevelt, composed a document, the Atlantic Charter, which stated the principles that directed the Allies’ war effort. The third paragraph of the Charter states that the Allies “respect the right of all peoples to choose the form of government under which they will live; and they will wish to see sovereign rights of self – government restored to those who have been forcibly deprived of them.”

Not surprisingly, Africans claimed this as a commitment on the part of the Allies (at least British) to end colonial rule in Africa. The Atlantic Charter, however, was more like an expression of aspirations for the future, considering the fact that Britain was in the middle of a war with Germany and strongly opposed Hitler’s racism.

By that time, however, Britain had already begun to decolonise. Burma and India were given independence before the end of the 1940’s (the Labour government at the time was committed to decolonisation in line with both the Atlantic and the UN Charters). Decolonisation was seen as a process and therefore, it would not produce results overnight. Also, it was the “white” colonial parliament in Southern Rhodesia, which by then had been given (before WWII) what was termed responsible internal autonomy. This meant that decolonisation in Zimbabwe was a process that had already begun, and would need parliamentary support to continue.

In light of the Atlantic Charter, and as mentioned in the previous chapter, human rights treaties and conventions are very hard to enforce due to the nature of sovereignty. However, over the past 50 years, more and more countries have signed these treaties and conventions, and as will be investigated in the section of this chapter on foreign policy, human rights now dictates specific foreign policy objectives to a certain extent.

Within the human rights discourse, there is an old debate that still rages between the universality of human rights as opposed to cultural relativism. This debate refers specifically to whether or not the character of human rights is culturally relative (one’s culture plays a large role in what one considers to be rights) or whether human rights cut across the cultural divide due to the fact that all people ascribe to the same rights due to the fact that we are all human. Followers of universality believe that core human rights (freedom of speech, right to equal protection, right to physical security,
freedom of religion, and freedom of association) are and must be the same everywhere. Those who support the cultural relativism side of the debate argue that most/some rights about morality are rooted in cultural history and practice, and can therefore not be the same the world over.

The Universal Declaration of Human Rights is overtly western due to the fact that the safe – guarding of “the dignity of the individual”, “individual freedom” and “democracy” are all based on natural rights theory - a western philosophical paradigm that promotes the rights of the individual as a primary goal in society.

*Human Rights are part of the cultural package of the West, complete with an idiom of expression, a system of government, and certain basic assumptions about the individual and his relationship to society. The spread of the liberal constitution with its normative assumptions and the political struggle it implies – makes human rights an integral part of the Western conception of modern society and its ubiquitous domination of the globe.*

Since human rights are rooted in Western discourse and philosophy, the question has to be raised: can human rights principles be upheld in countries that are undemocratic and/or not Western? The answer to this is that certain rights may be upheld, for example, the right to physical protection, yet basic human rights will not be met, not to mention a range of rights wider than basic rights. Democracy and good human rights practices/the possibility for good human rights practices therefore go hand in hand. An example of this is a country like Kuwait where before May 2005 women had the right to physical protection, yet they did not have the vote. The more democratic a country, the better its range and protection human rights will be.

At the end of the day, human rights is a combination of both assumptions – universal and culturally relative. If the term ‘Western’ refers to countries like America, Britain, and most of Western Europe, then human rights discourse may be predominantly rooted in those areas, yet these are not the only nations party to the many human rights treaties and conventions that are in existence today. One could argue that this is due to international pressure or foreign policy objectives, yet to some extent the explanation must be that member countries agree with the principles of the treaties and conventions. This means that even those countries that do not follow the exact
principles of Western philosophy and democracy and have their history, customs, and traditions rooted in the culture of their society (for example, Nigeria), are party to human rights treaties. This is a combination of two reasons. One is that they understand the interconnectedness of people around the world, and two is that human rights has become a leading force in international law, and therefore to participate in the international community, one has to recognise the so – called ‘Western’ rights/language of rights that make up these treaties and conventions. In Africa, a corresponding rights tradition does exist – one based on Western rights practices, for example, the African Charter on Human and Peoples’ Rights, which is based on the UN’s Universal Declaration of Human Rights.19

Certain rights are still rooted in culture no matter how important ‘Western’ human rights have become. Equal rights for men and women are not thoroughly applied in certain countries, especially those that prescribe to the Muslim religion.20 This presents the conundrum of allowing freedom of religion, yet derogating from certain rights in that religion. Many scholars argue that discrimination against women in these countries is not so much religious as it is cultural.21 In order to enforce equal protection of rights in these countries one would have to introduce massive change in the cultures and societies, and as history has shown, this can take anything from years to centuries.

