CHAPTER 3:
INTERNATIONAL RELATIONS DISCOURSE ON ZIMBABWE

INTRODUCTION

This section will focus on Realism, Liberalism, Normative Theory, Theory of International Law and Society, and The Decisions of States. This specific discourse has been chosen because arguably, the most keenly debated issue in IR is the pessimistic view of realism versus the optimistic view of liberalism.[1] Both traditions also provide an extensive view of sovereignty, human nature, conflict, state survival and international politics. "Chris Brown defines the approach succinctly: 'by normative international relations theory is meant the body of work which addresses the moral dimension of international relations and the wider questions of meaning and interpretation generated by the discipline.'"[2]

This is important in regard to research on Zimbabwe, because it investigates human rights, intervention into state sovereignty, justice and injustice, which are all normative issues.[3] Theory of International Law and Society includes international law itself, Idea of World Community, and The Political Theory of International Society.[4]

The section entitled "The Decisions of States" investigates the decision – making process of states.[5] This is important because the research focuses on foreign policy, and one needs to understand the thought processes behind it before one can make a judgement of the process itself.

The research surrounding Zimbabwean land redistribution and its effects on internal politics and foreign policy is applied to a discourse in international relations because the study thereof aids in explaining the research by applying it to discourse. Theory is then used to investigate all the factors surrounding the research topic, the reason they exist, and the different arguments for and against these factors.

REALISM

The Penguin Dictionary of International Relations says that Realism "focuses on the nation – state as the principle actor in international relations and its central

proposition is that since the purpose of statecraft is national survival in a hostile environment the acquisition of power is the proper, rational and inevitable goal of foreign policy".[6] In light of Robert Mugabe's Zimbabwe, his quest for power is thus explained, but not necessarily justified. If he is attempting to assert his 'African' authority over Britain and the international community, one could say that he is both winning and losing. They are not influencing his decisions and they have yet to forcibly intervene; yet for this reason, international aid is evaporating, and Zimbabwe has been expelled from the Commonwealth.

Realists have a pessimistic view of human nature (Hobbes believed that there is a permanent 'state of war' of every man against every man)[7] and operate on the assumption that world politics consists of an international anarchy of sovereign states.[8] There is a definite resentment between Britain and Zimbabwe. Zimbabwe resents the process and actions of colonialism, while Britain resents Zimbabwe's approach to diplomacy and foreign policy. Realists are sceptical whether progress in international politics will ever compare to that in domestic politics. Zimbabwe has shown little progress in either form in the last twenty years. It has followed a policy of undemocratic internal politics, for example in its policy of racial, ethnic and political discrimination.

Thucydides (a Greek political philosopher – 471 – 400 B.C.) highlighted the limit and restriction of manoeuvre available to states - people in the conduct of foreign policy.[9] For him, this was due to the anarchical nature of interstate politics – meaning that in order to protect one's state (the main goal of foreign policy), the options available are not always so plentiful, and sometimes there are no options at all. This, in turn, only encourages a state of anarchy, as it is "every state for itself". This is not to say however, that viable solutions are not available through foreign policy (Britain initially offered to pay for the Zimbabwean land reform, yet Mugabe refused to comply with Britain's democratic and rule of law demands). Also, Mugabe's land reforms have shattered its agricultural production so much so that local production and crucial exports have declined and it has had to import the majority of the countries staple diet (maize) to prevent further starvation and malnutrition. Zimbabwe, therefore, cannot claim that all her problems are due to interstate anarchy or that it has not had sufficient support from the global community.

Realists believe that political activity is based on power (its goals, means and uses), and that foreign policy is the calculation of one's power against another's.[10] Zimbabwe has attempted to enforce an 'African' independence from former colonial power Britain, yet in terms of a viable economy and good governance, Britain retains the power. In South Africa, Mbeki has attempted to retain power of his voting public. He believes that taking a passive stance toward Zimbabwe will ensure this. Mbeki has managed to hold on to his voters for the time being, yet this is a comfortable policy for Mbeki if he wishes to ignore the realities in Zimbabwe which he does not wish to confront (such as standing up to an old Apartheid ally in the face of his undemocratic policies, not to mention refugees, and export costs).

Hans Morgenthau, who was probably the leading realist thinker of the Twentieth Century saw men and woman as having a 'will to power': "Politics is a struggle for power over men, and whatever its ultimate aim may be, power is its immediate goal and the modes of acquiring, maintaining, and demonstrating it determine the technique of political action."[11] Thucydides, Machiavelli and Hobbes all share this view to a greater or lesser extent. This is definitely true of Mugabe's politics as one can see by the amount of time he has spent in power (1980-2005) and the legislation he has put in place to keep him there. However, there are presidents who use their power to the advantage of their people and their country. This means that their technique of political action is good and benefits the country. Most countries with upheld democratic principles and a good economy have used power to their advantage.

The Realist focus is on the state: its sovereignty, survival, order and stability.[12] Zimbabwe is a perfect example of too much state focus and a disregard for the international community.

Theorists like Schelling and Machiavelli disagree on statecraft: Machiavelli believed in instrumental realism where state security is achieved through strength, cunning, opportunism and luck, while Schelling favours strategic realism where the same is achieved through intelligence, nerve, risk – taking, logic, and the art of coercion.[13]

Schelling on diplomacy:

> *Diplomacy is bargaining: It seeks outcomes that, though not ideal for either party, are better for both than some of the alternatives…The bargaining can be polite or rude, entail threats as well as offers, assume a status quo or ignore all rights and privileges, and assume mistrust rather than trust. But…there must be some common interest, if only in the avoidance of mutual damage, and an awareness of the need to make the other party prefer an outcome acceptable to one. With enough military force a country may not need to bargain.*[14]

At present, Zimbabwe refuses to bargain, and Mugabe is unwilling to compromise.

