



A Three-Step Guide to Strengthening the Darfur Arms Embargo

Targeting the Arms Supply Chain

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Introduction

The world has united in condemning the violence in Darfur. Yet, that violence continues to rage more than five years into the conflict, with neither peace nor a viable peace process in sight. Despite numerous missions, reports, and studies, and myriad expressions of concern, the international community labors unsuccessfully to stop the bloodshed and resolve the conflict. However, the United Nations (U.N.) Security Council possesses a device that, if utilized, could help change the status quo. That tool is the existing U.N. arms embargo on Darfur which, if properly enforced, could improve both the situation on the ground and the status of political negotiations.

The U.N. arms embargo on Darfur as it stands right now is more rhetoric than reality. On paper, it prohibits the “sale or supply” of all arms and related materiel to all belligerents in Darfur.¹ But a year ago, U.N. field research showed incontrovertible evidence of multiple embargo violations. Despite the existence of the embargo and the publication of an annual report detailing violations, the progress on restricting arms supplies that fuel the Darfur conflict is negligible, at best.

Last year's report, submitted in October 2007 by a U.N. Security Council Panel of Experts on Sudan, will be updated by a new report expected to be released in early October 2008. The 2007 report provided evidence of major, consistent violations and offered recommendations to pinpoint arms trafficking bottlenecks. Rather than adopt and implement these recommendations, however, the U.N. Sanctions Committee, charged with overseeing the embargo, took little meaningful action.

States that generally favor engagement with Sudan lack resolve to enact basic unilateral and bilateral mechanisms to constrict the arms trafficking pipeline leading to Darfur. Even those States actively seeking solutions in Darfur have failed to make embargo violations a top priority in multilateral discussions about Darfur.

The arms embargo is an underutilized tool for change in Darfur. Restricting arms transfers to Darfur, even incrementally, likely would increase the costs of war-making and enhance the viability of political solutions in Sudan. By pursuing genuine engagement on the arms embargo, the U.N. and its Member States may be able to both gain leverage with parties to the Darfur conflict—thereby supporting the political process—and reduce offensive military over-flights that target and kill civilians as well.

This paper briefly outlines three innovative ideas to enhance the effectiveness of the arms embargo. Until the U.N. can enforce a total ban on arms trafficking to Darfur, targeting parts of the arms supply chain, such as logistics providers, or engaging the original suppliers of specific weapons systems, would have a significant impact in reducing arms transfers. Two sections of the report describe high profile heavy military assets that have been transferred by the Government of Sudan (GoS) to Darfur in violation of the embargo. A third section examines a trafficking bottleneck where concrete action can reduce illegal arms transfers to Darfur's airports.

Step 1: Stop Importation of A-5 “Fantan” Attack Aircraft

Accompanying Spare Parts and Technical Assistance from China Must Also Be Barred

The U.N. Panel of Experts documented the January 2007 arrival in South Darfur of three A-5 “Fantan” ground attack jets, aircraft manufactured by the Nanchang factory in China and reportedly delivered to Khartoum in 2006. Airport logbooks show the aircraft arriving in Darfur from the Wadi Sayyidna airbase north of Khartoum. The initial deployment followed saber-rattling by western Governments calling for the imposition of a no-fly zone in Darfur. The GoS has claimed the aircraft are used to protect the country’s borders, although they are primarily designed for an air-to-ground attack role, and are not aircraft designed primarily for an air-to-air combat role such as Sudan’s MiG-29s. In any event, the GoS never requested advanced approval for the deployment of A-5s, as required by Resolution 1591, the 2005 U.N. Security Council resolution extending the arms embargo to cover the GoS.²

These aircraft have remained operational in Darfur, and subsequent photographs of the A-5s show that they are consistently armed with 90 mm air-to-ground rocket pods. A BBC documentary aired in July 2008 claims that the A-5s were most likely involved in bombing civilians in February 2008. Details of the attack appear consistent with the type of armaments carried by the A-5s in Darfur. Since the initial deployment in 2007, there is evidence that new aircraft continue to be rotated into Darfur. According to a high level source on Darfur, the People’s Republic of China either refurbished or sold the aircraft new to Sudan in mid-2006, along with the delivery of K-8 jet trainers.



Fantan A-5 aircraft #402, #403 & #410 at Nyala Airport, 7 March 2007. Source: U.N. Panel of Experts Final Report, October 3, 2007.

