

# **Will the Dispute Between the Sudanese Government and the US Administration Over the Geneva Negotiations Lead to the Implementation of Chapter VII of the United Nations Charter?**

## ***Introduction***

On Wednesday, August 14, 2024, ceasefire talks aimed at resolving the Sudan conflict began in Geneva, Switzerland, under the mediation of the United States, despite the notable absence of the Sudanese government.

Since April 15, 2023, Sudan has been engulfed in a brutal conflict between the Sudanese Armed Forces (SAF), led by Abdel Fattah al-Burhan, and the Rapid Support Forces (RSF), commanded by Mohamed Hamdan Dagalo (Hemedti). This war has claimed over 20,000 lives and displaced nearly 10 million people, according to United Nations estimates. The destruction of infrastructure has led to financial losses exceeding \$150 billion, highlighting the extensive toll the conflict has taken on the country.

In response to this crisis, Riyadh and Washington initiated a series of talks between the SAF and RSF starting on May 6, 2023. The initial agreement, reached on May 11, 2023, in Jeddah, Saudi Arabia, included commitments from both sides to protect civilians and refrain from targeting civilian infrastructure. Despite these commitments, multiple truces have been violated, with both factions accusing each other of breaches.

The Jeddah platform for negotiations was suspended in the following months as military activities intensified, and regional interventions led by the Intergovernmental Authority on Development (IGAD) and the African Union failed to achieve significant progress.

On July 22, 2024, Washington proposed a new round of negotiations in Switzerland, intending to broaden the scope of humanitarian aid delivery and establish a robust monitoring and auditing mechanism. The Sudanese government, however, questioned the rationale behind relocating the negotiations from Jeddah to Geneva without prior consultation or justification from the American side.

Despite Secretary of State Antony Blinken's attempts to engage General Burhan in the Geneva talks, the Sudanese leader declined to participate, insisting on the full implementation of the Jeddah Agreement before considering any new negotiation platforms.

## ***Sudanese Government Delegation's Concerns About the Negotiations***

The Sudanese delegation presented six key concerns to the US Special Envoy, seeking clarification on several critical issues:

1. **Rejection of UAE Participation:** The Sudanese government objected to the UAE's involvement in the Geneva talks, citing concerns about impartiality and the UAE's role in previous regional interventions.
2. **Jeddah Declaration Implementation:** The government insisted that the Jeddah Declaration must be fully implemented before engaging in any new negotiations, stressing the importance of honoring prior agreements.

3. **Motivation for Geneva Relocation:** The government questioned the reasons behind moving the negotiations to Geneva, particularly given the lack of prior consultation and the timing of the relocation.
4. **Negotiation Date Concerns:** The Sudanese government inquired whether the chosen date for the Geneva talks, coinciding with the seventieth anniversary of the Sudanese Armed Forces, was strategically set for symbolic reasons.
5. **Visa and Aid Flow Misinformation:** There were concerns regarding misinformation about entry visas and the flow of humanitarian aid, prompting the need for clarification on these logistical issues.
6. **Future of the Rapid Support Forces:** The government sought assurances regarding the future role of the RSF, specifically rejecting any political or military role for them in Sudan's future.

The American side provided assurances to the Sudanese government that the RSF would not be granted a political role and that the Geneva talks would not confer any legal status on the RSF.

The Sudanese report highlighted several achievements from the bilateral talks:

- ✓ **Recognition of Leadership:** Acknowledgment by the American side of the President, Lieutenant General al-Burhan, as the Chairman of the Sovereignty Council and Head of State, not merely as the Commander-in-Chief of the Armed Forces.
- ✓ **Delegation Status:** Agreement by the American side to engage with the delegation as representatives of the Sudanese government, rather than as a negotiating party without official status.
- ✓ **Date Adjustment:** Success in negotiating a new date for the talks, moving from August 14 to August 18, 2024, to better accommodate the Sudanese government's schedule.
- ✓ **Obstruction of Aid:** Recognition that rebel militia forces are obstructing humanitarian aid and exacerbating the famine crisis, highlighting the need for targeted interventions.
- ✓ **Legal and Legitimate Disparities:** Acknowledgment of the legal and legitimate disparities between the SAF and the RSF, reinforcing the government's position on the conflict.
- ✓ **Correction of Misinformation:** The Special Envoy's agreement to visit Port Sudan to correct inaccuracies in his prior analysis and address misinformation about the situation.

