

Broken promises

The arms embargo on Darfur since 2012

Introduction and key findings

The UN arms embargo on Darfur—imposed in 2004, expanded in 2005, and elaborated in 2010 with additional due-diligence requirements—has demonstrably failed to prevent the delivery of materiel to Darfur’s armed actors. A transnational supply chain based in locations as diverse as the remote Central African trading town of Am Dafok and the commercial centres of Dubai continues to furnish weapons, ammunition, and other military equipment to all sides in a 14-year-old conflict (see Map 1).

In theory, the successful application of the embargo requires (1) the interdiction of weapons at Darfur’s borders; (2) the regulation and restriction of weapons that enter Sudan legally, given suppliers’ inability to prevent the re-transfer of those weapons into Darfur; and (3) the regulation or denial of technology and capacity to Sudan’s growing domestic weapons industries, which furnish a growing proportion of the weapons used in Darfur. Yet, although the Security Council introduced elements of all three of these levels into the UN embargo regime in 2010, the UN remains confined to the first level, while the European Union

has focused on the second level and the United States on the third.

The evidence presented in this paper suggests that, in its current form, the UN embargo cannot prevent weapons from reaching Darfur’s armed actors; no government with significant influence over the supply of weapons to Darfur currently has the political will to prevent their provision; and the embargo’s persistent failure has made it irrelevant to all key actors, removing any residual incentives to make it work properly.

Beyond the formal prohibitions of the embargo, the wider, transnational, and partly civilian supply chain of military equipment to Darfur’s armed actors remains amenable to due-diligence measures, which—as this paper shows—may already have constrained the supply of advanced technologies and some dual-use items. But integrating such measures into the UN embargo regime has met political opposition within and beyond the Security Council.

This Issue Brief provides an update on the development and impact of the Darfur arms embargo from 2012 to early 2016.¹ It surveys the region’s conflicts; reviews the supply chain of weapons and military equipment to conflict actors in Darfur; examines changes to the UN embargo regime and investigations of the UN Panel monitoring the embargo; discusses the politics of the Security Council Sanctions Committee on Sudan; and assesses the effectiveness of the embargo and other efforts to prevent the illicit circulation and misuse of weapons in Darfur.² It also offers a brief consideration of what the failure of the Darfur embargo

Map 1 Darfur and its neighbours



suggests about the prospects of the new UN sanctions regime on South Sudan.

Findings include the following:

- Since foreign patrons began to withdraw their support to Darfur's rebels from 2010 onwards, the Sudan Armed Forces (SAF) has become the primary source of weaponry for all sides in Darfur. Meanwhile, the parties have reduced the volume of military resupply and the presence of major weapons systems in Darfur, primarily in response to conflicts elsewhere on Sudan's peripheries, not as a result of the embargo.
- Although the UN Panel of Experts has produced clear evidence that the Sudanese government continues to move weapons supplied from Belarus, China, and the Russian Federation into Darfur—in contravention of end-user assurances to suppliers and in violation of the embargo—all three countries have continued to export weapons of the same types to Sudan.
- Despite successive Security Council resolutions that require the African Union/UN hybrid operation in Darfur (UNAMID) to monitor violations of the arms embargo, the UN Department of Peacekeeping Operations (DPKO) and UNAMID's leadership do not acknowledge this aspect of the mission's mandate and have declined to incorporate it into its activities. Nevertheless, UNAMID's collaboration with and logistical support for the UN Panel has improved substantially since 2012.
- Faced with Khartoum's refusal to acknowledge the embargo's legitimacy, and the decade-long inability of the Security Council to enforce its own measures, the UN Panel of Experts that monitors the embargo has shifted its focus towards controls on the transnational supply chain of weapons, aircraft, and dual-use items used in Darfur.
- Apart from the United States, which has its own unilateral sanctions regime, only two states—Germany and the Netherlands—are known

to have taken concrete steps to stop the delivery of military technology or dual-use items to embargoed entities.

- The Security Council's deadlock on the embargo and sanctions regime has been driven by a range of factors, including disagreements among the P3 (France, the UK, and the United States) regarding the effectiveness of using or threatening to use sanctions to influence prospective participants in peace processes; French and European Union (EU) relations with Chad; China's insistence on the primacy of Sudanese sovereignty; and, increasingly, the Russian Federation's hardening stance against the global legitimacy of sanctions and of the Security Council. Since 2012, the Russian Federation has replaced China as the primary Sanctions Committee blocker of efforts to expand or enforce the embargo.

The cycle of Darfur's conflicts

Combatants on all sides of Darfur's interlocking conflicts have often been mobilized by highly local tensions between and within communities, particularly over land rights associated with the displacement of the *dar/hawakir* land tenure system.³ Despite their local character, such struggles have nonetheless become politically symbolic within a rebellion formed in response to larger inequalities in national political power and economic provision. From around 2005, these tensions were also increasingly exploited by parties to regional conflicts, particularly between Chad and Sudan, and, to a lesser extent, between Libya and Sudan.

In 2010–11, rapprochement between Sudan and Chad, the fall of the Qaddafi regime in Libya, and the long-standing ambivalence of the Sudan People's Liberation Army (SPLA) towards Darfur rebels in southern Sudanese territory in the run-up to South Sudan's independence all contributed to a contraction of the international dimensions

of the conflict, and of cross-border sources of weaponry.⁴

From late 2011 onwards, forces of the Justice and Equality Movement (JEM), and smaller numbers of the Sudan Liberation Army factions led by Minni Minawi and Abdul Wahid Mohamed al Nur (SLA-MM and SLA-AW), became increasingly active outside Darfur's borders. JEM fought alongside the Sudan People's Liberation Movement–North (SPLM–N) against SAF in South Kordofan under the banner of the Sudan Revolutionary Front (SRF) and, in early 2012, alongside the SPLA in border clashes against SAF forces.⁵ This southern entanglement expanded beyond these disputed areas, as JEM and small numbers of SLA-MM and SLA-AW combatants supported the SPLA against the SPLA-in-Opposition (SPLA–IO) in Greater Upper Nile, well inside South Sudan, following the reignition of South Sudan's civil war in December 2013.⁶

The Darfur rebels' involvement with the SPLA has, however, brought them surprisingly limited rewards in terms of political and military support; more perniciously, it has encouraged South Sudanese opposition forces to target Darfurians in South Sudan. Moreover, conflicts over SRF leadership, and its members' diverse objectives in Darfur, South Kordofan, and South Sudan, have also weakened that military coalition. In mid-to-late 2014, the rebels largely headed back west, towards Bahr el Ghazal and Darfur.

In Darfur, 2013–14 saw a chaotic upsurge of inter-ethnic violence between as well as within Arab and non-Arab groups.⁷ SAF offensives against rebel remnants in central, eastern, and southern Darfur, and subsequent displacement, also contributed to inter-community clashes such as those between new Birgid (non-Arab) Popular Defence Forces and Zaghawa communities that had been labelled SLA-MM supporters. Meanwhile, renewed conflicts over land, cattle, and emerging commodity resources such as gold have pitted Arab groups against each other in central, southern, and northern Darfur.⁸



Photo 1: An RSF fighter participates in the display of weapons and vehicles allegedly captured from JEM. Nyala, South Darfur, May 2015. © Ashraf Shazly/AFP

Dry-season fighting in 2014, 2015, and early 2016 has returned Darfur's levels of violence and population displacement to 2007–08 levels. The Sudanese government waged three concerted offensives against SLA–MM and SLA–AW, led by a new militia structure, the Rapid Support Forces (RSF). Recruited by Sudan's National Intelligence and Security Service (NISS) from mid-2013, RSF fighters were primarily drawn from Darfur Arab tribes; they fought in South Kordofan before returning to Darfur in February 2014. The weakly controlled RSF is under the formal command of an NISS major general, but in practice these combatants are primarily led by Abbala Rizeigat war leader Mohammed Hamdan Dagolo 'Hemeti', who previously led a 'janjaweed' militia and briefly turned against his government sponsors around 2007.

Since 2010, therefore, each wave of conflict in Darfur has repeated previous dynamics in new configurations. Darfur rebels who were previously manipulated as proxies by the govern-

ments of Chad and Libya subsequently fought as proxy forces with the South Sudanese government. The Sudanese government's formation of the RSF partly mirrors 'janjaweed' recruitment in 2002–05, even if Khartoum shifted its support from one prominent Rizeigat war leader (the Mahamid sheikh Musa Hilal) to another ('Hemeti' from the Mahariya). Local resource conflicts continue to fuel both government-sponsored militia mobilization and uncontrolled ethnic conflicts; yet, alongside enduring disputes over land and cattle, export commodity resources such as gold and gum arabic have grown in importance, particularly as oil revenues have been disrupted and reduced since South Sudan's 2011 independence and ensuing civil war.

