Pariah State System and Enforcement Mechanism of International Law

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1. Introduction

The concept of a Pariah State is not new in the lexicon of international relations. It is not new either in political history – the Ottoman Empire for example was regarded as an outcast by European States from the Renaissance to the nineteenth century (Luard E. 1990 P.36). The ground for the Ottoman Empire out casting was based on the establishment of the *res publica Christiana* – on religious basis. What is new however in contemporary terms is the basis for Pariahood appellation. There are so many open questions on the issue of Pariah State. For instance who determines a Pariah State and how a nation becomes a Pariah State remains a congenial concern to pupils of international relations. This becomes more profound when one realizes that a nation that is an outcast in one region, has diplomatic and friendly relations with others.

At this juncture, it is important to State the interest of this paper. The issue of Pariah State appears to be one of the greatest challenges facing international law today, because Pariahood is a presumption of lack of compliance with international law leading to global ostracization. What makes the study more important is the attempt to differentiate Pariahood from severance of diplomatic relations. The Pariah system creates a judgmental framework of convenience for a pan- systemic for states, to have a uniform conclusion of international affair. This essay therefore finds it of interest to examine the relationship between Pariah States and international law and indeed international relations.

2. What is a Pariah State?

A Pariah State is one whose conduct is considered to be out of line with international norms of behaviour (Harkavy R. E. 1981 p.2). What is important however here is that the term Pariah is already imbued within it a certain sense of guilt in the face of international jurisprudence. Once a State is said to have acquired a Pariah status, it means it is ostracized.

Penguin Dictionary of International Relations (1998) defines Pariah States as international States/actors which by virtue of their political systems, ideological postures, leadership or general behaviour suffer from diplomatic isolation and widespread global moral opprobrium. Harkarvy (1981) defines Pariah States as those characterized by precarious diplomatic isolation, the absence of assured, credible security support or political moorings within big power alliance structure and being targets of obsessive and unrelenting opprobrium and censure within international forums such as the United Nations. Harkarvy's definition of pariah state has conveniently captured the content and context of Pariahood in international relations. It explains not only that the big power alliance structure determines Pariahood, but that they also compensate or punish States according to their whims and caprice.

The definition also explains why some nations do not have the whimsical nature to tag some States Pariah. Developing States, like Nigeria that are not encapsulated in the big-power alliance cannot tag any State Pariah. The best will be the severance of diplomatic ties with affected States. Developing States simply lack the structure to fit into the international framework called Pariah. (Zartman. 1995 p.55)

There is also the concern about whether Pariah State is different from a rogue State. Pariah State although closely related to rogue State, they are strictly speaking, different. The two terms have been used interchangeably because there is a certain convergence in their features nearly to the

extent that differentiating them may not be necessary, but they are not the same. (Graham E. & Newton J.1998 p. 432)

Rogue State properly refers to leadership of that country. In particular, leaders who appear irrational, unprincipled, dishonest, troublesome, mischievous and largely extra judicial are called rogue State. A nation that is out rightly committed to the fundamental principles of international law may be a rogue under a particular administration. Nigeria under Sanni Abacha and Uganda under Idi Amin are critical examples. Pariah on the other hand is more encompassing. It is not just the improperness of leaders and lack of compliance with international norms; it signifies those States whose origins, legitimacy, demeanor or ideology is widely questioned by the international community. The following States: Rhodesia (1965 – 1980), South Africa and Republika Srpska all fall within contemporary instances of Pariahood.

It appears from the above analysis that what is commonly refers to as Pariah State has features befitting rogue States. These differences notwithstanding, clearly the two descriptions may overlap to the extent that we can safely say that a rogue characteristic is a clearance in the international system to declare Pariah status on a State.

3. Tradition of Origin of Pariah

Random House Word Menu (2010) has provided evidence that the word Pariah has become truly a universal word. All cultures seem to have accepted the usage of the word to mean outcast. The spelling also has been retained in line with linguistic pleasure of the language administering it. The Danish has it as "Pariah" and when describing it, it means "udstode". In french it is simply "Pariah", Dutch has it as "Pariah" and the description is given as "verschoppeling". But Pariah is original to India.