In addition to prohibiting the “sale or supply” of arms and related materiel to all belligerents in Darfur, the embargo also bans the provision of technical assistance on arms used in Darfur.³ However, there is evidence not only of the sale of the aircraft, but also that Chinese technicians assist with the maintenance of the A-5 aircraft in Wadi Sayyidna and Darfur. The sale of advanced weapons systems normally also involves the supply of spare parts and technical assistance as part of the contract. Whether technical assistance in Wadi Sayyidna, or the supply of spare parts or pilot training clearly violate the embargo is a complicated question. But whether or not these actions constitute direct violations, they suggest that the Chinese government may be in violation by maintaining the operational capacity of aircraft primarily used in Darfur. These actions have been ignored by the Sanctions Committee and the U.N. Security Council to date. If those bodies are to fulfill their responsibilities, they must acknowledge the role that China’s provision of maintenance of and spare parts for offensive aircraft in Darfur plays in enabling the GoS to carry out attacks there.

China’s exact role in supplying the aircraft and trainers to Sudan must be the focus of bilateral and multilateral discussions with the Chinese Government. This would necessarily include the disclosure of the terms of the sales contract and End Use Certificate, including any provisions relating to Darfur. China could send a powerful message by agreeing to cease providing A-5s (and associated spare parts, servicing and training) to Khartoum.

Thus far, the U.N. Security Council has been silent on the question of whether the A-5 deployments violate the embargo. The Council should correct this omission and unanimously condemn the deployments as a serious violation of the Darfur embargo. To add teeth to the condemnation, to penalize Khartoum for the Darfur embargo violations, and to deter future similar violations, the Security Council should impose a specific embargo on the entire country of Sudan for A-5 aircraft and associated training and spare parts. At the very least, a debate over this issue in the Security Council could enhance pressure on the GoS and make Khartoum’s actions a liability for the Government of China.

Step 2: Bar Imports of Russia's Mi-24 and Mi-717 Helicopters

The importance of Mi-24 gunships in the Darfur conflict cannot be overstated. These helicopters are an integral part of the GoS's offensive military capabilities and are used as the predominant air assault tool in Darfur. Besides their use in offensive military overflights associated with ceasefire violations, Mi-24s have been widely cited in attacks on civilian targets.

The frequent rotation of Mi-24 gunship helicopters to Darfur's three airports is another serious violation of the embargo. The Panel of Experts repeatedly noted this fact in successive reports, and provided indisputable proof in its October 2007 report. Two Mi-24s were photographed at the Khartoum International Airport military apron, and were later identified in Darfur by their Sudan Armed Forces (SAF) tail numbers. The Panel further cited the rotation of on average three Mi-24s every two months to Darfur according to Sudanese Civil Aviation Administration (CAA) logbooks. The harsh desert conditions in Darfur require a high turn-over rate for the helicopters, which can be more thoroughly serviced in Khartoum. The GoS has never requested an arms embargo waiver for deploying the Mi-24s and has repeatedly denied that this occurs.



Two images of GoS helicopter Mi-24 #932. Top: At Khartoum International Airport Military Apron, 28 January 2007. Bottom: At El-Fasher Airport, 26 February 2007. Source: U.N. Panel of Experts Final Report 3 October 2007.

In 2005, the Russian Federation sold Sudan the Mi-24s used in Darfur. While the sale alone does not violate the embargo (as there is no embargo on sales of weaponry to Khartoum for use outside of Darfur), Russian training and technical assistance as part of the contract raises the same questions discussed above in the case of the A-5s. Several sources note the presence of Russian technicians in Khartoum maintaining the Mi-24s, effectively ensuring the operational capacity of the Sudanese Mi-24 fleet for monthly rotations of helicopters into Darfur. Furthermore, Sudanese Mi-24 pilots, including those deployed to Darfur, are trained at Russia's 344th Combat and Conversion Training Center in Torzhok as part of the Mi-24 sales contract. A Sudanese pilot in El Fasher was scheduled for night-flight training at Torzhok in mid-2007. Ironically, the Torzhok airbase is also used to train Russian helicopter crews headed for peacekeeping missions.

The U.N. Security Council must unanimously condemn the deployment of Mi-24s to Darfur as a violation of the embargo. This would enhance pressure on the GoS, much like a similar finding for the A-5 deployments mentioned above. It would also increase pressure on the Russian Federation to suspend its contract with Sudan on the basis that Khartoum violated its assurances not to use the helicopters in Darfur, and as such Russian assistance is facilitating embargo violations. Without Russian technical assistance, spare parts and training, Khartoum's Mi-24 fleet would succumb to attrition, and its combat effectiveness would greatly diminish; other potential suppliers of Mi-24s could be dissuaded from negotiating a new contract with Khartoum. This might enhance Khartoum's acceptance of a political solution to the conflict rather than the use of military force.