One can note the changed content of international law and the still – growing number of treaties with monitoring mechanisms concerning human rights. State legal obligations have increased in the name of the fundamental rights of persons, with a view to increasing human dignity. Moreover, the individual, as single entity or as found in private groups, has been given increased authority to act in international relations.22

The notion of human rights is closely related to international relations discourse. ‘Communitarianism’ discussed in Chapter 4 under the heading “Normative Theory” views human kind as the right – and duty – bearing units of world politics. This places the responsibility of human rights practices squarely on the shoulders of every state. The Theory of International Law and Society claims that all people of the world are entitled to equal rights as human beings. Both these theories prescribe mainly to the universal notion of rights. However, if one reviews the principles of Realism, and considers the state the most important actor in international relations, then the position
of the state on human rights issues is more important than that of the collective international community.

By using Normative Theory, the Theory of International Law and Society, and Realism one can make the prediction that even though sovereignty is considered sacred to all states, and their personal interest always comes first, a certain amount of respect for and involvement in the world of international human rights is necessary if one is to sustain healthy international relations and a healthy nation state. This is because Realism highlights the importance of the state and the need for that state's protection to be vital to that state. However, Theory of International Law and society shows that isolationism does not benefit the state as globalism brings the world closer together and international organisations and NGO's interact. Normative Theory then highlights the value systems that are becoming the norm in international society in terms of international treaties and negotiation. Therefore, when examining human rights and international relations, one realises that all three theories are important, and all three different notions play a role in the world today.

**HUMAN RIGHTS DISCOURSE**

The human rights scholars to be discussed in this chapter are Wilson, Schiengold, Okoth - Ogendo, Falk, and Stammers. The discourse to be referred to is sociological. This specific discourse has been used because it highlights the different approaches to the study of human rights, and because academic subjects, such as international relations and sociology, are interlinked. It also shows the interdisciplinary nature of a concept such as human rights.

Rights are part of the social world, and belong to the social community. Rights both bring people together, for example, Africans fighting for the right to self – determination in Zimbabwe prior to independence, and pull people apart, for example, the current situation in Zimbabwe where certain people have been given land rights, and other people’s land rights have been taken away.

Richard Wilson argues that rights are socially constructed. “…human rights are not a product of social relations, nor even indicative of them, but immanent in them, internal to their very expression,” meaning that rights are found in normative social
structures, and then, due to the importance of those rights, they become part of global discourse. Thus, human rights are involved in shaping social classes, creating a sense of social being and expressing power formally.

The segregation of Africans and Europeans in Zimbabwe during colonialism was due to certain rights, and who had access to them. Africans thus formed a poorer social class. This united them when it came time to fight for independence, because they had a target to fight against: Europeans. The Africans united power was then expressed through a language of rights, for example, the right to land – they did not have the same land as the Europeans but believed they had a right to it. This is what Richard Wilson means when he says rights are found in normative social structures.

All power struggles encapsulate some notion of human rights, whether it be fighting against the loss of certain rights, or fighting to gain certain rights. Neil Stammers discusses different generations of right that made human rights what it is today. Note that all the different generations of rights were the product of concrete social struggles. This is important because it highlights the fact that rights can be created through struggle, and it explains where certain entrenched rights originate from.

The first generation of rights refers to civil and political rights. This describes the birth of capitalism, where absolute state power was challenged by the middle class and traders in order to protect what they viewed as their economic rights, for example, the questioning of the absolute monarchy in France in the early nineteenth century.

Adam Smith had published his An Enquiry into the Nature and Causes of the Wealth of Nations in 1776. His argument was a direct attack on the policy of mercantilism, and stated that free and open trade without government interference would increase productivity and would be a benefit to all states.

The second-generation notion of rights refers to socio-economic rights. They emphasize workers rights; using rights language to fight for socio-economic power, for example, starving, badly paid workers rioting in Russia in the early 1900’s.
The third generation of rights (referred to by Stammers as “The Struggle for Self – Determination”) deals with self – determination by challenging imperial power. An example of this would be the anti – colonial wars of national liberation against Portugal in Angola, Mozambique and Guinea from 1961, as well as those against other colonial powers – France, Britain, Holland and Spain. These three generations of rights were proceeded by identity politics, which we are still apparent today. Identity politics refers to the power struggle of individuals that belong to a certain social category, for example, women or black people. In line with the hypothesis of this thesis, the current land redistribution process in Zimbabwe involves identity politics. The black landless masses demand land from white, black and Indian farm owners.

