

## The Zimbabwe Crisis and R2P

Written by W. Andy Knight

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<https://www.e-ir.info/2008/07/21/the-zimbabwe-crisis-and-r2p/>

W. ANDY KNIGHT, JUL 21 2008

On 23 June 2008 the UN Security Council met to discuss the worsening political and humanitarian situation in Zimbabwe since the flawed March 29 general election in that country. The sentiment expressed by most members of the Council was that President Robert Mugabe, his ZANU-PF political party, and sections of the armed forces should be held responsible for outbreaks of violence and the use of intimidation tactics against supporters of the opposition party – Movement for Democratic Change (MDC).

Based on the long awaited Presidential election results, opposition leader Morgan Tsvangirai seems to have won the March 29 vote but did not receive the 50% required to avoid a run-off. In fact, several election observers believed that Tsvangirai was denied an outright victory in the first Presidential elections due to vote tampering.

Before the run-off election, Mugabe went on record to say that only God can remove him as the head of Zimbabwe. Perhaps he is right.

Certainly, Mugabe's brutal tactics worked to keep many MDC supporters from going to the polls the second time around, and he was declared the winner of the run-off election. The leaders of the African Union (AU), who could have delegitimized this sham election, not only failed to do so but actually greeted Mugabe with ovations at the 11<sup>th</sup> Summit of the AU in Sharm el-Sheikh, Egypt.

Members of the UN Security Council who considered applying the Responsibility to Protect (R2P) norm to the deteriorating humanitarian situation in Zimbabwe were over-ruled by one of the veto-wielding states, according to US Ambassador Zalmay Khalilzad, who was serving as council president in June, and his counterpart from France, Jean-Maurice Ripert. Although Khalilzad and Ripert refused to say which country nixed the idea of invoking R2P in this case, the suspicion is that it may have been China.

So Mugabe remains in power, and the debate about whether or not R2P should be invoked in Zimbabwe's case rages on.

It is true that, according to the R2P doctrine, the international community has a residual responsibility to protect citizens who are not being protected by their government or who are being abused by said government. However, this "fall-back" responsibility is to be used only as a last resort, i.e. after all other diplomatic means have been tried to get that government to take its sovereign responsibility to protect its citizens seriously.

Based on the consensus that emerged out of Paragraphs 138-140 of the Outcome Document of the 2005 UN Summit, R2P is to be limited to the specific atrocities of "genocide, war crimes, ethnic cleansing and crimes against humanity." Some scholars, like Alex Bellamy, have argued that what emerged from the 2005 World Summit was really "R2P lite" – a norm "shorn of all its substance." And, for many 'supporters of the R2P norm' this outcome is nothing short of disappointing.

But others, like Gareth Evans and Ramesh Thakur argue convincingly that invoking R2P in cases that fall short of the ones mentioned above could dramatically undercut the international consensus reached on the use of R2P and eventually kill this fledgling norm.

Clearly, the world needs a robust R2P norm to deal with major atrocities such as the Rwandan genocide, the war crimes in Bosnia, the ethnic cleansing in Kosovo, and crimes against humanity committed by dictators like Pol Pot

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and Augusto Pinochet. So clinging to the consensus reached in 2005 is perfectly understandable.

However, it is important to remember that R2P is only one tool in the multiple tool-box of the international community. Diplomatic pressure, structural and direct prevention, fact-finding, negotiation, mediation, conciliation, arbitration, judicial settlement, economic sanctions, blockades, smart sanctions, peacekeeping, peacebuilding, resort to regional agencies, and prosecution by the International Criminal Court (ICC) are among the many tools at the disposal of the international community.

For those who are anxiously calling on the UN to invoke R2P against the despicable Mugabe regime, perhaps it might be wise to ponder on whether or not other tools in the UN's tool-box could be more effective at this stage. Already, Zimbabwe's opposing factions have agreed today to sign an agreement that could prompt the first serious negotiations on a power-sharing deal between the MDC and Mugabe. So other tools besides R2P seem to be doing the trick. After all, why use a hammer when a screw-driver might do?

***W. Andy Knight** is Professor of International Relations, Director of the Peace and Post Conflict Studies Programme at the University of Alberta, Edmonton, Canada and author of several books on the UN and multilateral institutions. His recent volume is *Building Sustainable Peace* (with Tom Keating).*