Realists do not believe in international obligation based on moral duty, yet "for classical and neo – classical realists there is one morality for the private sphere and another very different morality for the public sphere. Political ethics allows some actions that would not be tolerated by private morality."[15] Upholding international human rights standards and respecting the rule of law would both be considered moral duty. Mugabe has thus either strayed from his moral duty or does not believe in it.

Realists place a great deal of importance on the balance of power and believe that it is a legitimate goal for the great powers to steer this.[16] If this is true, then foreign policy is vitally important especially between a first and third world country, and the onus is on the developed nation to keep the balance of power. Britain attempted this with Zimbabwe, but one cannot keep the balance of power peacefully if one nation refuses to comply with democratic standards.[17] Many contemporary realists seek to provide an empirical analysis of world politics. But they hold back from providing a normative analysis of world politics, because it is deemed to be subjective and thus unscientific.[18] That attitude marks a fundamental divide between classical and neo – classical realists on the one hand and contemporary strategic realists and neorealist on the other.[19]

<u>Critique of Realism</u>

The International Society tradition is critical of realism seeing it as too narrowly focused and that it fails to capture the extent to which international politics is a dialogue of different IR voices and perspectives.[20] Also, in terms of international law,

moral duty does play a role. The trick is, however, to keep this moral constant. Zimbabwe failed to do this when it signed, for example, the African Charter, and then reneged on its promises, although this is not uncommon to many of its signatories, for example, the Democratic Republic of the Congo is a signatory to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, yet according to Suzanne Taylor, coordinator of the Gender and Peacebuilding Working Group, 40, 000 women were raped in the Congo from 2000 – 2004.[21]

LIBERALISM

Turning to liberalism:

> *The theoretical point of departure for liberalism is the individual. Individuals plus various collectivities of individuals are the focus of analysis: first and foremost states, but also corporations, organizations, and associations of all kinds. Liberals maintain that not only conflict but also cooperation can shape international affairs.*[22]

Liberals believe that diplomacy can be mutually beneficial if humans employ reason.[23] This is because liberals are optimists. Optimism is closely linked to modernization because it means progress in most areas of human life. Pollard suggested that progress is core to liberal assumption, but that it is also a point of debate among liberals – "the scope and degree of liberal optimism as regards progress has fluctuated over time."[24] Liberals argue for more cooperation in international relations. The premise that more cooperation in international relations would be beneficial is true when it comes to Zimbabwe. If the Zimbabwean government had collaborated with, for example, Britain on land reform and NGO's on human rights practices, the country would not be in the state of chaos we see now. Although it is also hard to state with certainty that this would have really changed what for all intents and purposes is a one party state. The arguments for more cooperation are divided into four strands: sociological liberalism, interdependence liberalism, institutional liberalism, and republican liberalism.

Sociological Liberalism

In terms of sociological liberalism, relations between people are more cooperative than relations between governments; therefore IR is not only the study of relations

between governments but also the relations between individuals, groups and societies – a world with a large number of transnational networks will be more peaceful.[25] John Burton (1972) proposed a 'cobweb' model to depict transnational relationships where a state consists of many groups of people that have differing external ties and different interests.[26]

Interdependence Liberalism

Interdependence liberalism suggests that modernism increases the interdependence between states, and therefore transnational actors become more important and military force a less useful instrument. Therefore, welfare, not security is the main aim of states.[27] According to Keohane and Nye, complex interdependence is located on the time dimension of 'the long – term development of the welfare state' – which picked up speed after 1950.[28] Zimbabwe is not a well – developed state, and thus her interdependence with the world community is weaker than that of developed states.

However, less developed nations need to be careful of using this as a convenient excuse when the blame needs to fall on the government and its practices and not the countries international economic situation. Institutional liberalism believes that international institutions reduce states' fear of each other by promoting cooperation and alleviating lack of trust concerns. Republican liberalism believes that true democracies do not go to war with one another because of their shared domestic culture, moral values, and mutually beneficial economic cooperation and interdependence.[29] Jeremy Bentham the 18th Century English philosopher believed that it was in the rational interests of constitutional states to adhere to international law in their foreign policies. He coined the word 'international law.' International law is the establishment of legal norms that the international community can and should adhere to.

Critique of Liberalism

The Neorealist critique of liberalism is that they ignore the natural state of anarchy that exists in the world, and therefore their optimism is unwarranted.[30] This anarchy produces the realist – backed notion of self – help and state security. Zimbabwe is definitely an example of a state in anarchy, yet it is not a constitutional state with rational interest either. Liberals react differently to these neorealist objections. One

group of 'weak liberals' accepts several neorealist claims. Another group, 'strong liberals', maintain that the world is changing in fundamental ways that are in line with liberal expectations. "Anarchy does not have the exclusively negative consequences that neorealists claim: there can be positive anarchy that involves secure peace among consolidated liberal democracies."[31] Zimbabwe is not a consolidated liberal democracy, so peaceful cooperation and negotiation is not at the forefront of its policies.

All in all, the situation in Zimbabwe can be traced back to an amalgam of liberal and realist reasoning. As shown, Zimbabwe shares traits with both traditions, and is therefore a combination of the two.

NORMATIVE THEORY

In view of normative theory, it is important to this study because it lays the premise for international law, humanitarian cooperation and, human rights.