Despite these positive outcomes, the Sudanese delegation made three key recommendations:

1. **Implementation of Jeddah Declaration:** The RSF must fulfill its commitments under the Jeddah Declaration before participating in any new talks.
2. **Exclusion of UAE and IGAD:** The Sudanese government insisted on the exclusion of the UAE and IGAD from the Geneva negotiations, citing concerns about impartiality and prior involvement.

3. Resumption of Jeddah Forum: The government sought to resume the Jeddah Forum as the preferred platform for negotiations.

In the Sudanese government's absence from the Geneva talks, international and regional actors continued their efforts to halt the conflict and facilitate humanitarian aid. This situation has led observers to speculate about potential increased pressure or even a humanitarian intervention, either through the UN or unilaterally by the United States.

### ***Geneva Talks***

The Geneva consultations, which commenced on August 14, 2024, involved a coalition of countries and organizations, including the United States, Switzerland, Saudi Arabia, the UAE, Egypt, the United Nations, and the African Union. The primary goals were to design a humanitarian operation, arrange a ceasefire, and involve experts and technicians to address the crisis.

The participating parties pledged to "work diligently in Switzerland through intensive diplomatic efforts to support Sudan, deliver humanitarian aid, and stop hostilities, in line with the outcomes of the previous Jeddah Forum and international humanitarian law."

The Sudanese Armed Forces delegation did not attend the Geneva talks, emphasizing their commitment to implementing the Jeddah Declaration as a prerequisite for any new negotiations.

In contrast, the RSF delegation arrived in Switzerland in response to the US invitation, with the objective of achieving a cessation of hostilities, facilitating humanitarian aid delivery, and developing a monitoring and verification mechanism for any potential agreements.

### ***Humanitarian Intervention in Sudan***

International humanitarian intervention has evolved as a recognized legal mechanism aimed at protecting human rights and fundamental freedoms amidst severe threats and aggression. This principle stands as an exception to the broader norm of non-interference in state sovereignty, a foundational element of contemporary international relations.

The concept of humanitarian intervention remains controversial, given its potential conflicts with the principles of non-interference and sovereignty. It involves intervening in a state's internal affairs, often using military force, without the target state's consent. Proponents argue that it is essential for addressing egregious human rights violations, while critics view it as a pretext for military action that often lacks legal legitimacy and leads to mixed results.

There is no universally accepted definition of humanitarian intervention, and its application varies based on specific contexts, such as the presence or absence of consent from the target state and mandates from the UN Security Council. However, several key characteristics are generally recognized:

1. Threat or Use of Military Force: Humanitarian intervention typically involves the threat or use of military force as a core component.
2. Internal Affairs Intervention: It involves intervening in a state's internal affairs without direct aggression from the intervening state.

3. Humanitarian Motives: The primary motive is to address severe humanitarian crises rather than pursuing strategic interests.

Humanitarian intervention may be considered when the UN Security Council is unable to act under Chapter VII of the UN Charter due to vetoes or insufficient support. Chapter VII authorizes measures ranging from economic sanctions to military intervention to address threats to peace.

The Security Council has invoked Chapter VII in various situations, such as Iraq before the 2003 invasion and during the Korean War. The notion of a "right" to humanitarian intervention, first articulated in 1990, aimed to address the limitations of the Security Council in cases of severe human rights violations.

In Sudan's situation, the government has relied on Russia and China to veto any US-drafted resolutions under Chapter VII. Reports suggest that Washington is exerting new pressure on the Sudanese Armed Forces, proposing that the UN authorize cross-border aid delivery and enforce arms embargoes and flight bans over Darfur.

Given the ongoing absence of the armed forces from the Geneva talks, the continuing humanitarian crisis, and the lack of secure humanitarian corridors, unilateral intervention for humanitarian reasons remains a potential outcome, as has been observed in past conflicts.

**Mossaad Mohamed Ali**  
*ACJPS Executive Director*