



How to Stop Arms to Sudan

Blueprint for the Next Administration

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BLUEPRINT
FOR THE NEXT U.S. ADMINISTRATION

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“As president, Obama will take immediate steps to end the genocide in Darfur by increasing pressure on the Sudanese and pressur[ing] the government to halt the killing”¹

Barack Obama and Joe Biden, The Obama-Biden Plan: On Africa

“Those that continue to commit war crimes and obstruct peace and protection efforts must face significant penalties. The U.S. should lead in the U.N. Security Council to impose effective targeted sanctions and to curtail violations of the arms embargo through the U.N. Security Council Sanctions Committee and the U.S. Department of Treasury’s Office of Foreign Assets Control.”²

Senator Barack Obama, April 23, 2008

¹ “Barack Obama and Joe Biden’s Plan to Secure America and Restore our Standing: The Obama-Biden Plan: On Africa,” available at http://origin.barackobama.com/issues/foreign_policy/#onafrika.

² “Statement of Senator Barack Obama on the Continuing Crisis in Darfur,” April 23, 2008, available at http://obama.senate.gov/press/080423-statement_of_se_22/.

Introduction

Human Rights First welcomes the commitment of President-elect Obama—and the attention paid by him and many of his advisors over the last few years—to ending one of the worst human rights violations of our time.

The conflict in Darfur—which is now complicated by distinct but linked conflicts in Chad and the Central African Republic—stems from several causes, making a peaceful resolution difficult to reach. The government of Sudan has skillfully blocked or stalled every international effort to address the conflict. Those countries that support it with arms, money, and political protection have, with only a few exceptions, obstructed the good intentions and actions of others. Yet untapped leverage exists in the effort to bring a peaceful resolution to the conflict. In this Blueprint, Human Rights First proposes several steps for the new administration to take immediately, over the next six months, and over the next year to seek a halt to all arms exports to Sudan and the wider region, by taking unilateral and bilateral diplomatic measures as well as by strengthening and enforcing the U.N. Security Council’s arms embargo on Darfur.

To develop these recommendations, Human Rights First has exhaustively reviewed and analyzed publicly available information about potential embargo breaches, including documentation of those who supply weapons to known embargo violators. In addition, Human Rights First has conducted legal and field research and analysis on the arms embargo, and has briefed—and discussed the embargo with—the U.N. body responsible for its implementation and enforcement.

The U.N. arms embargo on Darfur, which was imposed through two U.N. Security Council resolutions, one in 2004 and one in 2005, to date consists largely of words, not punitive action. Nevertheless, the embargo, as well as separate efforts to halt all arms transfers to Sudan and the region, offer the United States an opportunity to lead the international community in aggressively pressing on one of the key levers in this conflict. If effectively enforced, a halt to arms exports to all of Sudan and its region—enforced in part by the arms embargo—could ameliorate both the situation on the

ground and improve the status of political negotiations. Obstructing the currently unchecked flow of arms to the government of Sudan and rebel groups would increase the cost of continued fighting. Weapons are currently readily available in Sudan, Chad, and northern Central African Republic (CAR), through arms markets, the assistance of governments directly involved in the conflicts, and the assistance of governments and entities not directly involved. While a cessation of arms exports is not, on its own, a sufficient tool for establishing a just and sustainable peace in Darfur, it is a necessary one.

Unfortunately, since the imposition of the embargo, the Security Council has almost entirely failed to respond to well documented violations. Likewise, unilateral efforts by individual countries or by smaller groups of countries have been inadequate to slow the flow of arms to the region. These unfettered violations encourage continued violence in Darfur. The unceasing flow of arms into the region without consequence for the violators also undermines the authority of the U.N. Security Council and calls into question the resolve of the United States and other member states to take significant steps to end the conflict. In addition, the lack of enforcement negates the opportunity to use the embargo as a lever in peace negotiations.

In order to strengthen the embargo, it must also be expanded to cover all of Sudan, Chad, and northern Central African Republic. (Such expansion should not have any effect on development assistance to the countries or areas covered.) This expansion would make unavailable an argument used to try to justify continued arms sales to the government of Sudan: that the Security Council arms embargo does not prohibit arms transfers to Sudan as long as the arms sold are not destined to be used in Darfur. The government of Sudan's explicit refusal to abide by the embargo makes this argument unjustifiable by vitiating any promises supplying countries obtain from Khartoum about the destination of weapons purchased.