> *Normative theorists attempt to clarify the basic moral issues of international relations. One noteworthy attempt is that of Chris Brown (1992) who summarized the main normative controversies of world politics in terms of two moral rival outlooks, which are captured by the terms 'cosmopolitanism', and 'communitarianism'. Cosmopolitanism is a normative doctrine that focused on individual human beings and on the whole community of human kind as the basic right – and duty – bearing units of world politics. Communitarianism is a contrasting normative doctrine which focuses on political communities, particularly sovereign states, as the fundamental normative unit of world politics whose rights, duties, and legitimate interests have priority over all other normative categories and agencies.*[32]

The aim of normative theory is to work out the ethical standing of all parties involved in world politics, and then to assess which approach is better – individuals and world community, or sovereign states. The key notion in normative theory when it comes to Zimbabwe is the fact that morals and ethics are a given, and therefore, there are unwritten rules of conduct when it comes to international and domestic relations.

THEORY OF INTERNATIONAL LAW AND SOCIETY

"International society theorists also refer to the 'world society' or the society of states. They have in mind every member of the world's population conceived as possessing equal rights as human beings – human rights – regardless of the country they happen to live in."[33] This theory is important because through the land redistribution process, Zimbabwe has continually violated human rights. This theory produces the rationale why this is unacceptable to all people everywhere.

The Idea of World Community is based on the premise that "…the world is moving in the direction of community, albeit with a faltering step because of the contest between forces representing common interests and common identity and those representing the old, particularistic, order."[34] This is significant in the case of Zimbabwe because through its land redistribution process, the country has ostracized itself from a growing world community.

Examining the radical writing on the Idea of World Community, the world system is not merely social anymore, but it is also geographical. In Zimbabwe's case, her neighbours are her immediate community, meaning that sub–regional co–operation and opinion are vitally important.[35] This is because other Southern African countries are Zimbabwe's closest means of humanitarian and military assistance. Less radical theorist, have created a model of complex interdependence to describe the existing order that includes non– state and state actors.[36] This means that Zimbabwe is inherently part of the world system due to its economic activities, the existence of international NGO's and its status as a state.

> *For community to emerge, there has to be a growing awareness of common interests and identity; the creation of 'one – world' is a necessary condition for the emergence of a world community but it is not, of itself, sufficient", for example, some contemporary technology seems to work better when based on Western science.*[37]

This creates a complex environment in which a country like Zimbabwe needs to hold dear international human rights standards, and yet also see the logic in following the example of another country when it comes to certain issues. On the subject of good governance, Zimbabwe should be taking notes from Britain, yet it claims that that is

not the 'African way.' This coincides with Thabo Mbeki's notion of the "African Renaissance", and the aims and goals of the New Economic Partnership for African Development (NEPAD). Zimbabwe has clearly misunderstood this notion, because ignoring the rest of the international community will never aid African advancement. The idea is that African nations work together with one another and the international community in order to achieve goals and objectives. This is where many problems such as the land reform issue begin.

According to Todorov (1987), a moral impulse is also required in order to produce common interests and identity.[38] He refers to the moral consciousness present in international law. This theory does not suggest that one can only be loyal to one's fellow citizens (as Beitz suggests).[39] Quite the opposite is true. A state can serve its citizens and the international community at the same time, and more often than not, doing one, will be benefiting to the other. This is where Mugabe has faltered. He has a blatant disregard for the international community, yet when Zimbabwe needs help (as it does now – in terms of international investment/money and food/electricity/petrol aid), the international community is the ones that provide that help.

Political Theory of International Society

Turning to the Political Theory of International Society, according to Oakshott (1983) this theory can be conceived in two types of human conduct: 'instrumental' and 'non – instrumental.'[40]

> *The former refers to maxims, stratagems, tactics, and other pragmatic considerations or expedients which express the idea of an actor's endeavours to respond successfully to the anticipated or actual decisions and actions of other actors...the latter refers to legal and moral requirements and entitlements – norms – which express the conduct befitting a recognized, respected and equal member of a collectivity.[41]*

In terms of Zimbabwe, 'instrumental' refers to its sovereignty, and 'non – instrumental' refers to her role in the international community. Once again, we see the two interlinked. This means that by turning its back on the international community, Zimbabwe will never function at her peak. The land redistribution programme is an example of this. This theory also carries a humanitarian responsibility.[42] In view of this, Zimbabwe is betraying its people, and the international community has stood

still. This is tricky however, due to the notion of sovereignty. Yet, the UN Charter provides for intervention upon humanitarian grounds.[43] Unfortunately, the government keeps being re – elected (even if by illegal means). Also, since mass slaughter (genocide) is extremely difficult to prove, especially since there is no civil war in the country, it is hard to justify intervention within some circles.

This begs the question, however, as to why one needs UN approval to intervene? The US did not have United Nation support when it (and a 42 nation coalition) invaded Iraq in 2003.[44] The crisis in Zimbabwe does not seem important to the international community or the subcontinent when it comes to actual intervention. This is because it is not within US vital interests to intervene in Zimbabwe, and the surrounding regional states do not possess the resources to intervene or are more focused on internal domestic policies, ironic when one thinks of the economic damage and the rise in number of refugees the situation in Zimbabwe has caused. It must also be pointed out, however, that a state also requires willingness when it comes to intervention. Choosing not to intervene in another state is not always because there is nothing to gain there, but sometimes it can be put down to simple unwillingness.

THE DECISIONS OF STATES

> *Reduced to its most fundamental ingredients, foreign policy consists of two elements: national objectives to be achieved and means for achieving them. The interaction between national goals and the resources for attaining them is the perennial subject of statecraft. In its ingredients the foreign policy of all nations, great and small, is the same.*[45]

According to R.C. Snyder , H.W. Bruck and Burton Sapin who wrote *Decisionmaking as an Approach to International Politics* in 1954, how choices are made and the conditions under which choices are made are vital if one is to understand decision – making in international politics.[46] By this they mean that if one does not understand the environment or the manner in which the environment is dealt with, one will never fully grasp decision – making.