The Russian Federation also supplied Khartoum with Mi-171 air assault helicopters in 2006, which were then painted white and deployed to Darfur in 2007. The U.N. Panel of Experts noted that the helicopters posed a risk for white U.N. aircraft, and also represented a violation of the Darfur Peace Agreement, Article 24, sub-paragraph (i) that prohibits "Any attempt by a Party to disguise its equipment, personnel or activities as those of AMIS, United Nations Agencies, the International Committee of the Red Cross/Crescent or any other similar organization." Given the recent attacks on UNAMID helicopters in Darfur, the use of white helicopters by the GoS must be universally condemned, and the Russian Federation should prohibit the sale of any future Mi-171 helicopters and associated spare parts to Sudan.

Step 3: Cease Military Cargo Flights to Darfur

The U.N. Security Council could make the Darfur arms embargo more effective by borrowing techniques successfully used to enforce other embargos. For example, because Darfur's physical isolation requires the use of aircraft for transportation as well as fighting, the tool of blacklisting aircraft used illegally is particularly relevant.

The GoS views air transport as an effective method to deploy military hardware to Darfur, especially compared to the more time consuming overland convoys that could be attacked by rebel groups. But it is hindered in its war efforts by its lack of an effective heavy-lift air capacity. The GoS therefore relies on private companies to fly cargo for its armed forces stationed in Darfur. The U.N. Panel interviewed several of these companies and was able to identify numerous flights that contained embargoed material.

The U.N. Panel of Experts cited 409 military and police flights to Darfur by civilian aircraft between September 2006 and July 2007, with a combined maximum cargo load of over 13,000 tons. After documenting these embargo violations by private entities, the U.N. Panel called for an aviation ban on several Sudanese air cargo companies. Similar aviation bans have been effectively used to enforce an arms embargo in the Democratic Republic of Congo as well as to disrupt operations of the Russian arms dealer Viktor Bout.

Targeting parts of the arms supply and logistics chain at bottlenecks, such as airlift operations between Khartoum and Darfur, is a viable method of enforcing the embargo. It may not be feasible to impound arms trafficking flights arriving in Darfur, but it is possible to deter private companies from conducting the arms flights. This can be done by changing the companies' cost-benefit analysis of transporting arms for the Sudan Armed Forces (SAF). Several of the air cargo companies conducting SAF flights to Darfur also fly commercial cargo from the Middle East to Khartoum—operations that are far more lucrative than the SAF flights. Therefore, blacklisting these private aircraft due to their SAF flights into Darfur would jeopardize their high profit stream from operations outside of Sudan, making the less financially rewarding flights provided to the GoS even less attractive.⁴



Antonov-12 registered ST-AQE crash landed at El Geneina Airport, 28 February 2007, on arms trafficking flight. Source: U.N. Panel of Experts Final Report 3 October 2007.

These air cargo companies not only have representative offices in countries such as the United Arab Emirates, but also conduct maintenance operations for aircraft used in Sudan. Shutting down these commercial gateways and limiting business opportunities will prevent companies from subsidizing GoS arms embargo flights. If the cargo carriers' bottom lines are squeezed, they will be forced to pass along the costs to the GoS or go out of business. This in turn raises the cost of sending arms to Darfur and potentially closes a bottleneck in the arms trafficking pipeline.

In other cases, Sudanese companies lease aircraft and aircrew from foreign owners. For example, an Ilyushin 76 aircraft flying regularly to Darfur with a military call sign is leased by a Sudanese company from another company based in the Sharjah Airport International Free Zone in the UAE. These and other foreign owners would likely cancel their leasing agreements should they fear the aircraft will be impounded. Their crew members could potentially be indicted for arms embargo violations as well, adding to the risk.

The effective targeting of specific Sudanese civil aviation organizations as recommended by the U.N. Panel of Experts could also reduce bombing campaigns by SAF Antonov (AN) 26 aircraft. These twin-propeller aircraft are sold on the commercial market and mainly are used as cargo freighters. They can also be easily converted into rudimentary bombers by loading the cargo bay with 500 kilogram unguided bombs, which are then rolled out of the aircraft from the rear cargo ramp over ground targets. Such operations have been widely cited in air attacks on civilians in Darfur. The most notorious AN-26 bomber in the SAF arsenal was painted white with fraudulent "U.N." markings on its wing while deployed in El Fasher, North Darfur. The aircraft was originally purchased from abroad by a Sudanese civilian air cargo company and later provided to SAF. This company is also actively involved in transporting arms to Darfur using its other cargo aircraft.