Across these cycles of conflict, one trend has remained constant since 2010: the continual military weakening of Darfur's residual, now internationally isolated rebel groups. JEM, the most militarily capable of these groups, assembled a force of more than 100 vehicles in the Khor Shamam area of

Western Bahr el Ghazal in South Sudan in early 2015; on 26 April, having moved them into South Darfur, they were attacked by an RSF force near al-Nakhara and lost perhaps 60 per cent of the convoy's vehicles and materiel (see Photo 1). At the same time, the SLA–AW suffered losses of equipment and territory in its remaining Jebel Marra stronghold during late 2015 and early 2016.⁹

The supply of weapons to Darfur

Cross-border weapons supply

By 2012, when the HSBA last surveyed weapons flows in Darfur, the two major foreign sources of arms for Darfur's rebel groups—the Libyan government and the stockpiles of the Chadian Armed Forces—had substantially dried up.¹⁰ This was due not to better interdiction of arms flows, but to external political events: the fall of the Qaddafi regime and the Chad–Sudan rapprochement.

Movements of rebel personnel and vehicles across a combined 1,200 km border with Chad and Libya have continued despite the 2010 deployment of a joint Chad–Sudan border force, the presence of SAF troops on both sides of the Darfur–Libya border since the start of the Libyan crisis in 2011,¹¹ and the reported formation in November 2013 of a joint Libya–Sudan border force.¹² Although JEM and SLA–MM officials deny multiple reports that members of their forces are currently engaged in fighting in Libya against Khartoum-backed Libya Dawn forces,¹³ JEM incontrovertibly extracted its late leader Khalil Ibrahim across the Libya–Sudan–Chad tri-border area with a convoy of some 150 vehicles in its famous Operation ‘Sahara Leap’ in late August 2011—in spite of the joint Chad–Sudan border force.¹⁴ Similarly, smaller numbers of SLA–AW vehicles were able to move between eastern Chad and Jebel Marra, even during the first Operation ‘Decisive Summer’ period in early 2015.¹⁵

There is little evidence, however, that the volume of cross-border weapons flows has matched these movements of people. Since all of the region’s state arsenals largely comprise Soviet and Chinese weaponry, which is frequently too old to trace through conventional tracing processes, it is often difficult to distinguish materiel from these stockpiles among weapons identified in Darfur. Nonetheless, a number of distinctive ‘isotope’

weapons from Chadian and Libyan stockpiles, identified with Darfur armed groups prior to 2010, have not been observed since then.¹⁶

For example, no 5.56 × 45 mm calibre weapons or accompanying ammunition of types previously traced to Chadian stockpiles has been documented in Darfur since 2010.¹⁷ Similarly, although SAF reportedly intercepted recent illicit shipments of Libyan weapons¹⁸ that were allegedly destined for Darfur groups, new supplies of higher-volume ‘isotope’ Libyan-origin weapons—such as the Belgian 106 mm recoilless rifle ammunition and the Spanish 106 mm recoilless rifles observed with JEM fighters prior to 2010—have not been documented in Darfur since.

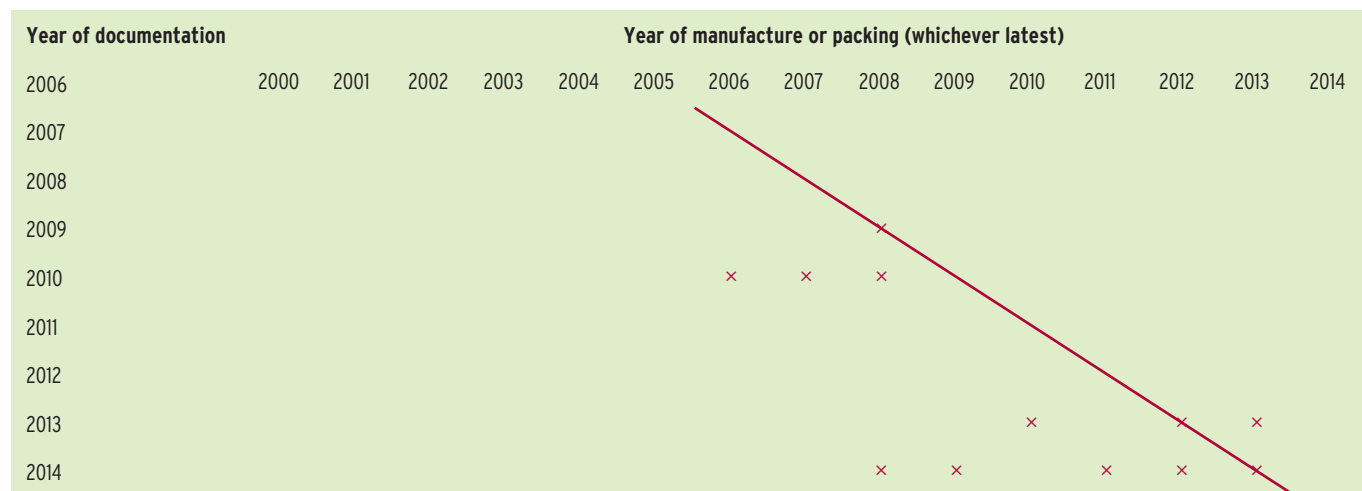
This is all the more notable because distinctive Libyan-origin weapons of the kind previously seen in Darfur have continued to diffuse elsewhere throughout the Sahel region. Since 2013, for example, investigators have documented Belgian 106 mm ammunition from Libyan arsenals in seizures from armed groups in northern Mali and from traffickers in Chad,¹⁹ as well as farther afield, including in Syria.²⁰ While the apparent absence of such weapons in Darfur may reflect observers’ extremely limited monitoring and access to rebel stockpiles, it may also indicate that rebel groups’ cross-border weapons acquisitions have long been politically driven by the agendas of their patrons among Darfur’s neighbours. Since those

patrons began to withdraw in 2010 and internal resources continue to dwindle, Darfur’s rebels may no longer be able to secure significant cross-border weapons acquisitions.

Nor do the efforts of Darfur rebels in South Sudan appear to have dramatically improved their supply lines, despite the substantial cross-border mobility of personnel and vehicles. A deterioration of relations with the SPLM–N seems to have led to a restriction of JEM and other Darfur rebels’ access to what limited resources (fuel and vehicles) were provided from elements within the SPLA (particularly officers within its former 4th Division) to the SPLM–N.²¹

Supporting assertions by JEM and other Darfur groups that their primary source of weaponry continues to be battlefield captures from SAF itself is a small sample of materiel that SPLA–IO forces captured from JEM in April 2014 in southern Unity State. In addition to a Land Cruiser,²² the sample consisted entirely of weapons matching types known to be present in SAF rather than SPLA stocks, including a Sudanese-manufactured ‘Khawad’ 12.7 mm machine gun;²³ 12.7 × 108 mm ammunition manufactured in 2010 and 2013, consistent with that used by SAF forces; packaging consistent with Sudanese military production or repackaging;²⁴ and unmarked 7.62 × 54R ammunition consistent with Ethiopian manufacture, also a type known to be used by SAF.

Figure 1 Sudanese-manufactured small arms ammunition documented in Darfur, by year of documentation



Note: Each cross represents an observation of ammunition. The closer a cross is to the red line, the shorter is the time span between its manufacture and its documentation.

Sources: UNSC (2009; 2010b; 2013a; 2014c); Leff and LeBrun (2014)

The supply chain of Sudan's armed and security forces

The persistence of the SAF supply chain into Darfur is perhaps best indicated by the 'just-in-time' resupply of military consumables, particularly ammunition. In every year from 2009 to 2014, the UN Panel or other researchers in Darfur documented Sudanese

or Chinese small arms ammunition whose headstamps indicated manufacture in the same or the preceding year (see Photos 2 and 3); in 2009, 2013, and 2014, ammunition manufactured in Khartoum was identified in Darfur within a year or less of its manufacture (see Figure 1). Such sporadic observations shed little light on changes in the volume or diversity of weaponry

being moved by Khartoum into Darfur, but they do demonstrate the rapidity of resupply.