While the parties to the conflict have been the focus of myriad conflict-resolution efforts, the United States and the international community have left untapped the role and influence of the countries and companies from which illegal arms come. Those entities should be a new target of the United States' efforts to move the parties to the conflict along the path to peace in the region. Countries supplying arms to belligerents in Darfur, whether directly or indirectly, possess underused leverage over those parties. These countries are in a unique position to influence the warring parties, as those parties depend on the flow of arms to continue fighting. By taking steps to restrict their arms transfers from entering Darfur, suppliers may make more difficult the continuation of fighting—and, therefore, of inflicting damages that complicate peace negotiations. At the same time, the cost to the parties from increased restrictions will make political solutions more attractive.

Efforts to halt the flow of arms, in part but not exclusively by enforcing and improving the embargo, must be implemented as part of a wider conflict-resolution plan, which should also address pressing humanitarian, security, and development concerns as well as intensify efforts to hold accountable those who have committed crimes against humanity, war crimes, and other mass atrocity crimes. Nevertheless, an immediate focus on improving enforcement of the existing arms embargo, while pursuing vigorous efforts to expand the embargo and pressure arms suppliers to stop the flow of arms to Darfur and the region would offer a new direction to help reinvigorate the stalled conflict-resolution efforts in the region.

This Blueprint sets out a three-stage strategy for the United States government to take unilateral and bilateral steps to halt arms transfers to the region, as well as to effectively use its voice and vote on the U.N. Security Council to enforce and strengthen the Darfur arms embargo.

How to Stop Arms to Sudan

Summary

The following steps should be taken by the State Department, including the U.S. Mission to the United Nations, or, as noted, the Treasury Department and the National Security Council.

FIRST MONTH IN OFFICE

- President Obama should declare his intent to lead a diplomatic effort to halt arms exports to Sudan and the surrounding areas.
- Declare support for the findings and recommendations of the U.N. Panel of Experts on Sudan to strengthen monitoring and enforcement of the arms embargo.
- Announce the U.S. government's intention to ensure that air traffic in Darfur is consistent with the arms embargo, by taking steps including, if necessary, imposing sanctions against aviation and fuel companies found to violate the embargo, and requiring approval for operations by legitimate companies.
- Supported by all available means of verification, encourage immediate universal compliance with the Darfur arms embargo as well as implementation by the U.N. Security Council and the Sudan Sanctions Committee (a subsidiary body of the Council) of more effective monitoring tools.
- Press the Joint African Union-United Nations Chief Mediator for Darfur, Djibril Bassolé, to add halting arms sales and respecting the embargo to his agenda for the political process.
- The National Security Council should prioritize collecting U.S. intelligence to identify arms embargo violations in order to use that information to pressure violators to abide by the embargo.

FIRST SIX MONTHS IN OFFICE

- Announce publicly the measures the new administration is taking unilaterally to implement recommendations made by the Panel of Experts to enforce and strengthen the Darfur arms embargo as well as the timeline for implementing them.
- Raise documented violations to the Darfur arms embargo with the countries responsible and demand they be addressed.
- Call on the U.N. Sudan Sanctions Committee to adopt best practices from other arms embargoes.
- Pressure the U.N. Sanctions Committee to respond to Sudanese government violations, especially of U.N. neutrality, importation and use of sophisticated weapons, and notification requirements.
- Take steps to encourage rebel groups to respect the arms embargo and seriously participate in peace talks.
- Lead efforts within the Security Council to implement travel bans and asset freezes on persons who have impeded the peace process, committed violations of international humanitarian and human rights law, violated the arms embargo, or borne responsibility for offensive military flights over Darfur.
- Take unilateral steps to halt the flow of weapons into Chad and northern parts of the Central African Republic.
- Urge the European Union to black-list both aviation companies that violate the arms embargo and companies that provide fuel to aircraft operating in Darfur in violation of the arms embargo.
- Urge regional organizations, including the African Union and the E.U., to announce a halt to arms agreements and arms deliveries to Sudan and the region.
- Seek constructive involvement of one or more arms supplying countries in peace negotiations and with the parties to the conflict.

FIRST YEAR IN OFFICE

- Put into effect all possible measures to help implement the recommendations made by the Panel of Experts to enforce and strengthen the Darfur arms embargo.
- The Treasury Department should complete the process of establishing sanctions and/or approval requirements to ensure that air traffic in Darfur is consistent with the arms embargo.
- Secure new unilateral and multilateral sanctions on individuals recommended by the Panel of Experts and others, as appropriate, for having impeded the peace process, committed violations of international human humanitarian or human rights law, violated the arms embargo, or borne responsibility for offensive military flights over Darfur.
- Introduce a resolution in the Security Council to expand the Darfur arms embargo to cover all of Sudan, Chad, and northern parts of the Central African Republic, ensuring that such an expansion would not have any effect on development assistance to the countries or areas covered.

