

Darfur: breach of sovereignty

Resolution

The current media-driven push for military intervention in Sudan's western province of Darfur is nothing new. The United States has called the killings 'genocide' and is urging the world to back sanctions under the UN umbrella to halt the bloodshed. The European Parliament is also set to call for an oil embargo on Sudan. Sudan has already rejected a US-sponsored Security Council draft resolution to punish it. Why is the US pushing for an embargo against Sudan? The question that stumps the rest of the world is: What is to be done? How to help? Is this the internal matter of a state? Or is it a real case of genocide?

The Darfur region, located in western Sudan, has an estimated population of 5 million mostly Muslims. However, the region has a complex tribal mix and is divided between nomads and farmers. They co-existed peacefully for centuries.

It was due to severe drought and scarcity of water resources leading to desertification, that the friction between the competing tribes of farmers and nomads increased. This has been the root cause of the Darfur crisis. However, the involvement of some tribal leaders from Darfur in the rebellion in neighbouring Chad has made the situation worse. It is interesting to know that out of the 80 tribes residing in Darfur region, only three tribes, namely, the Janjaweed militia and two tribes of Fur and Zaghawa have been actively militarily involved. (Also, 2/3 rd of the Zaghawa tribe resides in Chad while the remaining 1/3 rd in Darfur.)

In order to protect themselves the farmers and the nomads acquired sophisticated weapons and formed their own militias. That's another story that these tribal clashes were exploited and supported by anti government elements like the SPLA (Sudan's People's Liberation Army) of the south under John Garang, the Turabi group and neighbours like Chad and Eritrea. The Sudanese Government initially gave a chance to the tribes to amicably resolve their dispute. The rebels, however, continued their military activities and it was finally after the attack on Al-Fasher airport in March 2003 that the government had to resort to the use of force in order to ensure peace and security in the region.

It is to the credit of the Sudanese Government that two historic agreements namely: the Jeddah agreement and the Naivasha peace protocols were signed by it. The former was with the NDA (National Democratic

Alliance), the umbrella grouping of mainly northern opposition parties. The latter with SPLA, the country's most powerful armed opposition group based in the south. The two agreements are widely regarded as blueprints for Sudanese political stability. It is believed that the armed opposition groups in Darfur want to conclude a similar deal with the Sudanese Government, which would govern relations between them in the western Sudan and the government.

The Sudanese Government is also making an effort to strike a deal with the armed opposition groups from Darfur in the Nigerian capital Abuja. These talks are AU brokered. However, these are deadlocked over the question of who is to disarm first. The Sudanese Government insists on the armed opposition groups disarming first. The international community is accusing the Sudanese Government of applying the delaying tactics to slow down the peace

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Africa

talks. The two main armed opposition groups from Darfur, SLA (Sudanese Liberation Army) and JEM (Justice and Equality Movement), refuse to disarm first as they claim to be victimised by the Janjaweeds.

However, the Sudanese have vowed to fight any foreign military intervention in Darfur, even after the Government reluctantly accepted a UN Security Council resolution No 1556 of 30th July, demanding to end the atrocities in the troubled region within 30 days. General Mohamed Beshir Suleiman, Sudanese armed forces spokesman, claimed, "The Security Council Resolution about the Darfur issue is a declaration of war on Sudan and its people.... We will not welcome the Americans with flowers or white flags but we are ready to fight them in a way that will be disclosed when the time comes." This 30 day demand to disarm the Janjaweed militia and restore peace ended on 30th August, 2004. The Sudanese Government has asserted that it will disarm the militias gradually.

It is interesting to note that at first EU's fact finding mission said that there was no evidence of genocide in Darfur but killings were widespread. Now, EU is adamant that there is genocide in the region and is as restless as the US to impose sanctions on Sudan. Not to forget that this 25-nation bloc has already suspended \$72 million in development aid to Sudan. The World Health Organisation has estimated 50,000 deaths from violence, disease or starvation in Darfur.

The Sudanese Government has established a fact finding mission in May 2004 to probe the alleged human rights violations in the region, comprising of independent legal experts. The Government is also providing foodstuff to supplement the amount of foodstuff per month being currently supplied by the World Food Program, different organizations and donor countries. However, there is still a dearth of foodstuff. Apart from these efforts the Sudanese Government is taking steps in political, educational, health, social and humanitarian sectors to uplift the region.

Despite the efforts by the Sudanese Government the US along with UK and EU has moved the UN Security Council resolution 1564 threatening sanctions on Sudan's budding oil industry, which pumps 320,000 barrels per day, if the Sudanese Government doesn't act quickly to stop the violence or if it doesn't co-operate with an AU monitoring force. (China, though, a permanent council member has made it clear that it will veto any future resolution that sought to impose sanctions on Sudan.)

Pakistan's Permanent Representative to the UN, Ambassador Munir Akram has stressed that the draft resolution was neither consistent with the re-

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port of the secretary general, nor with the briefing of the special representative of the secretary general. Sudan has condemned the resolution as 'unfair.' Kamal Al Obaid, an official with President Omar Al Beshir's ruling National Congress, stated that "the resolution contradicts a report by UN envoy Jan Pronk and the US is breaching all international values and norms." He further said that his government is committed to address the Darfur crisis not in response to the threat contained in the resolution but in pursuance of the government's unchanging position of resolving all problems through dialogue.

Recently, Tony Blair was questioned about the crisis in Sudan, to which he replied, "I believe we have a moral responsibility to deal with this and to deal with it by any means that we can." Mr Blair seems to invoke moral necessity for every one of the five wars he has fought including the bombing against Iraq in 1998. However, Chris Mullin, a UK Foreign Office minister, who visited Khartoum has warned the UK Government that imposing sanctions on Sudan might backfire with the Sudanese Government withdrawing co-operation.

Everyone knows why Sudan has attracted special attention by the Washington policymakers. It has oil plus natural resources like gas with proven reserves of a 100 billion cubic metre. Today, Sudan earns upto \$1bn a year in oil revenue with the assistance of Chinese and Malaysian companies. China is the biggest foreign investor in Sudan and that is an added botheration to the US.

The West argues that there is genocide being committed in Darfur and according to the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide, all contracting parties must act to prevent it and punish the criminals. So, prevention can be achieved if the UN approves. But how can the UN approve as it has lost all credibility over the years? The world hasn't forgotten UN's inability to prevent genocide in Rwanda. What about Kosovo? The truth is that the UN itself is suffering from the crisis of legitimacy.

Today, the argument is solely about whether international law has given outside forces the right to intervene with or without the government's authority, since only in cases of genocide can the UN overrule the national government's sovereignty. The Sudanese Government reiterates that International Law gives states the right to carry their duty to apply law and order inside their territorial boundaries for the purpose of ensuring stability and security. The second protocol (1977) for the four Geneva Conventions 1949, which deals with internal conflicts, clearly recognises the right of the states and its duty to maintain law and order in its territory and to defend its sovereignty and territorial integrity.

Sovereignty is the basis of orderly international system. Therefore, every state must respect Sudan's sovereignty. What they do within their own borders is their own concern and meddling establishes the dangerous principal that intervention is acceptable. The legal doctrine of national sovereignty and the principle of non-interference are both enshrined in the UN Charter. States threaten their neighbours only if they espouse aggressive foreign policies. So allow Sudan to solve its own problems.

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