Snyder, Bruck and Sapin do however assume certain features of the organisational structure:

1.   *The personnel of formal organisations gain their livelihood from membership, have a limited working life and differ in skills;*

2.   *Specific limited, hierarchised objectives – either given or decided by the organisation;*

3.   *Internal specialisation or division of labour, which implies:*

a)   *recruitment and training (including in – service);*

b)   *universalistic standards of placement;*

c)   *functionally specific role relationships among members based on organisationally defined patterns of behaviour;*

d)   *two kinds of specialisation – vertical (delegation to levels of authority) and horizontal (boundaries of co – ordinate units and roles);*

4.   *Authority and control, which imply:*

a)   *normatively sanctioned power distributed unequally throughout the organisation;*

b)   *superior – subordinate relationships to ensure co – ordination of specialised activities;*

c)   *motivation for exercise and acceptance of authority;*

d)   *pyramidal structure of power;*

5.   *Motivation – members are moved to participate in co – operative pursuit of organisational objectives or activities related to such objectives;*

6.   *Communication – circulation of orders, directions, information;*

7.   *Relationships are formalised and routinised, serving to:*

a)   *insure predictability of behaviour;*

b)   *allocate roles according to competence;*

c)   *depersonalise relationships and insure continuity with personnel turnover;*

8.   *Positions and careers' professionalised' in terms of operating codes and procedures, lines of career development, criteria of advancement.*[47]

The only problem with these assumptions is that they are completely idealistic. No organisation operates that perfectly. The theorists might be attempting to understand foreign policy by applying it to the best possible case, but is it really that simply? You cannot simply take the best - case scenario and reverse it for the worst case – there are too many important factors that need to be analysed. This means that the best foreign policy theory is studied case by case. Otherwise (as above) one requires a constant if one is to examine a collective, and it is the constant (that which is assumes) that creates difficulties.

Examining Zimbabwe, one cannot assume that the organisations that make up and effect government are perfectly oiled machines. Considering the fact that firstly, in 1980, the government was new and the country was experiencing huge transition, and secondly that internal politics greatly affected and partly dismantled the smooth running of organisations in the last 15 years, one can not apply Snyder, Bruck and Sapin's assumptions to the country when discussing foreign policy and decision – making.

Part of the theory that can be applied to Zimbabwe is the notion of the decisional unit.[48] This is the concept that Snyder, Bruck and Sapin used for their analysis of decision – making. They allocated the specific decision – makers the unit because not all organisational decision – makers hold influence in each decision and not all are involved in the same way. This is true in Zimbabwe if one considers the government alone, not to mention the judiciary and the legislature. One has to understand that the president (Robert Mugabe) holds a different amount of authority and decision – making power, as opposed to, say, a ZANU – PF member of parliament or minister due to the very fact that he is president. Certain decisions only involve certain people to a great enough extent for them to be influential.

Snyder, Bruck and Sapin also allocated the unit of observation for the organisational system within which the decision – making event takes place.[49] The mission or objective is then the criteria that separate the decisional unit from the unit of observation.

The decision unit may be typified by size, structure, location in the institutional setting, relation to other organisational settings, the duration of the unit, or the type of objective.[50]

Looking at a different approach, G. T. Allison investigated the basic conceptual model that explains national government behaviour that he called "Rational Actor" (model 1).[51] According to Allison, this model has a unit of analysis, for example, governmental choice, to which certain concepts are then linked, for example, goals and objectives of the nation/government. A pattern of inference is then introduced: if the nation performed a certain action it must have had a certain goal.

At the beginning of this process, analysts frame the puzzle: Why did Zimbabwe not adhere to Britain's land reform requests (those of democratisation and rule of law)?[52] Zimbabwe's refusal to adhere to Britain's land reform requests was based on the notion that Britain needed to correct a wrong from its past, and therefore other domestic issues in Zimbabwe did not concern it. The goals and objectives of this could either have been to distance the international community in order to implement Mugabe's own notion of land reform, or to bully Britain into paying for the reform regardless of its conditions. Analysts have successfully unfolded the event when they can show how non – compliance to Britain's requests was a reasonable action, given Zimbabwe's strategic objectives. Allison states that working out the rational thing to do in a specific situation, given certain objectives, produces predictions about what a nation will do or would have done.[53] Factual analysis to back up this assertion is if one examines Britain and its support of international democracy – building, and its objective to fund a democratic land redistribution programme in Zimbabwe, then the rational thing for Britain to do would be to withdraw its funding when the land process abandoned the rule of law.

Allison then turns his attention to two other conceptual models that he labels "Organisational Process Model" (model 2) and "Governmental (Bureaucratic) Politics Model" (model 3).[54] According to Allison, these two models are an improvement on the first because they focus on the organisational and political actors involved in the decision – making, as opposed to merely action/s and objectives. Model 2 replaces models 1's actions and choices with outputs of large organisations working to regular patterns of behaviour. According to model 2, the puzzle is then framed as: from what organisational context and pressures did Zimbabwe's decision arise? The unit of analysis is then organisational output, and the concepts are things like strength, organisational job descriptions, and standard operating procedures. Thus, the patterns of inference produced are: if Zimbabwe carried out its decision to refuse Britain, then this behaviour was the result of existing organisational features, procedures and repertoires. Predictions are then made by identifying "trends that reflect established organisations and their fixed procedures and programmes."[55]

Allison states that model 3 focuses on the politics of a government.[56] Events are thus understood as neither choices nor output, but rather as "a resultant of various bargaining games among players in the national government." The puzzle is then framed as: which results of what kinds of bargaining among which players produced the vital decisions and actions that was Zimbabwe refusing Britain? Political resultant is thus the unit of analysis, and the concepts include "perceptions, motivations, positions, power and manoeuvres of the players." The pattern of inference is thus: if Zimbabwe refused Britain then it did so as the result of bargaining among players in the games. Predictions are made by "identifying the game in which an issue will arise, the relevant players and their relative power and skill."