All of the above-mentioned social struggles, whether by indigenous people fighting against imperialism, or workers fighting against their government for socio – economic freedom, helped to create the notion of human rights. The power struggles gave attention to these rights, making them important. Even if the rights were not achieved, people began talking and thinking about them, and special interest groups were created to fight for them. In many cases where the struggles were won, human rights became entrenched in legal framework.

Even though much of the discourse of human rights may be Western in origin, human rights themselves are not. Human rights are the result of a global contribution of ideas and actions. Scheingold’s generations of rights were fought all over the world, for example, self – determination in Africa, fighting the absolute power of the monarchy in France, the workers revolution in Russia. Also, as these struggles took place, so academics from around the world wrote about them. Mainland China does not accept “Western” style human rights, and military governments and communist states during the Cold War had considerable difficulty in understanding basic human rights due to their popular Western democratic interpretation. Communism is based on the wants, needs, and rights of the collective, which suggests that the Western notion of rights that focuses on the individual would be confusing for communist countries.

All this raises the question, “Can rights change the world?” If one considers Stammers’s struggles, the answer is “yes”, because all those struggles produced rights
and changed the face of the country they happened in, not to mention affected the belief systems in other countries. Scheingold states that rights can change the world but only if used in political strategy and to mobilize people. He talks about the three processes that make up mobilization: activation, organisation and realignment. It involves actively empowering people by creating a collective political identity, organising this collective identity into effective political units, and then realigning political forces. An example of this would be the rise of African nationalism in Zimbabwe in the face of British colonialism (by 1965, however, the majority of the British population were opposed to colonialism and racial politics – hence they supported sanctions against Rhodesia and the boycotting of South African exports).

From what rights can and have achieved, we move on to a topic crucial to the consideration of Zimbabwe, and that is “constitution without constitutionalism”. Zimbabwe has a constitution – even a Bill of Rights, but human rights injustices are commonplace, and the rule of law, especially when applied to land invasions, is nonexistent. This is because the constitution has been changed by Mugabe and no longer forcibly upholds separations of power and the rights entrenched in the Bill of Rights. The Bill of rights is not enforceable because the judiciary does not protect it, and when it is, those judges find themselves victims of rights abuses - this is further examined in the following section.

In Shivji’s “The Concept of Human Rights in Africa” Okoth – Ogendo states “there is no constitutional government unless mechanisms exist within the constitution that guarantees doctrines of separation of power, limited government and the rule of law”. Zimbabwe lacks these exact mechanisms. Okoth – Ogendo goes on to argue that power needs to be organised, and a constitution should be in place that protects basic rights. If this was true in Zimbabwe, then the legislation introduced by Mugabe discussed in the previous chapter would not have been allowed. This brings one to the problem of a one party state. Zimbabwe lacks a strong opposition, and without constitutionalism, so – called ‘unfair’ legislation can be and is introduced. ‘Unfair’ refers to legislation that does not protect basic human rights. As Rodney Chingono, (President of the Zimbabwean Students’ Association at the University of the Witwatersrand) states: “The constitution is of course the most effective way to ensure the peoples’ human rights are not infringed upon, but there is obviously a need (in
Zimbabwe) for an independent and impartial judiciary to ensure that these rights are not infringed upon.”

Many people the world over, especially the citizens of Zimbabwe wish to see an end to the country’s human rights abuses. One then has to question how this can be achieved.

Falk looks beyond the creation of human rights and deals with the problem of agency when it comes to fighting for these very rights. Falk highlights the notion of sovereignty as the main reason why the international community is often slow to enact humanitarian intervention, and often for this reason, they do not enact it at all. Others issues when discussing the problem of agency include a lack of resources especially in regional organisations, and a lack of independence. For example, the United Nations is bound by its Security Council members. Falk states that there is a need for additional forms of agency, yet he fails to suggest anything concrete. In light of Zimbabwe specifically, this is civil society. However, civil society has been targeted by the Mugabe government as an unnecessary evil, and legislation has been introduced to greatly limit their efforts.