The traditional caste system of India developed more than 3000 years ago when Aryan-speaking nomadic groups migrated from the north to India about 1500 BC.(Rashidi 2011 p.5) According to the ancient sacred literature of India, the Aryan priest divided the pristine Indian society into basic

caste system. The Pariahs are actually one of these Indian classifications. According to Rashidi's account (2011 p.6), the Pariah people are a large indigenous tribal group in the Tamil Nadu State of South India who are physically, religiously and socially segregated as "outcasts and untouchables" by the Hindu majority along with two million other similarly outcaste people who are collectively referred to as "Daltis". It is interesting to note the obvious literary bigotry in the usage of the words here. There are people who are actually called Pariah – a product of the hierarchical division of Hindu Society. Again, the word "untouchable" which has been variously used to connote people who belong to big power alliance structure like in Nigerian society, is in Hindu literature used to connote those who are discriminated against.

The word Pariah itself means a drum player of the Tamil society in India and the Pariahs were considered amongst the lowest ranks in the caste system of India. The global relevance of the word "Pariah' is huge on the colonial history of India. India being former colony of Britain transmitted the word "Pariah" into general English lexicon. The word is first recorded in English in 1613. Its use and its extension in meaning probably owe much to the long period of British rule in India.

4. Pariah State and International Law

Since the Westphalia Peace Treaty of 1648, and the subsequent evolution of modern State system, international law was also developed as a mechanism to regulate international relations. As international system develops, so is international law which identifies clearly those States who work within or outside the norms of global community. There is no doubt however that the works of the Dutch jurist Hugo Grotius is the cornerstone of the international system as established by the Peace Treaty of Westphalia, other scholars like Cornelis Van Bynkershoek and Emmerich de Vattel both of Dutch and Swiss origins respectively also contributed their quota to international law. (Watson .A. 1992 p. 63)

The greatest challenge to international law remains the concept of State sovereignty and the natural law idea that municipal law of State overrides any other body of jurisprudence. (Watson .A. 1992 p.4) The positivists have quickly resolved this conflict by developing a principle called "*jus cogens*" – a higher norm which permits no derogation, it is this framework that confers superiority on international law whenever municipal law is at variance with it. States therefore are under obligation to respect international law, their sovereign status notwithstanding. The tussle between international law and national law is exacerbated by the increasing scope of international law. The scope of international law is so vast that nearly every matter of legal regulation within a nation has some international counterpart.

As a matter of fact, national law provisions are no excuse to breach an international agreement or violate international law. This much became clear following the World War II, when the Nurnberg tribunals rejected the defence that certain acts, such as killing of prisoners of war were permitted under domestic law of Nazi Germany. The tribunals held that such laws were null and void because they contravened the general valid rules of warfare.

The analysis of international law standard becomes necessary, because, it is that framework that creates a confluence of opinion as to what State is Pariah. A Pariah State can willfully disobey international law even when that international law is counter parted in that State's municipal law. A Pariah State can also disregard the incompatibility of its national law with international rules and acts in violations of international norms. Whichever, international law makes identification of Pariah State a less herculean task.

To the extent that the international laws itself is drafted by States and is sourced through treaties and conventions, it becomes obligatory for States to obey them. The problem therefore arises as most nations do not share views of international laws and the system promoting them. For instance this writer (Lawal 2010) has argued elsewhere that Muslim States are revolting so much against the

international system because the international system itself had no place for Islamic inputs when it was developed in Europe. The only Islamic country that could have participated "The Ottoman Empire" was at that point a Pariah State in Europe consequent upon the sick man appellation variously attached to that country.