These repeated observations of new Sudanese ammunition suggest that the embargo has negligibly disrupted the SAF supply chain into Darfur. Two additional features of Darfur's weapons ecology might counter this pessimistic view of the embargo's efficacy:



Photos 2 and 3: JEM Land Cruiser vehicle mounted with Sudanese-made DShK machine gun and Chinese-manufactured 12.7 x 108 mm ammunition. Captured in Bau, South Sudan, May 2014. © Mike Lewis/Conflict Armament Research

(1) the evident decline in the volume of major weapons systems—particularly air assets—deployed to Darfur since around 2010; and (2) the constancy since 2004 of the basic weapons suite used by SAF ground forces in Darfur.²⁵ As one UN official involved with weapons issues argues:

The embargo clearly has little impact on small arms and light weapons, which remain within a national supply chain. Darfur has so far remained a ‘small war’, with only [small arms and light weapons] being used—occasionally a Katyusha [122 mm rocket] gets fired, and that’s about it. But [the embargo] does degrade Sudan’s ability to acquire and deploy sophisticated large weapons platforms [such as armour and aircraft], should Darfur turn into a ‘big war’.²⁶

The existence of a sanctions regime may have dampened the willingness of advanced weapons manufacturers to supply Sudan, as evidenced by the limitations in SAF’s capabilities in the fields of electro-optics, C4ISR,²⁷ and unmanned aerial vehicles (UAVs). Indeed, since 2011, UAVs deployed in Darfur and the Two Areas (Blue Nile and South Kordofan) have declined significantly in sophistication.²⁸ In Darfur, the number of military aircraft is also at a historic low; attack helicopters disappeared altogether from the three main SAF forward operating bases in Darfur (in Al Fashir, Al Geneina, and Nyala) in early 2015, although some returned in October 2015, at the start of renewed dry-season fighting.²⁹

A less optimistic interpretation, however, might link the retention of an unsophisticated weapons suite and the decline in military aircraft fleet levels as much to strategic and tactical concerns as to sanctions. The decline of deployed SAF aircraft in Darfur coincides with spikes in their numbers in and around South Kordofan since 2011, and briefly in Heglig in early 2012, tracking the shifting priorities of Sudan’s periphery and border conflicts.³⁰ Meanwhile, military aircraft of the same type but with higher tail numbers—either because they were newly acquired, or because they have

been reconditioned outside Darfur—have continued to appear in Darfur unabated, indicating clearly that SAF experiences few constraints in cycling weapons platforms into and out of Darfur.³¹ Research for this Issue Brief tracked three newly acquired SAF Mi-24 attack helicopters from refurbishment in St. Petersburg to delivery by air to Khartoum and deployment in South Kordofan within two months, and in Darfur within a year.³² This rapid cycle of acquisition and deployment is carried out openly and without any practical or political obstruction.

Similarly, the consistency of the weapons suite used by SAF and allied forces in Darfur probably has tactical underpinnings. SAF has certainly continued to procure newer weapons systems and to deploy them rapidly to conflict areas outside Darfur. In December 2012, for instance, SPLM–N forces in South Kordofan captured SAF second-generation HJ-8 anti-tank missiles, which had been packed in China in April 2011 and had thus been delivered since that date.³³ Strikingly, the government has also continued to deploy newly acquired types of armoured vehicles to police forces in Darfur since 2011, including a new type of Middle Eastern-manufactured armoured personnel carrier that was delivered to Port Sudan in August 2012 and fielded in Darfur during 2015 in undisguised violation of the embargo.³⁴ Given that the rebels are highly mobile, unarmoured, and reliant on Toyotas, the absence of new armour among SAF’s Darfur forces—as opposed to the police—probably reflects a tactical choice rather than supply constraints.

Controlling Sudan’s military supply chain

The UN Panel and the diplomats on the Security Council’s Sanctions Committee are well apprised of the embargo’s failure. As the Panel stated baldly in its most recently published report to the Committee, ‘the sanctions regime is in effect inoperative within Sudan’.³⁵ Since 2010, when other sources of weapons supplies in Darfur began to diminish, the Sudanese government’s

open disregard for the embargo has been the prime reason for its failure. As the Panel clarified in a technical briefing to the Committee:

An analysis by first recorded date shows that the small arms ammunition being used in the conflict in Darfur today is primarily manufactured in Sudan, and then transferred to Darfur in violation of the arms embargo by Sudan. It is in effect an internal chain of supply, over which an external arms embargo will have minimal effect.³⁶

Correspondingly, since 2013, the focus of the UN Panel has shifted away from monitoring the physical delivery of weapons into Darfur—controls that have proved inoperative and essentially unenforceable within Sudanese sovereign territory (see Box 1)—towards examining the national and international supply chain of the weapons that the Sudanese government moves into Darfur, and recommending possible controls on this transnational supply chain.³⁷

The Panel’s recent investigations have included supplies and technical assistance to Sudan’s domestic weapons industry; international suppliers of SAF vehicles and other weapons platforms; the corporate intermediaries involved in brokering and financing the supply of SAF’s Antonov aircraft used as improvised bombers in Darfur in contravention of the embargo and of the prohibition on offensive military overflights; and the financing of armed groups through commodity export resources, particularly artisan-mined gold—an approach familiar from other UN sanctions regimes, such as those on Central African Republic (CAR) and the Democratic Republic of the Congo (DRC), but a new dimension for the Darfur sanctions regime.³⁸

New language in the annual Security Council resolutions defining the embargo regime since 2010 has tentatively mirrored this expansion of focus on the international supply chain and its logistics (see Box 2). As discussed below, however, this cautiously expanded language has had a limited impact on the actual practices of states and companies that export to Sudan.

Box 1 Monitoring the embargo: external and internal impediments

As with many other UN sanctions regimes, the UN Secretary-General appoints a five-member Panel of Experts on rolling 12-month mandates to monitor the embargo and overflight ban imposed by Resolution 1591, and to report to the Sanctions Committee on the political, security, and human rights situation in Darfur.

Since 2005 the Sudanese government has obstructed and restricted the Panel's access to Sudan, to Darfur, and to information. These restrictions increased in 2011, when Panel members were not granted visas to enter Sudan until six months after the start of their mandate; they were also briefly detained by NISS personnel in Nyala in June 2011.³⁹ The Panel's visas were again blocked for several months in mid-2012, and its new finance expert was detained and deported upon arrival in Khartoum in December 2012.⁴⁰ Sudanese security officials have routinely singled out Panel members for searches at airports, blocked them from accessing conflict areas, and seized evidence in their possession.⁴¹

These perennial and open violations of the Security Council sanctions resolutions and of the Convention on Privileges and Immunities of the United Nations—within which the Panel is effectively embedded—have been the subject of demarches from successive presidents of the Sanctions Committee. Since 2012, they have also drawn Chapter VII censure from the Security Council itself,⁴² although no concrete action has ever been taken by the Committee or the Security Council.

The Panel's access to conflict areas and to information is also limited by restrictions on UNAMID, on whose team sites, patrols, and aircraft the Panel relies. The Sudanese government, which has been publicly advocating to end the mission's mandate completely, requires UNAMID to obtain authorization from NISS and Military Intelligence for each flight and patrol (almost uniquely among UN missions) and regularly violates the status of forces agreement (SOFA) to block other UNAMID flight and ground movements.⁴³ These restrictions have continued with impunity despite censure from the Security Council every year since 2011.⁴⁴ Thus, while in early 2014 the Council welcomed 'improved cooperation' between Khartoum and UNAMID, a spike of fighting during the second phase of Operation 'Decisive Summer' in late 2014 saw increased movement denials. In one particularly serious case, the government blocked peacekeepers from accessing Thabit in North Darfur for several months following an alleged mass rape incident there in November 2014.⁴⁵ This trend continued during 2015, although the frequency of access and flight denials decreased as violence levels dipped.⁴⁶

Another layer of impediments is essentially self-imposed. Since at least February 2009, UNAMID has prohibited its own aircraft from flying into an area covering some 8,300 km² over Jebel Marra and its environs.⁴⁷

This prohibition is only occasionally broken by UNAMID humanitarian flights, meaning that neither the mission staff nor the Panel can monitor or access the area that has seen the most severe reported fighting and aerial bombardment against rebel groups.

Moreover, UNAMID itself formally undertakes no monitoring of the embargo or other measures imposed by Security Council Resolution 1591, despite the fact that Resolution 1769, which established UNAMID's mandate, stipulates that:

UNAMID shall monitor whether any arms or related material are present in Darfur in violation of the Agreements and the measures imposed by paragraphs 7 and 8 of resolution 1556.⁴⁸

Although this embargo-monitoring element of its mandate has been explicitly repeated in four subsequent Security Council Resolutions since 2010,⁴⁹ DPKO and UNAMID leadership have said that 'UNAMID is not mandated to monitor the arms embargo and prohibition on military overflights'.⁵⁰ This reticence stems from the fragility of the international consensus that first established the mission and is perpetuated by Khartoum's continual threat of expulsion.