The answer to the question of what is to be done is therefore international intervention. Aid agencies and human rights NGO’s have not affected the present situation since human rights abuses continue (see “Human Rights in Zimbabwe), and the government is not about the start protecting these rights. If the international community does not intervene, then there is little hope for Zimbabwe in terms of human rights unless a new government is put in place, and then who is to say the new government will be any better than the old? The notion of sovereignty does not make for the best argument if one thinks of the intervention into countries like Rwanda, Somalia, Haiti, and most recently Iraq.

**HUMAN RIGHTS IN ZIMBABWE**

As already noted in a quote by Mugabe during the Lancaster House negotiations of 1979 (see “The Land Issue During Colonialism”), The Bill of Rights meant nothing to him (he saw it as something imposed on Zimbabweans by Britain), and on the subject of land in particular, it was a compromise. A bill of rights is a democratic construct,
and Mugabe failed then (and still fails) to see that by upholding the rights laid out in it, democracy is ensured. A good example of this is the democratic transition that was made by South Africa. Today, South Africa’s Bill of Rights is one of the most liberal in the world, and its Constitutional Court is one of the most respected judiciaries of our time.  

For the last couple of years, the notion of human rights in Zimbabwe has been dictated to a large extent by the government. Human rights violations in Zimbabwe have soared, and the definition portrayed by the government has become sketchier and sketchier. Certain human rights organisations and newspapers have engaged in the discourse of rights in order to alert the world to these atrocities and attempt to force the government to change its policies. Terence Bragge states that: “The human rights violations in Zimbabwe are raging out of control, and no one seems to possess the power to change the government’s blatant disregard thereof.”

*During the run up to the parliamentary elections of 24 – 25 June 2000, we witnessed extremes of state-sponsored violence. The so-called ‘war veterans’ swelled their numbers by recruiting and paying more youths to stay on the farms “as landless black people who wanted land”. The ZanuPF machinery campaigned on the land redistribution, on the basis that the British were coming to re-colonise Zimbabwe and they wanted to impose the MDC as a puppet government…Civil rights movements recorded these atrocities and human rights abuses to be presented as evidence against Mugabe officials whenever possible.*

**Human Rights and Political Parties in Zimbabwe**

Zungu writes an account of Zimbabwe around 2000. It tells of how farmers in Zimbabwe were beaten or killed, of how MDC (Movement for Democratic Change – ZANU - PF’s opposition) supporters were intimidated, how schools and businesses were closed down or shut because key people supported the MDC, and of how people who were making a real difference in Zimbabwe were murdered for having differing political views. This gives one an idea of the gross human rights violations in Zimbabwe.

These violations have been echoed by Britain. Speaking to the House of Commons on 1 July 2004, Jack Straw said:
It is the great misfortune of the people of Zimbabwe that Robert Mugabe’s regime has no regard for human rights, the rule of law, or the responsibility of government to provide competent economic management. A comparatively prosperous country has been plunged into poverty by the recklessness of its ruling party. Members of Zimbabwean opposition have been subjected to persistent violence and victimization. And on the country’s farms, regime supporting thugs have subjected owners and workers, the great majority black, but also white, to a campaign of terror.

According to CNN.com, in April of 2000, Mugabe supporters invaded and set fire to a number of white-owned farms. According to the same source, in April of 2000, demonstrators then turned their attention to black farm workers, who were beaten and forced to beat others. Also, many farm workers were assaulted because their attackers believed they were opposition party (MDC – Movement for Democratic Change) supporters.

On 19 February (2002), Philimon Bulawayo, a photographer with the independent Daily News newspaper, was assaulted by soldiers while preparing to take pictures of a food queue at a Harare supermarket. The soldiers approached him and then proceeded to beat him up. His camera was confiscated and he was handcuffed and taken to the Harare central police station where he was beaten again by police officers...he was released the same day without charge.

These are not the only accounts of human rights violations documented by Amnesty International. According to them, a teacher, Shepard Ngundu, of Mount Darwin was beaten to death on 5 February 2002 by suspected ZANU – PF supporters for allegedly being possession of a copy of the Daily News. The sale of independent newspapers has also been banned in many rural areas.