5. Pariah State and International Organisations

In recent times, international relations have witnessed an upsurge in the aspiration of most international organizations to acquire supranational status in the conduct of their affairs. This swing develops an inquisition regarding the utility of States seeming submission of their sovereignty (maybe partial) to an international body. Supranational authority of international organizations is created by the members of that organization clearly to the extent that they are bound by the treaties establishing such organizations. States on the other hand still desire to exercise their claim to the right of national sovereignty. This technically is a threat to the functions and future of international organizations if the members enjoy nearly the same level of influence in that organization (like in the EU). But if the level of influence is on unequal basis, the supranational status of that organization cannot be easily revoked or queried by States of lower pedigree in that organization. (Papp 1988 p.245)

Declaring a State as Pariah in recent times has come under the purview of international organization, this point we shall return to, as we quickly look at the Pariah system among nation-States.

Individually, States can declare another State as Pariah if they feel conditions in that State sufficiently warrant such declaration. But as often as being discovered, most States who share what appears as individual reaction to a particular action of a State also have ties and co-operation elsewhere which often lead to the same analysis and conclusion of issues in international relations. The United States, Britain and France have variously and individually related to Iran as a Pariah State because of the country's unrelenting effort towards building a nuclear arsenal. While

all these countries (Britain, U.S. and France) appeared to have reacted to Iran's nuclear acquisition project on individual and non-consultative basis, all of them are united by Nuclear Non-Proliferation Treaty that they are all signatories to and they are bound again by the politics surrounding the acquisition of nuclear power and the intention behind it. (Rupert Cornwell 2002)

The pretense to democratization in Africa is also a good example of this individual reaction of nation States to issues in international relations. Sierra Leone in 1997 – 1998 came under serious attack from governments of African States when the democratically elected President of Tejan Kabbah was overthrown. Countries in West Africa (including Nigeria that was under military rule) related to Sierra Leone on a Pariah-like basis. Soon it became clear that most of the countries who participated in the restoration of democracy in Sierra Leone were themselves using the crisis to consolidate their holds on their countries.

Returning now to Pariah State and international organizations, the point here is that international organizations have been used by influential States in them as tool to ostracize States from the comity. In a way, the big-power alliance structure in international organizations allows for official condemnation herein referred to as censure thus signaling the beginning of Pariah appellation. (Sorros .M 1986 p.89) At international organizations' meetings, States are designated Pariah for political purposes and depending on the direction of the meeting, different categories of Pariah classifications can be identified. (Rupert Cornwell 2002) For instance, for violations of international agreement on development of weapons of mass destruction, countries like Iran, Iraq, North Korea and Pakistan have been called Pariah States as a result of non-commitment to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, largely the United Nations has been used as crucible of enforcement and listing of States as Pariah for arms control violations. States have been labeled as Pariahs in international system as a result of support for terrorism, and examples are Afghanistan, Iraq, Sudan, and Libya.

Below is a table of classification of Pariah:

Weapons of Mass Destruction	Terrorism	Contested	Lack of Democracy	Violation of Human Rights
Iran Iraq North Korea Pakistan Uzbekistan	Afghanistan Iraq Sudan Libya	Chile Cambodia Liberia Haiti	Cuba Democratic Republic of Congo Apartheid South Africa Saudi Arabia All countries under military rule in Africa Burma	Zimbabwe China Uganda

International organizations whether, United Nations, Commonwealth of Nations, European Union, African Union, or Association of Southeast Asian Nations (ASEAN) have all developed mechanisms to ostracize states stating whose conducts are considered to be out of line with international norms of behaviour (Kratchowil and Mansfield 1994 p.27).

International organizations thus provide a pan-systemic framework for precarious diplomatic isolation.

6. Pariah States and International Economic Relations

A nation's political strength can be measured by the degree of its influence in international economic relations. There is a serious link between a nation's industrial base, the strength of its economy and influence on international system. One strong instance in this realm is the minimal influence of oil exporting countries on world economy whose industries are powered by the product they produce (Spero J. 1985 p, 250). To drive home the point more succinctly, we can begin to compare the influence of countries like Netherland and Japan on world economy and nations like Nigeria and Saudi Arabia who are oil producing countries. Contemporary international system has been developed in manner that nations that are not technically developed find themselves in the mesh of the girders against economic and political relevance in the system.