How to Stop Arms to Sudan

Details

The following steps should be taken by the State Department, including the U.S. Mission to the United Nations, or, as noted, the Treasury Department and the National Security Council.

FIRST MONTH IN OFFICE

During the first month in office the new administration should take decisive steps to halt arms flows to Sudan, including by ensuring that the U.S. government is fully implementing the recommendations made by the U.N. Panel of Experts on Sudan to strengthen and enforce the arms embargo.³ That Panel has submitted five reports to the U.N. Sudan Sanctions Committee over the last three years, most recently in November 2008.⁴ Each of those reports has documented violations of the arms embargo, yet the Sanctions Committee and the Security Council have both failed to take action on those violations. The most recent Panel of Experts report, released in November 2008, recommended that the Security Council (1) establish targeted sanctions, such as travel bans and asset freezes on embargo violators identified by the Panel; (2) make embargo-monitoring an integrated, mandated, and well funded part of the

³ The Security Council Committee Established Pursuant to Resolution 1591 Concerning the Sudan (or the Sudan Sanctions Committee) is a committee of the Security Council. As such, it is composed of a representative of each member of the Council and has two primary tasks. First, the Committee monitors the implementation of the Darfur arms embargo and reports its findings to the Council every 90 days. Second, the Committee identifies individuals on whom to place travel bans and assets freeze. These are people who impede the peace process, constitute a threat to stability in the region, and commit violations of international humanitarian or human rights law or other atrocities. The Panel of Experts, also created by the resolutions imposing the arms embargo, assists the Committee by traveling regularly to the field to monitor implementation of the arms embargo and by periodically reporting its findings to the Committee. For a full description of the Committee and Panel's duties see Security Council Resolution 1591 at UN doc S/RES/1591 (2005).

⁴ See UN docs S/2008/647 (11 November 2008), S/2007/584 (3 October 2007), S/2006/795 (3 October 2007), S/2006/250 (19 April 2006), S/2006/65 (30 January 2006).

operational structures of UNAMID and EUFOR;⁵ (3) allocate additional resources to the Panel of Experts so that it may effectively monitor an expanded arms embargo; and (4) expand the embargo to cover all of Sudan and possibly Chad and the Central African Republic.⁶

- President Obama should declare an intent to lead a diplomatic effort to halt arms exports to Sudan and the surrounding areas.
 - The steps described in this paper will give substance to this intent, but President Obama himself should publicly declare his administration's intent to halt arms exports to Sudan and the region through diplomatic means.
- Declare support for the findings and recommendations of the U.N. Panel of Experts on Sudan to strengthen monitoring and enforcement of the arms embargo.
 - The U.N. Panel of Experts is a respected body that has carried out extensive monitoring of the arms embargo for more than three years. It has both recorded repeated violations of the embargo by all parties to the conflict in Darfur and provided dozens of practical recommendations for enforcing and strengthening the embargo. Unfortunately, the Security Council has largely ignored these violations and recommendations. The new administration should support the panel by vigorously advocating implementation of its recommendations by the Security Council and, where possible, by unilaterally implementing those recommendations.
 - The Department of State, with other relevant agencies, should fully review the Panel of

⁵ EUFOR is the U.N.-mandated European force charged with contributing to protecting "civilians in danger, particularly refugees and displaced persons; to facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations; to contribute to protecting United Nations personnel, facilities, installations and equipment and to ensuring the security and freedom of movement of its staff and United Nations and associated personnel." See U.N. doc S/RES/1778 (2007), 25 Sept 2007, paragraph 6.

⁶ See UN doc S/2008/647 (11 November 2008), pages 3-4.

Experts' recommendations on enforcing the arms embargo, report publicly on those that the U.S. government can implement unilaterally, and take the steps necessary to ensure such unilateral enforcement.

- Announce its intention to ensure that air traffic in Darfur is consistent with the arms embargo, by taking steps including, if necessary, imposing sanctions against aviation and fuel companies found to violate or support violations of the embargo, and requiring approval for operations by legitimate companies.⁷
- The government of Sudan has relied on private air cargo companies to transport goods—including, apparently, embargoed material—to its military in Darfur. The 2007 report by the U.N. Panel of Experts provides clear evidence of six cargo companies' aircraft flying into Darfur under Sudanese Armed Forces or Sudanese police call signs, recommending that an aviation ban be imposed on them.⁸ Placement on a black list—to restrict the commercial operations in the United States and, eventually, elsewhere—of companies such as these, which were found to have violated the embargo, will increase pressure on the government of Sudan in several ways: increasing the cost of transporting arms to Darfur; forcing all cargo operators to reconsider the costs and benefits of their illegal activities, perhaps leading some of them to limit their activity to legal operations; and possibly driving some of those companies out of business. A similar course of action was applied successfully in the Democratic Republic of Congo after a similar U.N. Panel exposed

⁷ The 2007 Panel of Experts report suggests an aviation ban that would take "measures to deny permission to any aircraft to take off from, land in, or overfly their territory if that aircraft is owned, leased or controlled by or operated on behalf of the companies. The Panel further recommended "the immediate and complete closure of all companies' offices, and ban on the directors and shareholders of these companies from establishing new aviation companies or purchasing or leasing aircraft." See UN doc S/2007/584 (3 October 2007) p. 7.