Labour activists have also been among the government’s main targets since 2000: Zimbabwe Congress of Trade Unions in – house meetings have been monitored and sometimes disrupted by the police, and many officials and members have been arbitrarily arrested. This is because of the government perceives that the unions have been working with the MDC to overthrow them. Also, many of the unions disagree with the land reform policy due to the fact that it is making many labourers unemployed.
Lawyers, judges, magistrates, and prosecutors, who represent those whose land was taken illegally, or who believe that the land redistribution programme is unjust, have been threatened, attacked or arrested.\(^{50}\) “On 17 February, 2003, High Court Justice Benjamin Parazda was arrested on charges of attempting to obstruct the course of justice…”\(^{51}\) More than likely, the real reason for his arrest was the handing down of judgments that supported the opposition party.\(^{52}\) The government citing the same reason when retired High Court judge Fergus Black was arrested in 2002.\(^{53}\) He was released on bail and has been awaiting trial.\(^{54}\)

The government has also targeted civil society and human rights activists.\(^{55}\) In November 2002, the Minister of Justice, Legal and Parliamentary Affairs, Patrick Chinamasa, published a list of NGO’s considered a threat by the government to national security.\(^{56}\) Amani Trust was on the list: they are an NGO that administers support to victims of torture.\(^{57}\) The Trust was forced to close their offices that November after being told that they were not properly registered as an NGO and no high court mechanism exists for them to reregister.

According to Human Rights Watch, NGO’s are also battling to carry out their duties successfully.\(^{58}\) “International relief agencies in Zimbabwe fail to ensure that access to food is based on need alone and is not biased by domestic or international political concerns.”\(^{59}\) Also, “Zimbabwean authorities discriminate against political opponents by denying them access to food programmes.”\(^{60}\)

Moving from NGO’s to political opponents, documented evidence of abuses committed against specific individuals is common:

*On 31 March 2003, Gibson Sibanda, Vice – President of the MDC, was arrested for allegedly trying to overthrow the government by inciting people to join the national mass stay – away organized by the MDC on 18 and 19 March 2003. He has been charged under section five of the Public Order and Security Act that carries a punishment of twenty years’ imprisonment. After spending eight days in police custody, he was released on bail and asked to report to the police twice a week. In January 2003, Job Sikhala, MDC Member of Parliament (MP) for St. Mary’s constituency in Harare; Gabriel Shumba, a lawyer with the Zimbabwe Human Rights NGO Forum, and three other MDC*
members were arrested and charged under Section five of the Public Order and Security Act. All five were apparently tortured while in police custody, and medical examinations indicated that both Job Sikhala and Gabriel Shumba had electric shocks applied to their genitals, mouths and feet. Job Sikhala and Gabriel Shumba were forced to drink urine. The charges against all five were subsequently dismissed due to lack of evidence.  

On the subject of land specifically, it was documented in a confidential government audit that Mugabe’s closest political allies, such as Air Marshal Perence Shiri and (now former) Information Minister Jonathan Moyo, as well as Mugabe’s sister, Sabina Mugabe, committed some of the worst violations of the land reform policy. Mugabe is now facing a dilemma – his credibility with ZANU – PF grassroots supporter’s demands action yet the violators are from within his own political network and those fighting for political succession. The 2004/5 infighting within ZANU – PF has been said by some observers to be the worst in the past 30 years. This infighting was highlighted by controversial Zimbabwean Information Minister Jonathan Moyo’s appeal to the ruling party in January 2005 against being excluded from running in the March, 2005 elections.

An Africa Watch Report from 1989 details how members of Zimbabwe Unity Movement (ZUM), under the leadership of Edgar Tekere, were intimidated in the late 1980s. They were also arrested for no reason and prohibited from seeing their lawyers. Also, “in September 1988 students of the University of Zimbabwe and Harare Polytechnic attempted to organise a demonstration against corruption. However, the police prevented the demonstration from leaving the campuses and broke up the protest with teargas and baton charges”. This account goes on to describe detention without trial, abuse of both the emergency powers and of freedom of the press. Such abuses have continued.

Zimbabwe consists of the peasantry, the black elite, the government, the white farmers, the working class, and the middle class, and these can be further divided into ethnic groups (Shona or Ndebele), gender groups (male or female), and racial groups (black, white, and coloured). In 1990, Zimbabwe’s population was made up of some 9 million blacks, 22,000 Coloureds, 11,000 Asians, and 80 – 100,000 whites. Mugabe holds power over this population, yet he disregards their rights. Zimbabweans’ notion
of rights is complex, considering the racial, class and ethnic divides. The notion of
land, however, seems important to the majority of these people, and Mugabe has
taken advantage of this fact. Also, the right to land should include all people, not just
war veterans and party cadres. The international community’s interpretation and
definition of human rights has been investigated, and one has to consider that these
are the standards against which Zimbabwe is measured. For this reason, Zimbabwe’s
human rights record is terrible, yet the international community cannot seem to affect
it.