International economic relations, with its long paraphernalia of trade and trade theory, international monetary policy, global economic subsystems, international trade, the Bretton Woods System etc, has left us with an array of political implications. The theoretical perspectives of economic independence and political independence have blended properly with ability or inability of States to make decisions free of externally created constraints. Again, contemporary international economic relations are based on an inequitable system foisted on the world by economically powerful countries and designed by those countries to assure their continued economic preeminence. (Spero J 1985 p.263)

From the above observation, it is correct to say that what the Pariah State may have to contend with is not just its political isolation but also an international economic conspiracy to serve the death kneel on it. International relations today have recognized that economic capabilities

are a major parameter of power in the arena. A Pariah State runs the risk of being discriminated against economically because of its status.

Countries like Burma, Uzbekistan, Libya and Apartheid South Africa did not benefit from the various investment opportunities around the world in the 80s and 90s when communism collapsed. Few investors were brave enough to go public on their interest in the Pariah States. (Kochan Nick 2008) A corporation that publicly declares its involvement in a Pariah State may also be boycotted by its customers and other companies. This was exactly the fate of Premier Oil – the largest British oil investor in Burma in the 1970s. Supporters of democracy around Europe became very critical of the Company because of its association with a Pariah State and consequently the company sold its $200m Share in a project to pipe gas to Thailand from Burma's vast Yetagun offshore field. (Kochan Nick 2008)

Another nation which suffered similar economic opprobrium was Northern Cyprus. Following, the 1974 division of the country to Turkish Cypriots in the North and the Greek Cypriots in the South, and European nations' conspiracy against Northern Cyprus. The Turkish Republic of Northern Cyprus (TRNC), the State was declared a Parish State. Investors were discouraged from economic activities in that country – a good example of this was David Lewis, the owner of River Island Clothing, who was dissuaded from investing tens of millions in a new hotel complex. (Wallenstein .I. 1979 p, 41)

Economic sanctions have been used as means to secure compliance or ostracization of Pariah States. International institutions are the crucible to ensure universal and general applications of sanctions – thus creating a framework for institutionalization of sanction through organizations such as League of Nations and the United Nations. Under Article 16 of the League Covenant, the member States were clearly committed to confront international wrong-doing with economic sanctions. The UN under Charter 41 is even more extensive than the League as economic sanctions are clearly stipulated. (Wallenstein .I 1979)

Recent events in international relations have suggested that for economic sanctions to be effective on a State, to the extent that such sanctions are seen clearly as punitive measure directed towards a Pariah State, then such sanctions must have collective force behind it. International organizations, especially the ones that have acquired supranational status have the capability to ensure multilateral enforcement of sanctions with little fear of saboteurs. Notwithstanding there have been reported cases of some States not supporting the act of sanctions but supporting the principle behind them. For example, the UN Policy of economic sanction against Rhodesian (now Zimbabwe) between 1966 – 1979 was fatally flawed by the fact that Rhodesia's second largest standing partner – South Africa – actively worked to undermine the policy. Susan Willett (1995)

More recently, it was discovered that Russia and France have not been totally supportive of economic sanctions against countries like Iraq, Iran, Afghanistan, etc. Part of the capability explanation of institutionalization of sanction is that international organizations develop monitoring, supervision and enforcement actions as grounds for successful implementation of sanctions. Again, the fact that military instruments are often necessary to support full implementation of economic sanction suggest that economic sanctions are fast becoming part of coercive instruments.

The Unilateral Declaration of Independence (UDI) by the recalcitrant regime in Rhodesia (Zimbabwe) in November 1965 irked the UN and as a political instrument, economic sanctions were placed on that country. The Persian Gulf War also saw the use of sanctions by the UN as Resolution 661 of the Security Council was passed on 13 August 1990 against Iraq. Recently the UN and the EU countries continue to source a coalition and a coordinated action to impose economic sanction on Iran. The strategy is to use both their oligopolistic and oligopsonic strengths to cripple Iran's oil and gas industries.

Economic sanctions are effective to the extent that targets remain vulnerable to economic sanctions. Pariah States are targets of this realization.