Allison compares the three different approaches to a game of chess in which different assumptions are made.[57] The assumption of model 1 is that an individual player moved the piece with reference to tactics and stratagems toward the goal of winning. Model 2's assumption is that the chess player is made up of an alliance between semi – independent organisations, each of which moved their chess pieces in accordance to standard operating procedures. Model 3 assumes that many players who share power over the pieces could be deciding moves based on bargaining. Allison compares foreign policy and decision – making to chess in order to highlight the different approaches one can take.

J.N. Rosenau's analysis of foreign policy includes the notion that the study of the external behaviour of many countries is necessary if one is to form general classes of countries for foreign policy analysis and thus a model accounting for the behaviour of any given country.[58] This means that Zimbabwe would be paired in a sub - section with other countries of similar analytical characteristics, as would Britain, to form general theory about foreign policy based on these sub – sections. Rosenau states that it is difficult to find two studies of two different countries that use the same comparative variables. Therefore, the sub – section method is applicable.[59]

INTERNATIONAL LAW

International law is crucial in world politics. In terms of adherence to international law, Zimbabwe's track record over the last ten years has been poor. International law implies rules that bind sovereign political collectivities.[60] Over the years there has

been a naturalist – positivist debate over international law.[61] Naturalists, such as Samuel Pufendorf, believe that law is derived from God's superior laws, or divine law. The assumption therefore, was that there exist fundamental and unchangeable principles that transcend the rule and consent of rulers and the ruled in human societies. "Thus, all law developed by societies has to be tested for conformity with precepts of divine and/or natural law."[62] The critique of this is that "we manage to substitute for the will of God or nature the will of politically selected or church – appointed human interpreters of God and nature."[63]

Positivists believe that the only rules that exist are those are one agrees to be the ones its subject to and bound by.[64] The critique of this is that "states or individuals, freed from concern with higher principles, could advance to the status of law unjust and unnatural rules merely because these rules were adopted by mutual consent"[65] The eclectic school of thought lies between these two schools, and states the "simultaneous existence of two tiers of law – one at the natural level and one at the positivist level."[66] International law today is thus an amalgam of naturalist and positivist rationale. The international community as a whole believes in certain universal laws and rights because they are just and benefit and/or protect the people of the world. However, in order for international law to become domestic law within a nation state, that state has to ratify/sign/or agree to the international law/laws proposed.

"Article 38 of the Statute of the International Court of Justice identifies the sources of international law as follows:
1. International conventions (treaties), whether general or particular, establishing rules expressly recognized by the contesting states;
2. International custom, as evidence of a general practice accepted by law;
3. The general principles of law recognize by civilized nations;
4. Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of the rules of law."[67]

In view of international law as a subject, one has to take into account the fact that municipal laws are usually implemented by executive branches of government who

hold great power and authority over their subjects. There are no such institutions at an international level – the UN Security Council is veto bound, and its peacekeeping forces are rudimentary when it comes to authority.[68] Also, enforcing discipline on those countries that renege on their international legal obligations is almost impossible due to the above-mentioned reason that no global authority exists and the notion of state sovereignty.

The blatant disregard for human rights and good governance in Zimbabwe, highlighted by the country's radical land redistribution programme, is evident in international law as well. Zimbabwe has obligations under both international and national law. Zimbabwe ratified the African Charter in 1986 and the International Covenant on Civil and Political Rights (ICCPR) in 1991.[69]

The implementation of Zimbabwe's land redistribution programme breaks almost every article of the ICCPR. These include: the right to self – determination (Article 1), the right to not be judged on the basis of national or social origin, property, or political bias (Article 2), the right to life (Article 6), the right to not be subjected to torture or punishment (Article 7), the right to not be subjected to arbitrary arrest or detention (Article 9), the right of all persons to be equal before the courts (Article 14), the right to not be subjected to arbitrary or unlawful interference with one's privacy, home, family or correspondence (Article 17), the right to freedom of thought and opinion (Articles 18 and 19), the right to peaceful assembly (Article 21), the right to freedom of association (Article 22), the right to state protection of the family unit (Article 23), and the right to equal protection of the law (Article 26).[70]

There is much evidence to support the claim that Zimbabwe derogated from its duties, even though most of these rights appear in its constitution:

> *The government initiated a controversial land reform programme which sparked illegal*
> *occupations of commercial farms by so – called war veterans and other illegal settlers*
> *and resulted in, among other things, the forced eviction of hundreds of thousands of farm*
> *workers, farmers and their families. State – sponsored intimidation, unlawful arrests and*
> *torture perpetrated by the police, ruling party supporters, youth 'militia', and other state*
> *agents have become commonplace. The main targets for repression have been those*
> *vocal and critical of the government's human rights record, namely the independent*

media, the opposition Movement for Democratic Change (MDC) and civil society organizations attempting to protect human rights." Since 2000 [it] has also specifically begun targeting individuals perceived to be…working to expose human rights violations.[71]

The Articles of the African Charter are identical (save one or two) to those in the ICCPR, and therefore Zimbabwe's derogation from the ICCPR means its derogation from the African Charter.[72] "A 1993 amendment to the Zimbabwean constitution of 1980 adopts a typical transformative approach by providing that treaties shall not form part of the law of Zimbabwe unless they have been made part of Zimbabwean law by or under an Act of Parliament (article 111B(1))."[73] This can be seen as a loophole, because under international human rights treaties, countries are obligated to incorporate the international law into municipal law as expediently as possible. However, the 1993 amendment means Zimbabwe may choose which treaties to accept as municipal law, and may take their time in doing so. This creates a problem when trying to prove specific derogation.