HOW HUMAN RIGHTS PRACTICES AFFECT FOREIGN POLICY

Human rights and foreign policy can be interlinked. Humanitarian intervention in a
foreign state is an action of foreign policy most often driven by human rights
ideologies, if not human rights rhetoric. Sanctions are another action driven by human
rights, for examples, the sanctions imposed on South Africa during the Apartheid era.
However, the link between foreign policy and human rights is not always this simple.
Not all foreign policy is driven by human rights concerns. Many
countries/organisations are hypocrites in this approach. An example of this is the UN
Commission on Human Rights that has countries like Sudan, Cuba and China as
members – some of the worst human rights abusers in the world.69

According to David Forsythe, author of “Human Rights and Comparative Foreign
Policy” there is increasing attention being given to human rights issues in
contemporary foreign policy.70 At the same time, however, he states that most states
are reluctant to elevate human right concerns to the same level as security and
economics. Forsythe believes that states can be compared along two dimensions of
human rights – the national vs. international conception of rights, and international vs.
national protection of rights.

The US leans toward an international protection of human rights if one considers her
many efforts at humanitarian intervention, for example, Somalia. This is also because
the US has an international conception of rights. Staying with the US, another
example of the interconnectedness of human rights and foreign policy is the Cold
War. Communism opposed the US ideology of democracy and the nation’s beliefs in
rights such as the right to freedom of speech. This concept controlled and influenced American foreign policy toward Russia for years.\textsuperscript{71}

The effect of human rights on foreign policy is seldom balanced, and is seldom the only variable in foreign policy decisions. Consider the Cold War for the US, and then the Vietnam War. Very different foreign policy objectives, one backed by rights beliefs, the other concluded due to the government and citizens’ disagreement over the importance of rights.

Using Europe as an example:

_The foreign policy principles proclaimed by the Member States of the European Community in European Political Cooperation were founded upon the ideas which underpinned European integration: the abandonment of Westphalian norms and respect for human rights, democracy and the rule of law. From the Copenhagen Declaration in 1970 to the Treaty on European Union (TEU) in 1992, the Member States developed certain means to promote these values, such as the submission of joint demarches and the adoption of common positions in international organizations. But the political constraints of the Cold War in general prevented the Member States from implementing vigorously the values which they endorsed. The end of the Cold War, the references to human rights and democracy in the TEU and the establishment of a Common Foreign and Security Policy with improved instruments for foreign policy cooperation raised hopes that human rights might come to play a more prominent role in European foreign policy. However, economic competition and conflicting national interests continue to restrict Europe’s common foreign policy on human rights issues to declarations of concern rather than action._\textsuperscript{72}

Organisations in Africa also lay out their human rights objectives in their mandates, for example, the African Union and the African Charter (discussed in the previous chapter under “International Law”). As in Europe, however, it does not seem to be a concern of action. Zimbabwe is a signatory to the African Charter and a member of the African Union yet it has not been challenged or suspended by other member states even though there exists documented evidence of its rights abuses. This is because these organisations have a history of turning a blind eye, for example, in 2002 a court in Nigeria sentenced a woman to be stoned to death for having a child out of wedlock, yet other member countries did not get involved in an official capacity.\textsuperscript{73}
When applying human rights to the different foreign policy theories, one would say that in Snyder, Bruck and Sapin’s analysis, the organisation (unit of observation) would have to abide by human rights guidelines in order to link them with its foreign policy decisions. These guidelines would also have to be agreed to by the decisional unit/person or important people in power. In G.T. Allison’s analysis, in model 1, human rights would be one of the concepts linked to governmental choice. In model 2, the foreign policy decision (unit of analysis) would have been the product of human rights pressure. In model 3, human rights would be one of the concepts used as a motivation in specific bargaining.\textsuperscript{74}

\textbf{CONCLUSION}
The concept of human rights becomes more and more important as the world globalises and separate nation states come into closer contact with one another. This is apparent because the human rights movement began to develop properly when the world came together after World War Two. The notion of human rights transformed basic customary law into what now governs many international treaties and forms the basis of international law. Consider how much closer the world is now. Also as discussed in the human rights discourse, rights and power appear and play a role in every day life, especially in the working of a nation state. Many important rights were born out of social struggle that forms part of the history of every nation.