7. Pariah States: The Subjective Conferment

Pariah status is often conferred subjectively – according to whims and caprice of the imposing State, reflecting the interests and values of a dominant section of the international system. The United States has in this regard used her influence within the international system to confer Pariah status on States that she considered outlaw. Subjective application of the term may sometime acquire an objective status depending on the level of dominance of the imposer. In this realm, the case of Fidel Castro of Cuba is succinct to prove this point. Since the Cuban revolution of 1959, the United States had related to Cuba as a Pariah State. Ordinarily, the US could have developed a hostile foreign policy towards Cuba unilaterally without recourse to any collective agreement to the extent of ascribing Pariah status to that country. (Graham E. & Newton J.1998 p. 411)

Cuba's problem with the United State was more geographical than it was ideological in the sense that Cuba on the ideological spectrum could not have committed more offence than the Soviet Union. But to the extent that we had the Cuban missile crises occasioned by the consequence of the Bay of Pigs, we can infer that Cuban proximity to the US was more of the problem.

The strength of the United States within the Western bloc brought Cuba to obvious discontent with other Western nations who capitulated under the domino effect of the US. States like Israel, Taiwan, North and South Korea, Syria, Iraq, Iran and Libya had at one time or the other suffered under subjective conferment of Pariahood. For instance, as acceptable as the State of Israel is to the West, it is an outcast within Palestine.

8. Pariah Status – The Objective Case

The search for a State that majority or all nation States are in agreement about the necessity of conferring a Pariah status is to set international relation in a subjunctive mood. This is because Pariahood is a very subjective issue in

international system- a fact exacerbated by lack of its provision in international law. In recent time, an attempt has been made to create objective situation out of the Pariah system. The politics of acquisition of nuclear weapon has become one major index though which the Pariah scheme can be designed objectively. Stumpf W. (1996). Since 1946 after the Baruch Plan for arms limitation, the United States has made effort through the UN to stop the acquisition of nuclear power by other States. This scheme however did not prevent USSR (1949) Britain 1952, France 1960 and China (1964) from developing nuclear weapon. After the big-five had satisfied their quest for nuclear acquisition, the Treaty of the Non-proliferation (NTP) of Nuclear Weapons was designed in 1968. This multilateral arms control agreement came into force in March 1970 after two years when it was opened for signature. The NPT provided a diplomatic coalition against new aspirants of nuclear technology. There was a global push for diplomatic isolation of States who desired to have nuclear weapon on their stable.

Part of the safeguards system in the NPT is the notion that the sister agency – The International Atomic Energy Agency (IAEA) – will have full and open access to the civilian nuclear programmes of all non-nuclear States. In addition, the (IAEA) was given the right to conduct periodic inspections of nuclear plants and facilities. But this inspection system failed to detect Iraq clandestine nuclear programme in the wake of the Persian Gulf War (Timmerman. K. 1991 p.64). All of these efforts and their failures led the United States to create a regime of Pariah State based on the attempt, and acquisition of nuclear power.

The point being made here is that acquisition of nuclear weapon has created a contemporary phenomenon where the international system has an objective basis to confer on a State, a Pariah status. This point however has neglected the security dilemma arising from diplomatic isolation, and the push effect it gives to Pariah States as motivation to acquire a nuclear power as a last resort or deference against their opponents.

9. Conclusion

The question has been raised variously in international relation discourse – does Pariah status matter? This becomes necessary when one considered the fact that there is no nation State today that can be categorically classified as a Pariah State. What comes with this analysis is that the "term" Pariah is used in comparative analysis – a nation's atrocious actions may be approved by other States. The margin of disapproval of a Pariah State action is quite slim when other States continue to have diplomatic relations with such State. The relevance of a Pariah status in international system is that it produces irritation to the workings of the affected State, but it shows again and clearly that the enforcement mechanisms of international law are rather weak. (Tucker R.W. 1977 p.22) Pariah status defines international law on the basis of those who work outside it; those who are within the ambit are members of comity of nation.