Derogation from the African Charter also means derogation from the human rights provisions laid out in the Constitutive Act of the African Union of which Zimbabwe is a member.[74] This is because the African Union provides for the promotion and protection of human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights.[75] Zimbabwe was also party to the issuing of The 1991 Harare Commonwealth Declaration which among other things recognizes specific beliefs including the rule of international law, the liberty of individuals under the law, democratic political processes, opposition to racial oppression, and the importance of economic and social development.[76] The evidence that supports Zimbabwe's derogation from the other treaties supports the notion that Zimbabwe has derogated from The 1991 Harare Commonwealth Declaration.

The problem with derogation is that it is hard to enforce these treaties. The Human Rights Committee and the African Commission on Human and Peoples' Rights are put in place for the international supervision of the ICCPR and the African Charter respectively.[77] The problem is that there are few legally binding means of forcing any sovereign state to change its actions/legislation/constitution. Again, the notion of

willingness needs to be highlighted. States are not forced to sign these treaties, so it is very difficult to force them to abide by them.

On 1 November 1994, 46 of the 127 states party to the convention entered 150 reservations to the acceptance of the obligations of the Covenant.[78] The Human Rights Committee had to test the acceptability of each reservation in terms of international law. However, a state could not make a reservation to Article 2, paragraph 3, indicating that it intends to find no remedies for human rights violations. This just goes to show that Zimbabwe has no excuse for its derogation of the rights laid out in the Covenant.

Also,

> *The International Covenant on Civil and Political Rights does not contain any provision regarding its termination and does not provide for denunciation or withdrawal. Consequently, the possibility of termination, denunciation or withdrawal must be considered in the light of applicable rules of customary international law that are reflected in the Vienna Convention on the Law of Treaties. On this basis, the Covenant is not subject to denunciation or withdrawal unless it is established that the parties intended to admit the possibility of denunciation or withdrawal or a right to do so is implied from the nature of the treaty.[79]*

Parties to the Covenant did not admit the possibility of denunciation, nor is it implied in the nature of the treaty.[80]

In order to forcefully clamp down on dissent, the Zimbabwean government not only stated the violence they had created was a threat to national security, but also implemented legislation to legalize their actions even though this violates their constitution, especially their Bill of Rights. The problem with claiming threats to national security was firstly that it was unfounded, and secondly even if that was the case, the nation state cannot derogate from Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18, provided for under Article 4 of the ICCPR.[81] Also, Zimbabwe is under obligation to inform the other state parties under the Covenant of the derogations it has made, the date thereof, and the date on which the derogations are terminated.[82] Zimbabwe's derogations have yet to been terminated.

The legislation adopted by Zimbabwe to make its derogations seemingly legal, include the Broadcasting Services Act, the Public Order and Security Act, the Access to Information and the Protection of Privacy Act, the Private Voluntary Organizations Act, and the Labour Relations Amendment Act.[83] The legislation achieves this by domestically legalizing internationally illegal or frowned upon processes and actions.

Many members of the independent media have desperately tried to cover the land situation in Zimbabwe. In order to avoid this, the government instituted the Broadcasting Services Act (2000) giving the Minister of State of Information and Publicity excessive powers over the broadcasting sector, so much so, that he issues licenses and can declare any station illegal.[84] The Public Order and Security Act (2002) enabled the government to hamper the MDC's political campaigning activities, giving the Zimbabwean police sweeping powers.[85] The MDC opposed and still opposes Mugabe's version of land reform.[86]

The Access to Information and Protection of Privacy Act (2002) strictly controls the flow and content of national and international media coverage.[87] This makes it very difficult for the international community to know what is happening within the country. This allows Mugabe to continue his land reform unabated. In 2002, the Minister of Public Service reasserted the provisions of the 1967 Private Voluntary Organization Act concerning the registration of Non – Governmental Organizations (NGO's).[88] NGO's were de – registered or placed under strict governmental control that meant that the help they were giving to victims of the land reform was stopped and their coverage of the crisis stifled. This has meant that people have stopped receiving things like food aid and free medical assistance, which has only worsened the situation in the country.

Lastly, the Labour Relations Amendment Act (2003) restricts the ability of unions to organize strikes and demonstrations.[89] This meant that farm workers could not object to the land redistribution programme. All these acts remain in place and have the same implications.

The success and failure of the international human rights system should be evaluated in accordance with its impact on human rights practices on the domestic (country) level. At the beginning of the new millennium, it is clear that the concept of human rights is widely accepted and the 'idea of our time'. The conceptual battle is over, and the focus has shifted to the implementation of human rights. Universal ratification of the main United Nations (UN) human rights treaties might be appearing on the horizon, but ratification itself is largely formal, and in some cases an empty gesture. The challenge now is to ensure that the promises contained in the treaties and affirmed through ratification are realized in the lives of ordinary people around the world.[90]

The effect of international law generally, and that of its treaties, will always depend on the rule of municipal law.[91] Two large limiting factors to the implementation of these treaties are a widespread ignorance of the treaty system in government, and resistance to international supervision and implementation of recommendations due to the safe – guarding of sovereignty.[92]

The notion of Sovereignty

The above - mentioned notion of sovereignty is vital to any discussion surrounding human rights and International Relations. Scruton defines sovereignty as:

[T]he enabling concept of international relations whereby states assert not only ultimate authority within a distinct territorial entity but also assert membership of the international community...[93]

In using this definition, one could ask the question: Why should the domestic actions of a sovereign government concern the rest of the international community? This is an important question, because why then should human rights be of any concern to the international community, unless a foreign country is harming one of its statesmen? The answer to this is complicated. It hinges on international treaties and international law.

