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Editor's Watch

Darfur, Sudan, and the World

The genocide in Darfur, Sudan—Arab Muslims trying to drive out or destroy black-African Muslims—has been continuing for years. Much of the world now considers it to be a humanitarian crisis and that the international community should do something about it. A small number of African Union (AU) troops went in to try stabilize the situation; they can't do so by themselves. Countries like the United States have sent food and other supplies to aid refugees huddled in camps both inside and outside Sudan. Now the question is whether the United Nations (UN) can mount a peacekeeping force large enough to supplement or replace the AU forces while negotiations continue to try to bring a stop to the killing.

The situation in Darfur is indeed tragic, and the root of the tragedy is that Sudan lacks a just government. As a *Washington Post* editorial put it, "Sudan's government is culpable, today as in the past, [of] deliberately creating the conditions in which thousands of civilians from rebel-aligned tribes are likely to die. First the government and its militia drove these people from their villages. Then it impeded humanitarian workers so that thousands of them fell prey to disease or starved. Now it is obstructing a serious peacekeeping deployment, with the result that its victims will continue to face shortages of medicines and food" (5/30/06).

No matter what other countries do, however, to try to help by means of relief assistance and the promotion of negotiations, Sudan will not become a safe and healthy place for Darfurians unless Sudan becomes a just state with a trustworthy government. But who can make that happen? And if it doesn't happen, is there any point in the U.S. and other countries trying to do anything?

Part of the answer to these questions is that a fundamental change needs to take place in the attitude and approach of the world's major powers toward critical situations such as the one in Darfur.

The existing framework of international relations is internally at odds with itself. On the one hand, the UN stands for the primary principle that each member state should be sovereign. This means that no state may interfere in any other state with regard to its internal affairs. A state may use force against other states only to defend itself from attack. On the other hand, the nations of the world represented in the UN, including the United States, have, over the past few decades, built up a large body of law designed to respond to genocide and other acts of unjust governments. This is all part of a growing recognition that “humanitarian intervention” into supposedly sovereign states is legitimate under certain circumstances.

The only way these two principles of state sovereignty and humanitarian intervention can be held together, however, is if an international organization such as the UN manages to qualify the principle of state sovereignty in two ways. First, the UN must do more to define what constitutes just governance. It would be good, for example, if the UN required that all its member states be governed in ways that include the accountability of government to citizens, adequate protection of individual and nongovernment-institutional rights, an independent judicial system, the transparency of government actions to the public, and so forth. In other words, sovereignty must be qualified and not left unqualified. That principle would then be complemented by a body of laws that would automatically go into effect when a state so violates the requirements of just governance that some of its own people stand in jeopardy. At that point, an international force along with serious and weighty negotiating teams would be sent to the state (or states) in question to arbitrate a resolution.

Obviously, the more one argues that humanitarian intervention should be carried out vigorously and without regard to a state’s claim to sovereignty when its government is conducting or supporting crimes such as genocide, the more one is diminishing and limiting state sovereignty. On the other hand, the more one argues for the principle of state sovereignty, the more one will have to allow crimes such as genocide to go on inside supposedly sovereign states. Only by a broad international agreement to limit and qualify sovereignty in ways that promote good governance will it be possible for states both to enjoy their relative independence and to count on widespread international intervention in humanitarian crises.

The United States, therefore, must become a champion of both just governance *and* international cooperation for humanitarian intervention. It can no longer hold tightly to its own sovereignty as an unqualified end in itself while at the same time insisting on its independent right to intervene unilaterally or multilaterally in other countries whenever it chooses to do so. If the U.S. continues on that course, it will reaffirm the status quo, namely, that every state has a right to maintain its absolute sovereignty (insofar as it is able) and that intervention in crises like Darfur will take place only on a hit-or-miss basis and will remain a pawn in the competitive politics among major as well as minor powers.

The people of the world need just governments and the states of the world need international justice—clearly articulated and legally enforced.

[For a background study of the development of the idea of the “sovereign state” and movements to qualify or limit the absoluteness of state claims to sovereignty see Daniel Philpott, *Revolutions in Sovereignty* (Princeton University Press, 2001).]

—The Editor[©]