Most international law, however, is based on the Western concept of human rights. Many countries still place cultural and religious rights above ‘Western’ rights, which often leads to derogation from treaties. This aside, the notion of “constitution without constitutionalism” applies to all nation states. Rights found in the constitution of a state can and will not be protected and enforced unless the courts are fair and transparent, and rule of law is upheld.

Human rights abuses need to be brought to light because they kill, suppress, and violate human dignity. These abuses are also signs of an undemocratic regime or a very unbalanced democracy heading for civil war. Human rights abuses in Zimbabwe depict a lack of adherence to the rule of law in the country. The international community should become involved, yet it is hard to preach to a sovereign state if one
does not have a perfect track record. Whether or not other countries have a perfect track record is a secondary consideration when considering the fact that the quality of life for the people in Zimbabwe is extremely low, and people live in fear of their lives.

Increasing attention has been given to human rights when it comes to foreign policy. Human rights abuses the world over are drawing more and more attention from the international community, and therefore, inter-state relationships are/will be affected by the human rights record of states.

The significance of this chapter is to highlight the relationship between human rights and foreign policy in order to apply this relationship to the following two chapters. Also, land in Zimbabwe has turned into a human rights issue that with it, carries the notion of moral duty, not only for the Zimbabwean government, but for the rest of the international community as well.
Endnotes

2 Ibid, pp. 67.

3 The Tokyo trials were not as significant as those at Nuremberg – mainly because they were given less international attention – yet they too contributed to the birth of international human rights law and the formation of rights language:

“The Tokyo War Crimes Trials - May 3, 1946 to November 12, 1948
All Japanese Class A war criminals were tried by the International Military Tribunal for the Far East (IMTFE) in Tokyo. The prosecution team was made up of justices from eleven Allied nations: Australia, Canada, China, France, Great Britain, India, the Netherlands, New Zealand, the Philippines, the Soviet Union and the United States of America. The Tokyo trial lasted two and a half years, from May 1946 to November 1948. Other war criminals were tried in the respective victim countries. War crimes trials were held at ten different locations in China. The trials were held to try the leaders of Japan for crimes against peace, war crimes, and crimes against humanity committed during World War II. It did not cover individual Japanese war crimes, or incidents such as the Nanjing Massacre. Those were dealt with separately, in other cities throughout the Asia-Pacific region.” – “The Tokyo War Crimes Trials” (accessed from http://www.arts.cuhk.edu.hk/NanjingMassacre/NMTT.html on 24 July 2005), pp. 1.

4 Ibid, pp. 112.
5 Ibid, pp. 112.
6 Ibid, pp. 112
7 Ibid, pp. 138 and 139.
8 Ibid, pp. 67.
11 Ibid, pp. 3.
18 “Kuwait Hastens Women's Vote Bill” (accessed from
19 Steiner, H. J. and Alston, P., Op Cit, pp. 1449.
21 For example, Muslim women in Nigeria and Saudi Arabia.
25 Stammers, N., Op Cit, pp. 72.
27 Stammers, N., Op Cit, pp. 75.
28 Ibid pp. 76.
29 Ibid, pp. 78.
31 Stammers, N., Op Cit, pp. 79.
33 Ibid, pp. 131.
34 Amnesty International – Zimbabwe under Siege, Op Cit, pp. 3.
36 Taken from an interview with Rodney Chingono – President of the Zimbabwean Students’ Association at the University of the Witwatersrand, 29 June, 2005.
37 Falk, R., Op Cit, Chapter 1.
40 Ibid, pp. 87.
42 CNN.com.world > Africa, Op Cit, pp. 3.
43 Ibid, pp. 3.
44 Amnesty International – “Zimbabwe under Siege”, Op Cit, pp. 2.
46 Ibid, pp. 2.
48 Ibid, pp. 2.
49 Ibid, pp. 2.
50 Ibid, pp. 2.
51 Ibid, pp. 3.
52 Ibid, pp. 3.
53 Ibid, pp. 3.
54 Ibid, pp. 3.
55 Ibid, pp. 3.
56 Ibid, pp. 3.
57 Ibid, pp. 11.
63 Ibid, pp. 1.

Basic Texts In International Relations, Op Cit, pp. 332.