In 1946 the United Nations established the International Court of Justice. According to Scruton, "jurisdiction is limited to civil cases brought by and against sovereign states".[94] In 1948 the United Nations (UN) General Assembly adopted the Universal Declaration of Human Rights. Later was the UN's adoption of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Basically, any country that signs or

adopts these declarations and/or covenants holds certain responsibility toward the rest of the international community involved. The action that one country/ the international community can take against a state that 'breaks the rules' is limited to the agreement. International treaties, conventions and declarations set the international standard for human rights practices.

CONCLUSION

> *For many people, theory is explaining or predicting. One goes beyond mere description of phenomena observed and engages in causal explanation or prediction based on certain prior occurrences or conditions...Whatever differences international relations scholars might have among themselves, they all agree on one thing – theory is necessary and unavoidable when it comes to explaining and attempting to foresee the future of international relations...A theory, therefore, is an intellectual construct that helps one to select facts and interpret them in such a way as to facilitate explanation and prediction concerning regularities and recurrences or repetitions of observed phenomena.*[95]

Through the analysis of the specific international relations discourse investigated in this chapter, we can surmise that a focus on individual state actions is vital to the understanding of the international community, international law, and foreign policy – making with or due to other states.

All the theories investigated have one core assumption in common: they all recognise the way a sovereign state is divided between its own selfish ambitions (statecraft being pivotal to this concept), and its sense/need of obligation and involvement in the international community. This means that any study of a specific country in international relations needs to review both domestic and international politics, and then investigate their symbiotic and anarchic relationship.

The case of Zimbabwe follows closely the school of realism because an investigation of Zimbabwe's foreign policy reveals a somewhat hostile international environment (the 1998 land conference), and Zimbabwe's main focus is its government's concept of state survival. Liberalism calls for more co – operation in international relations, and the research shows that proper co – operation between Zimbabwe and the

international community could have prevented the chaotic land redistribution of the last few years.

Normative Theory and Political Theory of International Society both highlights the split between national and international interests in their reference to 'communitarianism' and 'cosmopolitanism' and 'instrumentalism' and 'non – instrumentalism' respectively, whereas the Theory of International Law and Society links to the following chapter on human rights due to its belief that we all possess equal rights as human beings. Idea of World Community suggests that the world is moving in the direction of community. This is the reason why Zimbabwean foreign policy is so important, because if one offends the world community, ones future as a 'world – player' may not be so certain.

The section entitled "Decisions of States" reveals how foreign policy analysis can be viewed from many different angles. These angles are applied to the foreign policy discussed in chapters 6 and 7. The section on international law highlights the importance and working of the international community. This, along with Idea of World Community, is applied to the sections entitled "Regional Co – operation" and "International Co – operation" in Chapter 7.

Predictions that can be made from all the above international relations discourse are discussed in Chapter 8, as this chapter investigates the future of Zimbabwe and her domestic and international politics.

<u>Endnotes</u>

[1] Jackson, R. and Sorensen, G., <u>Introduction to International Relations – Theories and Approaches</u>. New York: Oxford University Press, 2003, pg. 106.

[2] <u>Ibid</u>, pp. 259.

[3] <u>Ibid</u>, pp. 260.

[4] Booth, K. and Smith, S. (eds), <u>International Relations Theory Today</u>, Oxford: Blackwell Publishers Ltd., 1995, contents page.

[5] Luard, E. (ed), <u>Basic Texts in International Relations</u>, New York: St. Martin's Press, 1992, pp. ix.

[6] Evans, G. and Newnham, J., <u>The Penguin Dictionary of International Relations</u>. London: The Penguin Group, 1998, pp. 465.

[7] Jackson, R. and Sorensen, G., <u>Op Cit</u>, pp. 74.

[8] <u>Ibid</u>, pp. 102.

[9] <u>Ibid</u>, pp. 103.

[10] <u>Ibid</u>, pp. 103.

[11] <u>Ibid</u>, pp. 68.

[12] <u>Ibid</u>, pp. 103.

[13] <u>Ibid</u>, pp. 84.

[14] <u>Ibid</u>, pp. 81.

[15] <u>Ibid</u>, pp. 103.

[16] <u>Ibid</u>, pp. 103.

[17] <u>Ibid</u>, pp. 103.

[18] <u>Ibid</u>, pp. 103.

[19] <u>Ibid</u>, pp. 103.

[20] <u>Ibid</u>, pp. 103.

[21] "(Women-peace-and-security) BBC- DRC rape horror" (accessed from http://list.web.net/archives/women-peace-and-security/2004-October/001169.html on 25 July 2005), pp. 1.

[22] <u>Ibid</u>, pp. 135.

[23] <u>Ibid</u>, pp. 135.

[24] <u>Ibid</u>, pp. 135.

[25] <u>Ibid</u>, pp. 136.

[26] <u>Ibid</u>, pp. 136.

[27] <u>Ibid</u>, pp. 136.

[28] <u>Ibid</u>, pp. 116.

[29] <u>Ibid</u>, pp. 136.

[30] <u>Ibid</u>, pp. 136.

[31] <u>Ibid</u>, pp. 136.

[32] <u>Ibid</u>, pp. 260.

[33] Jackson, R.H., "The Political Theory of International Society" in Booth, K. and Smith, S. (eds): International Relations Theory Today. Oxford: Blackwell Publishers Ltd., 1995, pp. 111.

[34] Brown, C., "International Political Theory and the Idea of World Community" in Booth, K. and Smith, S. (eds): International Relations Theory Today. Oxford: Blackwell Publishers Ltd., 1995, pp. 92.

[35] Brown, C., Op Cit, pp. 92.

[36] Ibid, pp. 93.

[37] Ibid, pp. 93.

[38] Ibid, pp. 94.

[39] Ibid, pp. 96.