As former Panel members consistently report, however, UNAMID has provided them with improving logistical and informational support since 2011.⁵¹ P3 diplomats also express satisfaction with the relationship between the Panel and UNAMID, preferring that the mission focus primarily on the protection of civilians.⁵² The Panel's access to Darfur has likewise improved slightly since the nadir of relations with the government around 2012, although Sudan still requires Panel members to obtain single-entry visas and Darfur travel permits—in violation of three successive Security Council resolutions.⁵³ Visas and permits were usually issued within a week during 2015.⁵⁴

Since 2013, the Panel's work has displayed increasing technical sophistication. For instance, since Khartoum denies the Panel physical access to the aircraft and weapons used in prohibited Antonov bombing raids, the Panel has pioneered the use of explosives engineering techniques to identify the nature of ordnance used through crater analysis.⁵⁵ Furthermore, the Panel has moved its investigative focus to the transnational supply chain for military and dual-use goods deployed in Darfur and to armed-group financing from resource commodity exploitation. The Panel has also focused more on integrated case studies to connect embargo violations to violations of international humanitarian and human rights law, and it has instituted a scale of evidence for each of its findings in view of the particularly hostile political environment in which its reports are scrutinized, inside and beyond the Sanctions Committee.⁵⁶

In fact, HSBA research has been able to identify only one example of a due-diligence, supply-chain action of the kind envisaged by Resolution 2138, one taken not to implement the UN embargo on Sudan, but the corresponding EU arms embargo on Sudan.⁵⁷ Trucks manufactured by MAN Group in Germany have long been militarily important for SAF. While MAN stopped the direct supply of truck kits to Sudan's state-owned Giad Industrial Group in May 2007, the HSBA and Conflict Armament

Research have since documented a number of recently exported ex-German Army MAN 4×4 trucks in use with SAF; Conflict Armament Research also observed the Khartoum-supplied trucks with Séléka rebel forces in CAR.⁵⁸ A single Dutch vehicle dealer had exported all of these trucks since 2010 from the ports of Antwerp and Amsterdam to a Khartoum-based company that shared an address with Giad.⁵⁹ Due to variations in national interpretations of the EU common military list, the trucks required a licence

for export from Germany to Sudan, but not from the Netherlands to Sudan.⁶⁰ In June 2015, Germany announced that it would henceforth require individual export licences for military trucks to the Netherlands,⁶¹ three months later, the Dutch government declared that it would likewise be requiring export licences for such trucks, which would be denied for export to Sudan under the EU embargo.⁶² Shortly thereafter, the export of a consignment of trucks was reportedly blocked at the port of Amsterdam.⁶³

Box 2 The UN embargo regime: change at a snail's pace

The scope of the UN embargo—a sub-national prohibition on parties to the conflict only in the three (now five) states of Darfur—remained entirely unchanged from 2005 to 2010. The Government of Sudan has disregarded the embargo since its earliest days;⁶⁴ by 2014, Khartoum had declared publicly that it would not recognize the embargo's legitimacy whenever it conflicted with its perceived national security interests.⁶⁵ Consequently, the Sudan Sanctions Committee has never received any request or notification for the movement of weapons into Darfur under the embargo's exemption system.⁶⁶

The only Sudan-wide measure the otherwise deadlocked P5 countries have been able to agree in the Sanctions Committee has been the inclusion in 2010 of a Sudan-wide due-diligence measure, which obligates any state that supplies 'arms or related materiel' to Sudan outside of Darfur to require end-user documentation assuring that the supply is 'conducted consistent with the measures imposed by [Resolutions 1556 and 1591, which imposed the Darfur embargo]'.⁶⁷

Major supplier states such as Belarus, China, and the Russian Federation have interpreted this obligation to mean simply that the end-user certificate issued by the Government of Sudan must state that the military equipment they have supplied will not be re-transferred into Darfur in contravention of the UN embargo.⁶⁸ Although the UN Panel produced clear evidence that Khartoum had indeed continued to move Belarusian-supplied ground attack aircraft, Chinese-supplied small arms, and Russian-supplied attack helicopters into Darfur since 2010—in contravention of end-user assurances given to those countries⁶⁹—all three have continued to supply further weapons of the same types to Sudan, thereby declining to enforce their own end-user conditions.⁷⁰

While some Security Council diplomats argue that the formal arms embargo remains politically significant, the fact that it has failed to prevent the direct supply into Darfur of SAF's basic suite of weaponry has prompted the UN Panel's investigators to examine 'non-traditional enablers' of military supplies to Darfur. The shift is guided by the premise that actors supplying commercial (and sometimes civilian) goods to Sudan's military supply chain might be more amenable to changing behaviours and to undertaking due diligence to help stem these supplies. In 2013 and 2014, the Panel proposed regulating the national and transnational supply chain and maintenance of weapons and weapons platforms used in Darfur⁷¹ by requiring exporting states to:

- incorporate a tracking device on any military aircraft supplied to Sudan to ensure it is not transferred into Darfur;
- cease subsequent technical support for Sudanese military aircraft used in such violations;
- conduct physical checks 'on random dates' to verify that weapons platforms they supplied are not present in Darfur;
- prevent the supply of parts or spares for civilian aircraft types used as bombers in Darfur, unless appropriate end-user assurances can be obtained; and
- aid in the verification of embargo violations by requiring end-user certificates to include precise types and serial, lot, and batch numbers of weapons supplied to Sudan, and explicit language committing Sudan not to use the equipment in Darfur or for prohibited military overflights there.

The first three recommendations replicated and surpassed the US Blue Lantern end-use verification measures, which the United States has difficulties implementing even with its closest allies; these three probably had little chance of overcoming the sovereignty objections of Sudan and several Council members.⁷² Given the need to obtain unanimity in the Sanctions Committee over the language of any modification to the sanctions regime, the last two—much weaker—proposals gave rise to the provisions of UN Security Council Resolutions 2091 (2013) and 2138 (2014), which simply 'urge all States to be mindful of [the] risk' that:

- 'the direct or indirect supply, sale or transfer to Sudan of technical assistance and support, including training, financial or other assistance and the provision of spare parts, weapons systems and related materiel, could be used by the Government of Sudan to support military aircraft being used in violation of resolutions 1556 (2004) and 1591 (2005)'; and that
- 'certain items continue to be converted for military purposes and transferred to Darfur'.⁷³

These provisions do not generate concrete obligations for member states. Correspondingly, modifications of export policy on the supply and maintenance of military aircraft, dual-use vehicles, and dual-use weapons technology to Sudan deriving from such 'mindfulness' have yet to be seen.

The EU embargo is by not airtight. Research shows, for instance, that Sudanese police officers in Khartoum use European-manufactured pistols that were produced around 2006, according to their serial numbers.⁷⁴ Likewise, a semi-automatic pistol found by Conflict Armament Research in civilian hands in South Sudan⁷⁵ had been shipped from Germany in 2006 to a Sudanese company, highlighting the fact that some types of semi-automatic pistols did not require export licences under German law at that time; Germany tightened the relevant regulations in 2013.⁷⁶ It nonetheless has the virtue of covering the entire country, avoiding the key design flaw of the UN embargo.

The example of controlling the MAN truck supply chain suggests that due diligence-type controls within the Darfur embargo—that is, discriminating between authorized and unauthorized end-users, and assessing the risk of misuse or diversion before authorizing export—are indeed practicable, despite a diverse and globalized market for these kinds of dual-use items. Such controls are viable since (1) identifiably related procurers continue to be involved in SAF procurement, as in the case of the new company co-located with Giad to procure military vehicles after Giad's blacklisting in 2007, and (2) those procurers continue to seek the same types and models of equipment,

as evidenced by SAF's persistent efforts to procure MAN military trucks from Europe.⁷⁷

Arms control efforts in Darfur

Since 2013, alongside the paralysed embargo regime, the Security Council's arms control efforts regarding Darfur have begun to encompass civilian arms control initiatives. Resolution 2138 of 2014 was the first to call:

upon the Government of Sudan to address the illicit transfer, destabilizing accumulation, and misuse of small arms and light weapons in

Darfur, and to ensure the safe and effective management, storage and security of their stockpiles of small arms and light weapons, and the collection and/or destruction of surplus, seized, unmarked, or illicitly held weapons and ammunition.⁷⁸

While the element is repeated in the 2015 and 2016 resolutions,⁷⁹ some Security Council diplomats privately question the logic of supporting the Sudanese government to address 'illicit' materiel in Darfur when evidence consistently indicates that the same government constitutes the major source of newly produced small arms and ammunition in Darfur each year.⁸⁰ Nonetheless, as demonstrated above, the availability of such weaponry to non-state actors in Darfur is facilitating armed violence and arms flows outside the Sudanese government's control.

