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DARFUR: TIME TO UPHOLD THE ARMS EMBARGO

On January 7, Sudanese Armed Forces attacked United Nations peacekeepers traveling in a supply convoy in Darfur. Two days later, the United States condemned what it said was a blatant and “unacceptable” attack, and pressed for tougher sanctions against Sudan. According to State Department spokesman Sean McCormack, “The United States believes this incident demonstrates the need for a stronger arms embargo for Sudan and we will be working with our Security Council partners to that end.” The call is pertinent, but virtually meaningless in the context of the blatant failure to enforce the existing arms embargo on Sudan.

The attack on January 7, and subsequent ones by an Antonov aircraft belonging to the government of Sudan, which bombed two villages near the West Darfur capital, el-Geneina, on January 13 and 14, are just the latest in a long litany of attacks over the past few years, in blatant violation of international law and the UN arms embargo. In fact, UN Resolution 1591 of 2005 specifies that the Government of Sudan may not even transfer military equipment to Darfur without prior approval from the Security Council. Last September, a United Nations Security Council Panel of Experts submitted a report (S/2007/584) that documents numerous violations of the embargo. The report has not been acted upon, however; it has been overlooked, despite the clear evidence of violations and sound recommendations to improve the embargo.

For example, the Experts’ report provides photographs of three Chinese-made Nanchang A-5 “Fantan” jets in Nyala, South Darfur. It references the Nyala airport’s logbooks as evidence of their arrival from points outside Darfur (El Obeid and Wadi Sayyidna). Fantan jets are used as ground attack fighters. They are not air supremacy aircraft that could secure Sudan’s borders, and their deployment is a clear violation of resolution 1591. The report also provides photographic evidence of two Mi-24 attack helicopters deployed from Khartoum to El Fasher, and documents an additional nine rotations of Mi-24s to Darfur. The Russian Federation, a permanent member of the Security Council, sold Mi-24s to Sudan in 2005 according to open source data. Yet successive attempts to compel the Government of Sudan to seek Security Council permission to deploy the helicopters to Darfur have been ignored.

Policy Recommendations

Refugees International recommends that the U.S. Government:

1. Urge the Russian Federation to review future supplies of Mi-24s to Sudan and to make any extant contracts for supplying spare parts, technical assistance or aircrew training contingent upon strict compliance with the UN embargo.
2. Prevail upon China to provide details of the supply of the Nanchang A-5 ground attack jets deployed in Darfur, including issues of maintenance and pilot training.
3. Insist that the Government of Sudan immediately cease operating white aircraft in a military role in Darfur and ensure that Sudan Civil Aviation Administration (CAA) ceases to allow the operation of falsely registered Sudanese aircraft.
4. Place the six cargo companies in Khartoum that the Panel identified as embargo violators on an aviation ban.
5. Sponsor a Security Council resolution imposing an arms embargo on eastern Chad.
6. Provide at least the 18 utility helicopters required by UNAMID, if necessary through contracting the services of a private company.

The UN Panel provides evidence of government use of white Antonov 26 aircraft to bomb locations in Darfur, including one with “UN” painted on its wing. This is particularly egregious; aircraft painted white can easily be mistaken for UN aircraft while conducting aerial reconnaissance and bombing operations. Although the “UN” aircraft was later repainted and redeployed to Khartoum, the Panel noted the continual use in Darfur of another white government Antonov 26, with the false registration ST-ZZZ. The continued military operational use by the Sudanese government of white aircraft in Darfur clearly and unnecessarily endangers the lives of UN personnel.

The Panel report further provides evidence of the use of private aviation companies to transport arms from Khartoum to Darfur. Between September 2006 and July 2007, the Panel noted 409 military and police cargo flights to Darfur, with a combined load capacity of approximately 13,000 tons. The Experts determined that many of these flights transported embargoed material to Darfur and recommended that six cargo companies in Khartoum be placed on an aviation ban. This is a new and innovative approach that seeks to place responsibility for embargo violations not only on the government but on private companies transporting military supplies to Darfur. Restricting the commercial operations of companies found to have violated the embargo will drive some out of business, increase the cost to the government of transporting arms to Darfur, and force other cargo operators to reconsider the costs and benefits of gun running. This methodology was applied successfully in the Democratic Republic of Congo after similar UN Panel reports exposed civilian companies trafficking arms to warlords in the east.

Khartoum’s primary public rationale for refusing to abide by the UN arms embargo relates to arms trafficking from Chad to Darfur. The launching by Chad of at least two bombing raids earlier this month on Chadian rebel positions close to el-Geneina has exacerbated bad neighborly relations and fuelled fears of inter-state conflict. While the current arms embargo only covers transfers from greater Sudan to the Darfur region. The Experts’ report also documented the transfer of arms to rebel groups operating in Darfur via Chad, and exposed the suppliers of the embargoed material. It noted the unloading of suspected military supplies in Abeché, eastern Chad, from an Antonov 12 cargo aircraft that flies with a fake registration number and under the name of a company that no longer exists. The Panel noted two cases of arms deliveries via Chad, including approximately 3,000 AK-47 assault rifles to the Justice and Equality Movement (JEM).

The lack of border control between Chad and Sudan, combined with active support in Chad for Darfur rebel groups, suggests that an arms embargo on eastern Chad (the Wadi Fira and Ouaddai regions) would curtail illegal arms shipments to Darfur. The Government of Chad could seek exemptions from the UN Security Council for arms transfers to garrisons in these two regions, with UNAMID and/or the EU Force authorized to inspect all transfers.

U.S. calls for a “stronger arms embargo for Sudan” seem meaningless when the continued failure of the UN Security Council to unanimously condemn violations of the extant embargo and to implement Resolution 1591 risks making the entire issue of an arms embargo irrelevant. On the other hand, the UN Experts’ report broadens the scope of responsibility for violations and provides new tools to strengthen the range and targeting of the embargo. It pinpoints companies and states forming part of the supply chain for arms transferred to Darfur, and calls for a more sophisticated and robust approach to embargo violations and the enhancement of border security.

The irony of the blatant violations of the arms embargo is that the United Nations/African Union Force Commander in Darfur, General Martin Agwai, cannot obtain the means to effectively protect his UN-mandated force. He has also been charged by the UN Security Council to protect civilians, especially the hundreds of thousands who remain displaced from their homes and at high risk. General Agwai has been pleading for months for the necessary means to do this --- not only the 17,000 troops and police that are still lacking, but also the means to make them mobile enough to police his area of responsibility. Prime among these needs is a minimum of 18 utility helicopters and six combat helicopters. The IISS’s annual 2007 Military Balance put the U.S. armed forces’ total helicopter fleet at 6,023 while defense analysts estimate that NATO’s European members have around 2,100. But NATO members are said to be overstretched to sustain helicopter units in Afghanistan and Iraq and have been reluctant to admit they can provide any for UNAMID. So, UN officials have been discussing with Ukraine and Russia ways of obtaining helicopters for the UN force, while UNAMID and the people of Darfur remain vulnerable to attacks by an assortment of rebel groups as well as the forces of the Sudanese government.

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