

The United Nations and Zimbabwe: Crimes against humanity What international bodies can, and cannot, do about Zimbabwe

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MORGAN TSVANGIRAI, Zimbabwes opposition leader, has called for the United Nations to send peacekeepers to his ravaged country. Others, including Jacob Zuma, leader of South Africas ruling African National Congress, have begun calling on the nternational community to intervene. (...)

Under the new concept of an international **responsibility to protect**, adopted unanimously by world leaders (including Mr. Mugabe) at a UN world summit in New York in 2005, intervention in a states internal affairs is permitted in the event of genocide, crimes against humanity, ethnic cleansing and other mass atrocities, if that state is unwilling or unable to protect its own people. Indeed, **R2P**, as it has become known in diplomatic jargon, places an actual obligation on governments, usually acting through international bodies such as the UN, to intervene in such cases.

Natural disasters and human-rights violations on a less gross scale do not qualify, which is why such an intervention was not possible in Myanmar after Mays cyclone. But it is arguable that Zimbabwe could qualify. Under the ICC's Rome statute, crimes against humanity are defined as inhumane acts, such as torture or murder, that are idespread or systematic intentionally causing great suffering and serious injury to the body or to mental and physical health. That seems to fit the pattern of systematic rape, torture, murder and other atrocities being perpetrated against Mr. Tsvangirais supporters.

But qualifying for **R2P** is only the first (and easiest) step. Any intervention involving sanctions or armed force requires authorisation by the UN Security Council, meaning no opposition from any of the councils five permanent veto-wielding members: Britain, China, France, Russia and the United States. For the council to have issued a statement for the first time condemning Zimbabwes government for the violence and intimidation surrounding its presidential elections is regarded as a tour de force. (...)

But it was once regarded as ludicrous that the council would ever agree to refer Darfur to the ICC for investigation it did. Almost everyone said that China, with its close ties to Sudan, would never agree to send UN peacekeepers to Darfuret it did. More recently, it was assumed that the Security Council, on which South Africa holds a two-year seat, would never say boo to Zimbabwe over the conduct of its elections, surely an internal matter if there ever was one. Yet it has.

So the residential statement issued by the Security Council on June 23rd was something of a triumph, given South Africas presence and Chinas and Russias traditional reluctance ever to intervene in a states internal affairs. For, unlike council resolutions, such non-binding presidential statements can be adopted only unanimously. And, though it was a watered-down version of a British draft reportedly calling for Mr. Tsvangirai to be regarded as Zimbabwes legitimate president, it contained some tough language, squarely blaming Zimbabwes

government for the humanitarian and political crisis at a time when Thabo Mbeki, South Africa's president, was still refusing to do so. (...)

Unlike its discredited predecessor, the Commission on Human Rights, [the Human Rights Council] has the power to call for an emergency session to address a particularly egregious violation of human rights, for example in Zimbabwe. All that is required is for one-third of the council's members to back the move. But not a single country, not even Britain, has even suggested putting forward such a motion; the United States is not a member. (...)

As for an eventual indictment at The Hague by the ICC which is backed by the UN but independent of it, too, is tricky. Though the atrocities being perpetrated by Mr. Mugabe and his army, police and party militias could well be considered crimes against humanity and may therefore fall within the court's jurisdiction, Zimbabwe is not a party to the court. So the UN Security Council would have to refer Zimbabwe to the ICC, a step that China or Russia may be expected to veto. But as the Beijing Olympics draw near, China just may be willing to abstain on such a resolution, as it did over Darfur. And Russia, not wanting to be left out on a limb, may agree to do the same. So Mr. Mugabe is not out of the court's sights yet.

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