This point brings us to the central powers of international law, and closer to the degree to which international law can constraint State behavior. In its elementary form, laws are not made to identify insiders and outsider of its provision. This hypothesis assumes that a person who breaks the law could be ostracized. The central function of law is to set out punishment for those that contravenes its provisions. Pariah status remains a diplomatic reaction that leaves more to be desired in terms of enforcement of international laws.

Another issue about Pariah status is the collateral damages suffered the non-targeted elements. In most cases Pariah system is targeted against political superstructure of a State, the economic structure acts sometimes as a means to weaken a nation politically. But because Pariah system is total, pressure is brought to bear on every aspect of a Pariah State's relations with the outside world. A case in mind was the resolve of academics around the world not to send or publish their books in Apartheid South Africa. Very few authors defied this measure (like Ali Mazrui) Mazrui .A. (1977), the effect was that the discriminated Black Africans in South Africa (the sympathy of whom caused the Pariah

status) could not get books on liberations to read to aid their cause.

Related to the above was the occasion when the chief executive of University of Nicosia Dr. Husein Gokcekus reported that academics who wanted to attend conference in North Cyprus were advised about the illegality of the State of North Cyprus. (Kochan Nick 2008)

Finally there was also the point of countries around Pariah States suffering from the status of their neighbours. This certainly was the case with countries like Zambia and Namibia when Zimbabwe between 1966 and 1980 was declared a Pariah State. Susan Willett (1995).

References

American Heritage Dictionary: <u>The American Dictionary of the English Language</u>, Fourth Edition. Houghton Mifflin Company

Graham Evans & Jeffrey Newton (1998<u>) The Penguin Dictionary of International Relations</u>. Penguin Books

Harkavy Robert E. (1981) "Pariah States and Nuclear Proliferation" <u>International Organization</u> vol 35 doi: No1017/SOO20818300004112 Retrieved 11 – 06 – 2011

Kochan Nick (January 2008) "Unrecognized States and Investors" <u>Director Magazine</u>. Director Publications

Kratchowil F (1989) <u>Rules Norms and Decisions</u> Cambridge University Press

Kratchowil F and Mansfield E (eds) (1994<u>) International organizations: A Reader</u> (Harper Collins New York)

Lawal O. (2010)" Islam and International Laws: Problems and Prospect". <u>Journal Of Academic Excellence</u> Nsukka

Luard E. (1990) <u>The Globalization of Politics</u> (Macmillan London)

Mazrui .A. (1977) <u>Africa's International Relations: The Diplomacy of Dependency and Charge</u> (Heinemann London)

Marvin s. Sorros (1986) <u>Beyond Sovereignty: The Challenge of Global Policy </u>(Columbia University of Soulin Carolina press 261 – 280

Papp Daniel (1998) <u>Contemporary International Relations: framework for Understanding</u> Macmillan Publishing company London

<u>Random House Word Menu</u> (2010) Write Brothers Inc.

Rupert Cornwell (18, October 2002) ''North Korea: A Pariah State, its secret nuclear programme and a new crisis for Bush'' The Independence London Retrieved 11/06/2011

Spero J.e. (1985) The Politics of Internatoinal Economics Relations. (Third Edition) St. Martin's / Rouledge New York and London

Sridhar R.S. (1998) The Pariah and the Pundit A unique case of Literary Bigotry   Notes Posted by Runko Rashida on www. Kenneth Retehards. Retrieved 5/5/2011

Stumpf W. (1996) ''South Africa's Nuclear Weapons Programme: From Deference to Dismantlement'' Arms Control Today 25(10) January.

Susan Willett (1995) ''The Legacy of a Pariah State: South Africa' Arms Trade in the 1990s'' Review of African Political Economy 64 131 – 166

Timmerman. K. R. (1991) The Death lobby: How the West Armed Iraq (Houghton Mifflin Boston)

Tucker R.W. (1977) The Inequality of Nations (Robertson London)

Watson .A. (1992) The Evolution of International Society.   A comparative Historical Analysis Routledge London.

Wallenstein .I. (1979) The Capitalist World Economy Cambridge University Press Ithaca)

Zartman. W.I. (1995) Collapsed States Lynne Renner, Boulder Colorado