[40] Jackson, R. H., Op Cit, pp.112.

[41] Ibid, pp. 112.

[42] Ibid, pp. 115.

[43] Steiner, H.J. and Alston, P., Op Cit, pp. 1031.

[44] "Asked whether the U.S.-led invasion of Iraq broke international law, Annan said, "Yes, if you wish. I have indicated it was not in conformity with the U.N. Charter from our point of view, and from the charter point of view it was illegal." The charter allows nations to take military action with Security Council approval, such as during the Korean War and the 1991 Gulf War. But in 2003, in the buildup to the Iraq war, the United States dropped an attempt to get a Security Council resolution approving the invasion when it became clear it would not pass. "I hope we do not see another Iraq-type operation for a long time — without U.N. approval and much broader support from the international community," Annan told the BBC." – "'Powell says U.S.-led war on Iraq 'consistent with international law'. Secretary of state disputes U.N. chief's assertion that invasion was 'illegal'" (accessed from http://www.msnbc.msn.com/id/6016893/ on 25 July 2005), pp. 1.

[45] Couloumbis, T.A. and Wolfe, J.H., Introduction to International Relations – Power and Justice. New Jersey: Prentice – Hall Inc., 1990, pp. 114.

[46] Basic Texts In International Relations, Op Cit, pp. 326.

[47] Ibid, pp. 327.

[48] Ibid, pp. 328.

[49] Ibid, pp. 328.

[50] Ibid, pp. 330.

[51] Ibid, pp. 332.

[52] Ibid, pp. 332.

[53] Ibid, pp. 332.

[54] Ibid, pp. 332.

[55] Ibid, pp. 332.

[56] Ibid, pp. 333.

[57] Ibid, pp. 334.

[58] Ibid, pp. 335.

[59] Ibid, pp. 33

[60] Steiner, H.J. and Alston, P., Op Cit, pp. 248.

[61] Ibid, pp. 248.

[62] Ibid, pp. 248.

[63] Ibid, pp. 249.

[64] Ibid, pp. 249.

[65] Ibid, pp. 249.

[66] Ibid, pp. 249.

[67] Ibid, pp. 250.

[68] Ibid, pp. 251.

[69] Amnesty International, "Zimbabwe – Rights under Siege" (accessed from
http://web.amnesty.org/library/print/ENGAFR460122003 on 18 December 2004), pp. 3.

[70] Steiner, H.J. and Alston, P., Op Cit, pp. 1381 – 1388.

[71] Amnesty International – Zimbabwe under Siege, Op Cit, pp. 1 and 2.

[72] Orlu Nmehielle, V.O., "The African Human Rights System: Its Laws, Practice and Institutions" in
International Studies in Human Rights, vol. 69, 2001, pp. 85 – 130.

[73] Matuwa, T., "International Law as an Aid in the Interpretation and Application of Law in Municipal
Legal Systems in Africa". pp. 56.

[74] Baimu, E., "The African Union: Hope for Better Protection of Human Rights in Africa?" in African
Human Rights Law Journal, vol. 2, 2001, pp. 311.

[75] Ibid, pp. 311.

[76] "The Harare Commonwealth Declaration 1991" (accessed from
http://www.anc.org.za/ancdocs/history/commonwealth/harare.html on 9 January 2005), pp. 1.

[77] Steiner, H.J. and Alston, P., Op Cit, pp. 1388 and 1455.

[78] "Issues Relating to Reservations Made upon Ratification or Accession to the Covenant or the
Optional Protocols thereto, or in Relation to Declarations under Article 41 of the Covenant: 4/11/94.
CCPR General Comment 24." – Office of the High Commissioner for Human Rights (accessed from
http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/69c55b086f72957ec12563ed004ecf7a?Ope... On 11 March
2004), pp. 3.

[79] "Continuity of Obligations: 08/12/97. CCPR General Comment 26." - Office of the High
Commissioner for Human Rights (accessed from
http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/06b6d70077b4df2c8025655400387939?Ope... on 11
March 2004), pp. 1.

[80] Ibid, pp. 1.

[81] Steiner, H. J. and Alston, P., Op Cit, pp. 1382.

[82] "Derogation of Rights (Art. 4): 31/07/81. CCPR General Comment 5." - Office of the High
Commissioner for Human Rights (accessed from
http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ecb5519dedd9b550c12563ed0046d1a1?Ope... On 11
March 2004), pp. 1.

[83] Amnesty International – Zimbabwe Under Siege, <u>Op Cit</u>, pp. 1.

[84] <u>Ibid</u>, pp. 6.

[85] <u>Ibid</u>, pp. 7.

[86] Meredith, M., <u>Op Cit</u>, pp. 188.

[87] Amnesty International, <u>Op Cit</u>, pp. 9.

[88] <u>Ibid</u>, pp. 11.

[89] <u>Ibid</u>, pp. 12.

[90] Heyns, C. and Viljoen, F., "The Impact of the United Nations Human Rights Treaties on the Domestic Level" in <u>Human Rights Quarterly</u> vol. 23. Baltimore: The Johns Hopkins University Press, 2001, pp. 483 – 484.

[91] Matuwa, T., <u>Op Cit</u>, pp. 51.

[92] Heyns, C. and Viljoen, F., <u>Op Cit</u>, pp. 517 – 518.

[93] Evans, G. and Newnham, J., <u>The Penguin Dictionary of International Relations</u>. London: The Penguin Group, 1998, pp. 504.

[94] Scruton, R., <u>A Dictionary of Political Thought</u>. London: Macmillan General Books, 1996, pp. 268.

[95] Viotti, P.R. and Kauppi, M.V., International Relations Theory – Realism, Pluralism, Globalism and Beyond. MA: Allyn and Bacon, 1999, pp. 3.