In addition to enabling inter-communal violence, and thereby disrupting the reconciliation efforts of the national and state governments in North and East Darfur,⁸¹ Darfur's arms now constitute a wider security threat to the sub-region. Armed group members and security force personnel in CAR report that while arms markets on Darfur's south-western frontier may once have provisioned communities and fighters in Darfur itself, the market at Am Dafok in particular has since 2012 served as the most significant informal small arms market in the region for Séléka factions, which seized power in CAR in 2014.⁸² Moreover, Séléka commanders and politicians reported having seized Bangui alongside some 700 Darfur fighters under Gen. Moussa As-simeh Abdulqasim, an Arab war leader from Idd al Fursan in South Darfur, who was reportedly recruited by the Séléka leader in Nyala but participated against Khartoum's wishes.⁸³

In Libya, both JEM and SLA-MM fighters supported the Tobruk-based forces of Gen. Khalifa Haftar during 2015.⁸⁴ There are equally numerous allegations, although less well documented, that formerly Khartoum-aligned 'Arab' militias from Darfur also fought during 2015 for Libya Dawn

forces (for whom Sudanese government support is well-established).⁸⁵

Civilian arms control

The registration of civilian-held firearms reportedly began in Darfur in late 2011 at the initiative of the then *wali* (governor) of South Darfur, Abdul-Hamid Musa Kasha.⁸⁶ This initiative subsequently became a model for the Sudan Disarmament, Demobilization and Reintegration Commission (SDDRC) in West Darfur.

Communities and locations for weapons registration are selected by an arms registration steering committee whose members are chosen by the *wali* from the 'Native Administrations' (traditional authorities), plus retired and current state officials. This group provides assurances—now enshrined in an executive order issued by the Ministry of Interior—that there will be no forced disarmament. SDDRC-appointed staff members physically mark and register individuals' weapons; a delegation of sheikhs and *omdas* (head sheikhs) from the predominant community in the selected localities encourage community members to participate in the process.⁸⁷

External evaluation of this initiative stresses that it is simply an initial confidence-building step: 'registration and marking tribal weapons will not contribute to security, stability and the prevention of armed violence if nothing else happens'.⁸⁸ Described by project participants as being based on the principle of 'arms control first, disarmament later', the programme removes no arms from communities—indeed, the Ministry of Interior claims that it will never do so without the explicit permission of Native Administrations and tribal authorities; instead, it simply legalizes existing weapons. Levels of trust between communities and government remain too low to permit actual arms collection in the near future.⁸⁹

To participate in the registration process, an individual pays a fee of SDG 50 (approximately USD 8) and receives an 'interim licence', which, unlike Sudan-wide firearms licences, does not limit the amount of ammunition the owner may hold, thereby

restricting the programme's influence over the misuse of the weapons.⁹⁰ Similarly, the programme intends in the future to provide gun lockers to registered gun owners, which may perhaps prevent thefts, but is unlikely to prevent owners from misusing their own weapons. Outside the state capitals, registration activity has focused on two locations: Bir Saliba (a Missiriya Jebel community near the Chadian border, north-east of Sirba) during 2014, and Tendelti (a largely Masalit community in the north-western part of Al Geneina) during 2015.⁹¹ In contrast, communities that have been subject to significant civilian ethnic violence, such as those around Jebel Amir, have been excluded from the programme;⁹² this limitation reflects the extent to which Darfur's recent and ongoing inter-communal conflicts effectively restrict Khartoum's authority.

The SDDRC has not granted funders or external observers access to the registration database in West Darfur. As a result, it has not been possible to verify the Commission's claim that some 20,000 weapons were registered across South and West Darfur (a figure that still falls short of the government's statement in early 2013 that it would register some 30,000 weapons in West Darfur alone in the first six months of that year),⁹³ nor its assertion that no registered weapon has been found in use in crimes in Darfur.⁹⁴ The latter claim is also essentially unverifiable, since the SDDRC's own reporting suggests that only 11 per cent of the 2,500 weapons presented for registration in West Darfur in 2014 were actually marked;⁹⁵ if recovered at a crime scene, the vast majority of these weapons would thus not be identifiable as previously registered.⁹⁶

DDR

The disarming of combatants, meanwhile, remains delayed and partial. Although the 2011 Doha Document for Peace in Darfur (DDPD), the 2006 Abuja Agreement, and Security Council resolutions going back to Resolution 1556 (2004) all require disarmament both of signatory rebel groups and of 'armed militias' fighting on the

government side, the DDR caseload currently being processed by the SDDRC and UNAMID—the so-called ‘Doha caseload’—focuses exclusively on rebel group signatories.⁹⁷

The Sudanese government had stated that some 13,500 Liberation and Justice Movement (LJM) and JEM–Dabajo combatants were eligible for DDR, yet the figure was downsized to 9,000 combatants in 2015.⁹⁸ Donors and international officials involved with supporting the DDR process privately argue that both figures are significantly inflated;⁹⁹ if they were accurate, these two groups would have outnumbered the Rapid Support Forces and would have constituted by far the most militarily powerful armed actors in Darfur, which is not borne out by their field achievements. In late 2014, after three years of delay, the SDDRC presented plans to demobilize 3,000 of these fighters.¹⁰⁰ UNAMID and donors privately attribute the activation of the programme partly to the time pressure of the 2015 elections, as the initiation of security arrangements under DDPD, including DDR activities, was a precondition for LJM and other DDPD signatories to register as a political party.¹⁰¹

Neither UNAMID nor any other organizations tasked with supporting the DDR process have access to the ‘integration camps’ where combatants are disarmed, nor have they been permitted to see or witness the disposal of any collected weapons.¹⁰² The SDDRC reported collecting 898 weapons from the Nyala camp during 2014, a surprisingly small number given that the camp reportedly contained some 4,500 combatants.¹⁰³ A senior LJM member further alleges that only 600 of these weapons were operational, that only 111 of the 4,500 combatants had been armed to begin with, and that these 111 were found to be mostly registered members of the government border guard mixed in with the Doha caseload.¹⁰⁴

Since UNAMID’s DDR officials have no way of verifying the SDDRC’s ‘master lists’, which enumerate the disarmed combatants and the numbers of weapons collected from each group, they cannot check who actually handed

over weapons. The lists tend to comprise only names and some telephone numbers, without any other identifying details.¹⁰⁵ Observers who were present at the first round of demobilization in Nyala in November 2014 report that a large group of individuals who were not even on the master list appeared for demobilization, and that UNAMID had little choice but to process them anyway.¹⁰⁶

Inside the Sudan Sanctions Committee

In part, the continuing failure of the embargo regime to stem the flows or to drain the stocks of arms in Darfur can be traced to the decade-long political deadlock of the Sudan Sanctions Committee, in which the members of the UN Security Council discuss the scope and renewal of the regime for recommendation to the Council, and consider requests and notifications for exemptions to the embargo.¹⁰⁷ From the start, the imposition of an embargo on government as well as non-state forces in Darfur relied on an extremely fragile consensus. In 2004, it had been blocked by China and the Russian Federation during the Council’s deliberations on what became Resolution 1556; it only succeeded in Resolution 1591 (2005), with the abstention of those two members.¹⁰⁸

Consequently, the Committee has never taken any action in response to the UN Panel’s reports of near-weekly embargo violations over a ten-year period. The Committee has never sanctioned any individual or company for such violations, even when the UN Panel named and recommended listing individuals with command responsibility for violations within the Sudanese and Chadian governments, as well as within JEM and the SLA–MM.¹⁰⁹ Nor has the Committee listed any Sudanese or foreign commercial aircraft companies whose engagement in Darfur embargo violations has been unambiguously documented.¹¹⁰ This track record stands in stark contrast to the well-known listings of aircraft companies connected to Viktor Bout and other embargo violators undertaken

in line with the embargoes on Liberia and the DRC.¹¹¹

News media and commentators have often spotlighted China as the Council’s major opponent to the enforcement or extension of the embargo.¹¹² China blocked the Panel’s repeated recommendations to extend the embargo from Darfur to the whole of Sudan when it was clear that the Sudanese government was among the primary conduits of arms into Darfur and was ignoring the embargo.¹¹³ In 2010, Chinese diplomats on the Committee contested the accuracy of the UN Panel’s reporting on the supply of Chinese-manufactured ammunition into Darfur, thus delaying the transmission of the report to the Security Council for nearly two months, while also objecting to the renewal of the Panel’s arms expert and blocking the publication of the report for a further four months.¹¹⁴

But diplomats and UN officials indicate that, since 2011, the Russian Federation has represented the primary opposition to initiatives within the Committee to enforce or extend the embargo (see Photo 4). Moscow also blocked the imposition of tangible end-user requirements on supplier states in 2014, and opposed recommendations in 2013 and 2014 for concrete due-diligence requirements on states that supply transport aircraft and other dual-use items used in Darfur.¹¹⁵