Individual States and regional bodies must enact a ban on Sudanese aircraft and companies that have violated the embargo. For example, a European Union blacklist of these companies and aircraft would not only prevent the overflight of E.U. airspace – which can be important in arms flights to Africa – but also send a critical political signal. Other States, including those in the Middle East, might more readily comply with standards once they are widely put into practice.

In addition, entities such as the U.S. Department of Treasury's Office of Foreign Assets Control (OFAC) should be tasked with investigating the role of air cargo companies in violating the Darfur arms embargo, and search for financial methods to limit these companies' business opportunities. Thus far, only AZZA Transport has been named by OFAC, and apparently there has been no follow-up on the company's operations in the Middle East.

Finally, the International Civil Aviation Organization (ICAO) should conduct another audit of civil aviation operations in Sudan, especially following the Panel's report. Areas of particular interest are the use of civil aviation cargo aircraft to illegally transport arms to Darfur and the intentional falsification of cargo manifests to disguise the transportation of dangerous goods. An ICAO safety oversight audit of Sudan's civil aviation system conducted in November 2006 noted in particular that there was insufficient oversight in the transport of dangerous goods by civilian aircraft within Sudan.⁵ Some of the companies transporting arms to Darfur have also been involved in high profile aircraft crashes in Sudan in recent years. Civil aviation restrictions against Sudan therefore must be considered should the country's CAA fail to enforce international civil aviation regulations.

Conclusion

The U.N. arms embargo on Darfur has been underutilized as a tool to address the conflict. The multiple violations, most recently enumerated in the Panel of Experts' annual report of October 2007 and anticipated to be catalogued again in the October 2008 report, have provoked an insufficient response from the international community. This is a missed opportunity to decrease the belligerents' access to weaponry and to change the political dynamic in this seemingly intractable conflict.

While a total ban on arms trafficking to Darfur faces many obstacles to enforcement, the arms embargo, if divided into its component parts, enables Member States to target discreet links in the arms supply chain. A-5 "Fantan" attack aircraft are reported to have been used in civilian air-to-ground attacks. Given that their use in Darfur is illegal, Member States should ensure that the Government of Sudan no longer imports them, and should sanction countries that continue to provide technical assistance and maintenance for their use.

Similarly, Russian-made Mi-24 helicopter gunships have been involved in attacks on civilian targets in Darfur. U.N. Member States should insist that Mi-24's no longer be deployed in Darfur and should sanction countries that continue to provide assistance necessary to maintain the gunships in working order.

Finally, Member States should implement aviation bans on air cargo companies that fly civilian aircraft into Darfur, as these flights have been documented to provide illegal materials to government forces in violation of the embargo. If States and regional bodies blacklisted these aircraft and companies, they would raise the costs of Khartoum's arms flights to Darfur, which are subsidized by lucrative international cargo operations. Such aviation bans would also send a powerful signal of zero tolerance for violations of the arms embargo.

Addressing the arms supply chain issues described above is insufficient to fully enforce the arms embargo. Disrupting the supply of Fantans, Mi-24s, and civilian cargo flights diminishes the Government of Sudan's access to weapons and materiel, but does not affect the rebel movements. Other measures, including a possible expansion of the arms embargo to eastern Chad, will be required for that purpose. Nonetheless, if Member States start with arms supply chain issues, they likely will see concrete results that will both reduce the violence and improve the political dynamic.

Endnotes

¹ United Nations Security Council, *Resolution 1556 (2004)*, S/RES/1556, para. 7; United Nations Security Council, *Resolution 1591 (2005)*, S/RES/1591, para. 7; both available at <http://www.un.org/sc/committees/1591/resolutions.shtml>.

² The arms embargo was initially imposed in 2004 by U.N. Security Council Resolution 1556.

³ United Nations Security Council, *Resolution 1556 (2004)*, S/RES/1556, para.8; *see also* United Nations Security Council, *Resolution 1591 (2005)*, S/RES/1591, para. 7; both available at <http://www.un.org/sc/committees/1591/resolutions.shtml>.

⁴ This should not affect U.N. aid operations since the World Food Program and UNAMID primarily operate aircraft they have leased from outside Sudan.

⁵ *Final Report of the Safety Oversight Audit of the Civil Aviation System of Sudan*, International Civil Aviation Organization, November 2006, available at http://www.icao.int/FSIX/AuditReps/CSAfinal/Sudan_USOAP_Final_Audit_Report.pdf.