China and the Russian Federation, along with temporary Council members such as India, have displayed increasing misgivings about the legitimacy of UN sanctions and embargoes in general, particularly since the P5 disagreed about the scope of the Libya embargo imposed in April 2011, and about whether—as France and the United States argued—it permitted the arming of National Transitional Council rebels in certain circumstances.¹¹⁶ Further controversy over an aborted sanctions regime on Syria and the Crimea crisis have reportedly hardened Moscow’s opposition to UN embargo regimes in general, and P5 diplomats with knowledge of the Sanctions Committee expected that the P5 deadlock would worsen during



Photo 4: China's ambassador to the United Nations, Liu Jieyi, left, confers with his counterpart from the Russian Federation, Vitaly Churkin, in March 2016 at the UN in New York. © Beбето Matthews/AP Photo

2016 across all the UN sanctions committees.¹¹⁷ In addition, they reported that China was returning to its previously vocal stance in the Sudan Sanctions Committee.¹¹⁸

Other P5 members have also sought to champion policy goals via the sanctions regime. In 2011, the UK proposed sanctioning SLA-AW leader Abdul Wahid Mohamed Ahmed al Nur, in response to allegations that he had ordered the killing of political opponents who supported the Doha peace talks; diplomatic sources suggest that the listing was in part intended to pressure his group to stop boycotting and instead join the Doha talks.¹¹⁹ The United States then placed a hold on the listing, arguing that it was unhelp-

ful to use the sanctions regime to apply pressure in the Doha negotiations, and that such actions risked making Abdul Wahid a martyr. Similarly, France's regional political priorities reportedly led it to oppose a 2008 US proposal that had British and Russian support: the listing of (among others) Daoussa Déby Itno, the half-brother of President Idriss Déby of Chad, for allegedly coordinating arms supplies and support to Darfur rebels. Arguing that it would reduce Chad's cooperation with the European Union Force in Chad, France submitted a counterproposal to list four Darfur-based Chadian rebels involved in the February 2008 attack on N'Djaména, which also failed to find consensus.¹²⁰

The Committee's 2016 deliberations were its most divided yet. Discussions included proposals to list JEM as an entity under the asset freeze and travel ban on the grounds of child soldier recruitment. Some member state diplomats expected the United States to place a hold on or block the listing, even if the Russian Federation did not, as in the case of Abdul Wahid in 2011; in the event, the Committee failed to agree on the introduction of any new listings.¹²¹ The talks also covered preliminary discussions about how the next Darfur sanctions resolution and Panel mandate might explore natural resource due diligence (particularly of artisanal gold) to curb armed group financing.¹²²

At the time of writing, the Russian Federation was not only blocking the reappointment of the 2015 Panel members, but also the transmission of the Panel's 2015 report to the Security Council and its publication, disputing links made between conflict financing and gold mining as well as the report's criticism of Sudanese government forces. The unpublished report includes details of the Sudanese Air Force's use of cluster munitions in northern Darfur¹²³ and stockpiling of RBK-500 cluster bombs in South Darfur; the alleged use of mineral revenues to finance armed groups; mass sexual violence in eastern Jebel Marra; allegations of rebel training by foreign trainers;¹²⁴ and further allegations of recruitment of child soldiers by JEM.¹²⁵ Although the UK sought to assuage Russian opposition by removing all new language linked to the Panel's recommendations from the annual sanctions resolution, the Russian Federation persisted in blocking both its publication and the renewal of Panel members—the first time a member state so comprehensively blocked a UN panel.¹²⁶

South Sudan: *déjà vu*?

While all contexts differ, it is striking that some of the supply chains and conflict logistics of South Sudan's current warring parties seem to mirror those evident at the height of the Darfur conflict. Comparatively new Sudanese

ammunition captured from SAF forces—with a smaller admixture of new 5.56 × 45 mm bullets from across the border in Chad—has dominated Darfur rebel supplies since 2005;¹²⁷ nearly ten years later, SPLA–IO supplies have consisted largely of materiel captured from SPLA stockpiles, alongside small quantities of weapons and newly produced Sudanese ammunition, air-dropped in Upper Nile and reportedly supplied to SPLA–IO forces across the border in West Kordofan since 2014.¹²⁸ Even one of the commercial air cargo operators previously identified by the UN Panel as operating SAF's air supply bridge into Darfur flew resupply flights for the SPLA during 2014.¹²⁹

That same year, in the face of violence and killing arguably as extreme as any witnessed in Darfur, and in an era of 'great power' disagreement even more acute than at the start of the Darfur conflict, the Security Council imposed its newest sanctions regime on neighbouring South Sudan, whose civil war had itself implicated Darfur rebel groups. Much as Darfur's supply-chain patterns seem to have been repeated in South Sudan, so too have some of the patterns of its sanctions regime, across four dimensions.

First, the imposition of the South Sudan regime was marked by acute international dissensus, both among the P5 and among key African Union leaders, with a delay of nearly 15 months between the outbreak of mass violence and the imposition of a sanctions regime—analogue to the delay in 2003–05 over Darfur. Having initially resisted appeals for an embargo, the United States reportedly used the threat of one to encourage South Sudan to sign the August 2015 peace agreement brokered through the Intergovernmental Authority on Development (IGAD) and, the following month, circulated a draft resolution containing a formal embargo.¹³⁰ The Darfur experience has shown, however, that such weak consensus at the start is liable to set the initial sanctions architecture in stone.

And certainly the current South Sudan sanctions regime imposes an even weaker framework for monitoring and moderating arms supplies than that of the Darfur embargo. While the

Security Council has left open the possibility of a future embargo,¹³¹ it has for now simply tasked the UN Panel on South Sudan with gathering information regarding arms supplies 'to individuals and entities undermining political processes to reach a final peace agreement or participating in acts that violate international human rights law or international humanitarian law'.¹³² Among the 15 current Security Council sanctions regimes, this arms mandate is the weakest—vaguer even than the 'mindfulness' language in the 2013–14 Darfur embargo resolutions—and thus unlikely to compel greater changes in either procurement behaviour by the conflict parties, or restraint by suppliers.

Nevertheless, China in particular professed a reluctance to continue arming South Sudan's government in the face of mass violence—in contrast to its position on Darfur. In June 2014, China completed large-scale deliveries of small arms and ammunition that had been contracted prior to the outbreak of fighting in December 2013, but in September 2014 the Chinese embassy in Juba told journalists it would not pursue new deliveries.¹³³

Second, disagreement persists over whether sanctions help or hinder peace negotiations, an ambivalence that can itself contribute to sanctions paralysis. In a mirror-image of the dynamic evident in the US opposition to the UK-proposed sanctions against Abdul Wahid Mohamed al Nur in 2011 during the Doha negotiations, in September 2015 IGAD officials and coordinating advocacy NGOs lobbied the Russian Federation and Angola to block the US-backed listing of SPLA chief of staff and perceived hardliner Paul Malong Awan Anei, for fear that his listing might undermine the recently signed IGAD-Plus peace agreement.¹³⁴

Third, the Darfur experience suggests that in a political environment of weak consensus and limited repercussions for violators, embargoes are unlikely to be either effective or politically acceptable if major suppliers to the warring parties are geographically contiguous and regionally influential in peace negotiations. These conditions have applied with respect to Chad and Libya vis-à-vis Darfur; they apply

equally to Uganda and, to a lesser extent, Ethiopia and Sudan vis-à-vis South Sudan.¹³⁵

Finally, at a practical level, the UN Mission in the Republic of South Sudan (UNMISS) seems destined to face much the same political challenges as UNAMID, with corresponding limitations on access by the sanctions regime's monitors. As in Darfur, regular SOFA violations in South Sudan are becoming a 'new normal', going censured but unsanctioned by the Security Council.¹³⁶ Unlike UNAMID, UNMISS has no mandate from the Security Council to monitor the sanctions regime established by Resolution 2206, or to monitor arms movements at all beyond supporting the work of the ceasefire monitoring body established by the August 2015 agreement.¹³⁷ UNMISS is, however, tasked with assisting the work of the UN Panel on South Sudan¹³⁸—a role that could further complicate its deteriorating relationship with Juba and the SPLA, and degrade the Panel's access to conflict areas and parties.¹³⁹

Conclusion

The basic empirical finding of this paper reiterates what previous HSBA reviews and the UN Panel itself have repeated for more than ten years: an arms embargo that covers only one part of a (weapons-producing) sovereign territory does not, and probably cannot, work. As external sources of new Darfur weapons supplies have fallen away since 2010, the prominence of SAF-imported materiel on all sides has increased, accentuating this fundamental design flaw.

Key Security Council and Sanctions Committee members have spent a decade blocking new sanctions listings of embargo violators—a function that is routine for many other Sanctions Committees. Similarly, they have prevented any concrete action to clear obstruction of the UN Panel's work, and they have opposed the issuing of requirements on supplier states to enforce (already weak) end-user provisions. Further entrenching the deadlock is legitimate anxiety over UNAMID's ability to stay in Darfur and maintain its core task of civilian

protection; as a result, the mission's embargo-monitoring responsibilities are sidelined.

In addition, the failure of the embargo and the impunity of its violators have themselves reduced the importance of defending the embargo regime. Diplomats on both sides of debates in the Sanctions Committee see the Darfur embargo and the wider sanctions regime as 'largely irrelevant' in practice,¹⁴⁰ although some argue that it is important to maintain the regime and its language, even unenforced, to signal that unacceptable violence is still being perpetrated.¹⁴¹ Without enforcement or redesign, however, sanctions failure becomes a self-fulfilling prophecy: the sanctions regime cannot be used as a political tool 'because the threat has never been credible' and, therefore, is not worth the political capital required to enforce it.¹⁴² Incentives to enhance the UN regime are particularly low for the United States, whose own unilateral sanctions package 'provides much greater leverage [over Sudan:] access to credit, [...] seizures, court cases'.¹⁴³ As deadlock worsens across all UN sanctions regimes, the reliance on such unilateral measures may very well increase.

At the local level, a similar mix of political weakness and competing political objectives is undermining efforts to drain the pool of weapons held by embargoed parties in Darfur. Khartoum is too weak and too untrusted to effectively reduce or control the presence of arms in communities; meanwhile, efforts to disarm combatants have become a political and economic resource for all sides, dramatically skewing DDR targeting. Given that the Sudanese government continues to mobilize and arm militias and paramilitary forces, both civilian disarmament and DDR remain Sisyphean tasks.

Possible remedies to Darfur's failed arms embargo include placing pressure and due-diligence obligations on the wider transnational supply chain of weapons, military equipment, and dual-use goods. Such remedies, however, cannot be implemented without the political will of those tasked with establishing, monitoring, and enforcing

the embargo regimes. Such will has never existed in the case of Darfur, and this situation seems unlikely to change. The development of the sanctions regime on South Sudan suggests that an analogous political situation—and the potential for the same kind of political paralysis—is already developing in the case of the region's latest conflagration of mass violence. ■

Notes

This Issue Brief's analysis draws on four main sources: interviews conducted between mid-2014 and early 2016 with diplomats, UN officials, military officers, commercial actors, and armed group members in the CAR, South Sudan, the United Arab Emirates, the UK, and the United States; a review of published evidence from the UN Panel of Experts on Sudan and other organizations regarding arms flows into and within Darfur; the physical documentation of weapons that were in South Sudan during 2014 but that originated in SAF and Darfur armed group stocks; and findings from independent investigations by the HSBA and others into the weapons supply chain used in the Darfur conflict.

- 1 For details on arms flows to Darfur in 2009–12, see HSBA (2012).
- 2 The HSBA's inability to gain authorization to access Darfur during the period under review necessarily limits the analysis presented here.
- 3 Tubiana (2012, pp. 230–32).
- 4 Gramizzi and Tubiana (2012, pp. 44, 56–60).
- 5 Gramizzi and Tubiana (2012, pp. 69–76).
- 6 HSBA (2015).
- 7 UNSC (2013c).
- 8 ICG (2015); Tubiana (2014).
- 9 Interviews with Darfur rebel group members, London and by telephone, January 2016.
- 10 HSBA (2012, pp. 3–4).
- 11 HSBA (2012, p. 4).
- 12 Elumami and Bosalum (2014).
- 13 Telephone interview with a regional specialist, 15 January 2016; author interview with a JEM representative, London, January 2016.
- 14 Interviews with JEM representatives, including one individual who accompanied the 'Sahara Leap' convoy, South Sudan, December 2011 and January 2012.
- 15 Interview with convoy member, location and precise date withheld, 2015.
- 16 Conflict journalist Chris Chivers introduced the notion of 'isotope' weapons—distinctive weapon models or types that may serve as an (approximate) marker for the original or intermediate source of a weapons consignment, like an isotope trace in nuclear medicine. See Chivers (n.d.).
- 17 HSBA (2012, p. 4); UNSC (2010b, paras. 46–54).
- 18 Al Watan (2014); UNSC (2015b, annexe 33).
- 19 UNSC (2015b, p. 131).
- 20 UNSC (2014c, p. 45; 2015b, p. 129).
- 21 Confidential interview, South Sudan, June 2014; and on-site examination, Koch, South Sudan, 2 June 2014. For comparisons of rebel-held vs. SAF-held weapons and ammunition, see Leff and LeBrun (2014) and UNSC (2011).
- 22 On-site examination, South Sudan, 2 June 2014.
- 23 The Khawad is a copy of a Chinese Type 85 heavy machine gun, whose receiver markings (S-80, 1518) are not consistent with Chinese-produced Type 85s, but rather with those displayed by Sudan's Military Industry Corporation.
- 24 For details on the distinctive ammunition packaging of Sudanese arms production, see Leff and LeBrun (2014, pp. 89–92).
- 25 This equipment essentially matches that acquired by rebel forces: AK-pattern assault rifles; 7.62 × 54R and 12.7 × 108 mm machine guns; PG-7-pattern anti-tank rockets; 60 mm, 82 mm, and 120 mm mortars; 73 mm or 82 mm recoilless rifles; vehicle-mounted 14.5 × 114 mm and 23 × 152B mm anti-aircraft guns; Type 63-pattern 107 mm multiple rocket launchers; and Toyota 4×4 and MAN-pattern 4×4/6×6 military trucks. Anti-armour weapons and battle tanks are rarely reported in Darfur (field observations; Radio Dabanga, 2016).
- 26 Telephone interview with a UN official, December 2015.
- 27 C4ISR stands for command, control, communications, computers, intelligence, surveillance, and reconnaissance.
- 28 Photographs of SAF surveillance UAVs, Darfur and South Kordofan, 2007–16.
- 29 The UN Panel reported in January 2015 that Mi-24 attack helicopters had not been seen in Darfur since May 2014 (UNSC, 2015b, para. 116).
- 30 DigitalGlobe satellite imagery captured between 2003 and 2015, accessed via Google Earth; see also Satellite Sentinel Project (2012a; 2012b; 2013).
- 31 Gramizzi, Lewis, and Tubiana (2012); UNSC (2008; 2009; 2010b; 2012a; 2013b; 2014; 2015b); photographs from a confidential source, December 2012; spotters' reports to the Soviet Transport project of the Dutch Aviation Society, various dates.
- 32 HSBA (2016).
- 33 Photographs of weapons and packing documentation from an SPLM–N source, on file.
- 34 Shipping documents on file; telephone interview with a confidential source in Darfur, December 2015.
- 35 UNSC (2014e, para. 30).
- 36 Technical document supplied to the Sudan Sanctions Committee, February 2015, on file.
- 37 UNSC (2014a, paras. 38–42; 2015b, paras. 88–95).
- 38 Telephone interviews with UN and P5 officials with knowledge of the Sudan Sanctions Committee's work, December 2015. For a previous supply-chain investigation

- of aviation assets by UN Panel members, see Gramizzi, Lewis, and Tubiana (2012).
- 39 Interviews with former UN Panel members, locations withheld, December 2015.
- 40 Interview with a former UN Panel member, Dubai, August 2014.
- 41 Interviews with former UN Panel members, locations withheld, 2012–15.
- 42 See UNSC (2012a, para. 12).
- 43 Interviews with former Panel members, locations withheld, 2012–15.
- 44 UNSC (2011, para. 11; 2012b, para. 10; 2013d, para. 12; 2014d, para. 16). For recent examples, see UNSC (2015b, paras. 35–42; 2015d).
- 45 UNSC (2015b, paras. 35–42).
- 46 UNSC (2015d).
- 47 UNAMID aviation advisory and map, 23 February 2009, on file.
- 48 UNSC (2007a, para. 9).
- 49 UNSC (2010a, para. 17; 2011, para. 21; 2012b, para. 20; 2013d).
- 50 Correspondence with DPKO, 8 January 2016. When the relevant sections of successive Security Council resolutions requiring UNAMID to fulfil this function were pointed out, a DPKO spokesperson responded that, despite this mandate, '[t]he monitoring of the arms embargo has been highly challenging for UNAMID due to several factors, such as the geography of Darfur and the absence of cooperation or compliance by the Government of Sudan which has consistently undermined the Mission's efforts in this regard [...] Despite these challenges, UNAMID has been facilitating information-sharing with the Panel.' Correspondence with DPKO, 8 January 2016 and 19 February 2016.
- 51 Interviews with former Panel members, locations withheld, 2012–15; telephone interview with a UN official, December 2015.
- 52 Interviews with P3 diplomats responsible for the Darfur file, London and by telephone, January 2016.
- 53 See UNSC (2013b, para. 10; 2014b, para. 16; 2015a, para. 20).
- 54 Telephone interview with a UN official, December 2015.
- 55 UNSC (2014a, annexe 5).
- 56 LeBrun and Rigual (forthcoming, p. 39).
- 57 The EU embargo on Sudan has been in existence since 1994. In line with the Darfur provisions of UN Security Council Resolutions 1556 and 1591, the EU extended the embargo's scope to cover the whole of Sudan; since 2011, it has also covered South Sudan.
- 58 Conflict Armament Research (2015a); Gramizzi and Tubiana (2012); UNSC (2009, paras. 165–69).
- 59 For full details of this commercial entity and others, see HSBA (2016).
- 60 Small Arms Survey correspondence with the Government of the Netherlands, 13 July 2012 and 30 October 2012.
- 61 German government response to written parliamentary question No. 98, 23 June 2015, on file.
- 62 Dutch government response to a written parliamentary question, 1 September 2015, on file.
- 63 Correspondence with a Dutch journalist, 11 September 2015.
- 64 See, for example, AI (2007); BBC (2008); Lewis (2009).
- 65 UNSC (2014e, para. 29).
- 66 Telephone interviews with UN officials and P5 diplomats, December 2015 and January 2016. Resolution 1591 allows the government to move embargoed military equipment and supplies into Darfur in support of the implementation of the 2005 Comprehensive Peace Agreement; it also permits the Sudanese government to move military equipment and supplies into Darfur for other reasons—with the advance approval of the Sanctions Committee (UNSC, 2005, para. 7).
- 67 UNSC (2004; 2005; 2010c, para. 10).
- 68 Gramizzi, Lewis, and Tubiana (2012, paras. 91, 101, 105, annexe XVIII).
- 69 Gramizzi, Lewis, and Tubiana (2012); UNSC (2013a; 2014a).
- 70 For details on exports of SU-24 ground attack aircraft and Mi-24/35 attack helicopters from Belarus and the Russian Federation, see the submissions of Belarus and the Russian Federation to the UN Register of Conventional Arms for the years 2012–14 (UN, n.d.). Photographs of Chinese-supplied anti-tank guided weapons captured by the SPLM-N, factory-packed during 2011, on file; 82 mm HEAT 65-A PG rounds manufactured in 2011 and originally shipped to Khartoum, recovered from Séléka rebel stocks in Bangui, CAR, in 2014 (Conflict Armament Research, 2015a, p. 13).
- 71 UNSC (2013a, paras. 195b–c; 2014a, paras. 242a–b).
- 72 Interviews with UN and P5 officials, locations withheld, December 2015.
- 73 UNSC (2013c, paras. 2, 9; 2014b, paras. 5, 7).
- 74 Photograph from a confidential source, on file; production date inferred from the serial number.
- 75 HSBA and Conflict Armament Research (2015).
- 76 Conflict Armament Research (n.d.).
- 77 For details on several of the newly emerged commercial entities involved in the procurement of military vehicles and aircraft for Darfur's combatants, see HSBA (2016).
- 78 UNSC (2014b, para. 6).
- 79 UNSC (2015a, para. 8; 2016a, para. 8).
- 80 Telephone interview with P5 member state diplomats with responsibility for Darfur policy, January 2016.
- 81 Tubiana (2014).
- 82 Interviews with a CAR gendarme with knowledge of Am Dafok, Bambari, September 2014; with a member of the CAR armed forces stationed at Am Dafok during 2013, Bangui, April 2015; and with ex-Séléka members, Bangui and Bria, April 2015. For details on other significant sources of Séléka weapons, see Conflict Armament Research (2015a) and Lombard (2012).
- 83 Interviews with three senior ex-Séléka and Union of Democratic Forces for Unity officials, Bangui, September 2014.
- 84 UNSC (2016b); interviews with JEM combatants, Juba, December 2011, and with Darfur armed group members, location withheld, December 2015.
- 85 UNSC (2016b); interviews with Darfur armed group members, location withheld, December 2015.
- 86 Interview with an SDDRC official, Nairobi, 24 March 2016.
- 87 Faltas (2014).
- 88 Faltas (2014, p. 15).
- 89 BICC and Xchange Perspectives (2014).
- 90 Faltas (2014).
- 91 Interview with an SDDRC official, Nairobi, 24 March 2016.
- 92 Faltas (2014).
- 93 Interview with an SDDRC official, Nairobi, 24 March 2016. The SDDRC claimed to have registered and marked 8,300 weapons in South Darfur and 2,500 in West Darfur in 2014.
- 94 Faltas (2014); UNDP (2013).
- 95 Faltas (2014).
- 96 Telephone interview with an international official familiar with the work of the SDDRC, January 2016.
- 97 SDDRC and UNDP (2014).
- 98 SDDRC and UNDP (2014); confidential project evaluation of Darfur DDR, 2015, on file.
- 99 Telephone interviews with an official involved with the DDR process, January 2016, and with P5 diplomats, January 2016; confidential project evaluation of Darfur DDR, 2015, on file.
- 100 SDDRC and UNDP (2014).
- 101 Confidential project evaluation of Darfur DDR, 2015, on file.
- 102 Telephone interview with an international official involved with the DDR process, January 2016.
- 103 Confidential project evaluation of Darfur DDR, 2015, on file.
- 104 Correspondence with a senior LJM adviser, 13 January 2016.
- 105 Telephone interview with an international official involved with the DDR process, January 2016.
- 106 Confidential project evaluation of Darfur DDR, 2015, on file.
- 107 In theory the Council can consider issues relating to the Darfur sanctions introduced by a Council member independently of the Committee's recommendations. The HSBA is not aware of an instance when the need for consensus in the Sanctions Committee has been circumvented in this way.
- 108 See UNSC (n.d.).
- 109 Telephone interviews with former UN Panel members, December 2015.

- 110 UNSC (2007b, paras. 93–114).
- 111 See the DRC and Liberia entries of the UN Consolidated Sanctions List (UN, 2016).
- 112 Lynch (2010); Olimat (2014).
- 113 Telephone interviews with former UN Panel members, December 2015.
- 114 BBC (2010).
- 115 Telephone interviews with P5 member state officials, January 2016, and with a UN official familiar with the Sanctions Committee, December 2015.
- 116 Charbonneau (2011); Lynch (2011); telephone interview with a UN official, December 2015.
- 117 Telephone interview with a P5 diplomat familiar with the Sudan Sanctions Committee, January 2016.
- 118 Interview with a P3 diplomat familiar with the Sudan Sanctions Committee, location withheld, January 2016.
- 119 Interview with a P5 diplomat familiar with the Sudan Sanctions Committee, location withheld, 2012.
- 120 USDoS (2008).
- 121 See USDoS (2008).
- 122 Interviews with P3 diplomats, London and by telephone, January 2016.
- 123 See also UNSC (2015b, para. 50).
- 124 See also SNA (2015).
- 125 Correspondence with an official with access to the report, location withheld, 2016.
- 126 Interview with a UN official, location withheld, March 2016.
- 127 Lewis (2009).
- 128 HSBA and Conflict Armament Research (2014); Conflict Armament Research (2015b).
- 129 Interviews with aviation sources, Juba, June 2014; correspondence with an aviation expert, Juba, August 2014; photographs of aircraft from a confidential source, on file.
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- 135 Lewis (2009); UNSC (2015e).
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- 138 UNSC (2015f, para. 18).
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- 141 Interviews with P3 diplomats, London and by telephone, January 2016.
- 142 Watson Institute and CCSI (2015); interviews with P3 diplomats, London and by telephone, January 2016.
- 143 Telephone interview with a US diplomat familiar with sanctions policy, January 2016.

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HSBA project summary

The Human Security Baseline Assessment (HSBA) for Sudan and South Sudan is a multi-year project administered by the Small Arms Survey, a global centre of excellence located at the Graduate Institute of International and Development Studies in Geneva, Switzerland. It was developed in cooperation with the Canadian government, the United Nations Mission in Sudan, the United Nations Development Programme, and a wide array of international and Sudanese partners. Through the active generation and dissemination of timely, empirical research, the project supports violence reduction initiatives, including disarmament, demobilization, and reintegration programmes, incentive schemes for civilian arms collection, as well as security sector reform and arms control interventions across Sudan and South Sudan. The HSBA also offers policy-relevant advice on redressing insecurity.

Issue Briefs are designed to provide timely periodic snapshots of baseline information in a reader-friendly format. The HSBA also generates a series of longer and more detailed Working Papers. All publications are available in English and Arabic at www.smallarmssurveysudan.org. Facts and Figures reports on key security issues can be accessed at www.smallarmssurveysudan.org/facts-figures.php.

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