⁸ The six aviation companies in the 2007 Panel of Experts report are Ababeel Aviation, AZZA Transport, Badr Airlines, Juba Air Cargo, Trans Attico, and United Arabian Airlines. See UN doc S/2007/584 (3 October 2007) p. 7.

civilian companies that were transporting arms to warlords in the east. A white list, requiring prior approval by UNAMID for flights into the area subject to the embargo, may also be an effective mechanism to prevent illegal cargo flights by obviating many mechanisms needed to enforce a black list. Whichever avenue is chosen, Darfur's physical isolation makes the listing tool particularly powerful, as transporting goods by road is so difficult.

- The U.S. Department of Treasury's Office of Foreign Asset Control (OFAC) should be tasked with investigating the role of air cargo companies in violating the Darfur arms embargo and searching for financial methods to limit these companies' business opportunities. The Panel of Experts has documented the following six transport companies as violating the arms embargo: Ababeel Aviation, AZZA Transport, Badr Airlines, Juba Air Cargo, Trans Attico and United Arabian Airlines.⁹ Thus far, only AZZA Transport is on OFAC's list of sanctioned companies,¹⁰ and apparently neither OFAC nor any other office has followed up on the company's operations in the Middle East.¹¹
- OFAC should also be tasked with investigating the role of companies that provide fuel to aircraft operating in Darfur in violation of the arms embargo.¹² These could include aircraft operated by the government of Sudan as well as by companies contracting with that government to operate in Darfur. The new administration

⁹ See UN doc S/2007/584 (3 October 2007).

¹⁰ Executive Order 13400, April 26, 2006, available at <http://edocket.access.gpo.gov/2006/pdf/06-4121.pdf>; see also Recent OFAC Actions, May 29, 2007, available at <http://www.treas.gov/offices/enforcement/ofac/actions/20070529.shtml>

¹¹ Human Rights First and Christian Dietrich (former consultant with the Sudan Panel of Experts), *A Three-Step Guide to Strengthening the Darfur Arms Embargo, Targeting the Arms Supply Chain*, October 2008, available at <http://www.stoparmstosudan.org/pages.asp?id=42>

¹² The 2007 Panel of Experts report reveals that the two main suppliers of jet aviation fuel to aircraft operating in Darfur are Matthews Petroleum Company (a Sudanese corporation owned and operated by Egyptian nations with headquarters in Khartoum) and Petronas (a corporation owned by the Malaysian government). See UN doc S/2007/584 (3 October 2007) p. 40.

should ensure that U.S. nationals and companies operating from U.S. territories are not doing business with these companies. It should also prevent the companies from operating in U.S. territory or airspace.

- The United States should call for another audit of civil aviation operations in Sudan by the International Civil Aviation Organization (ICAO) to help identify further arms embargo violations.
- Encourage immediate compliance with the Darfur arms embargo, supporting that pressure with all effective means for verification.
 - The State Department should preliminarily identify those countries and entities that refuse to take steps to enforce the embargo. The administration should then use all diplomatic opportunities—both bilateral and multilateral—to pressure into closer cooperation those countries that do not adequately heed the embargo.
 - The National Security Council should make a priority of collecting and using its own intelligence to build on the Panel of Experts' reports by identifying other violators and their precise violations, including illegal arms shipments as well as financing and other material support for such shipments. That is, the Obama administration should make Darfur a top priority for technical means of intelligence gathering, along with priorities in Iraq, Afghanistan, and elsewhere. It should also fund non-governmental organizations and other entities that are well equipped to gather and analyze information on the ground, as it did to gather information on conflict diamonds. Finally, the Obama administration should ensure that the U.S. intelligence services cooperate with other countries' intelligence services in building a complete picture of embargo violations in Darfur.
 - The Administration should then commit itself to using the intelligence that it gathers in order to pressure violators to abide by the embargo. The United States may accomplish this by

disseminating its intelligence to the Sanctions Committee and Security Council through briefings or reports, to enable those entities to act on its findings. Furthermore, if the intelligence allows, the administration should both interdict funding for violations and instigate cooperation with other governments on restricting financial transactions that allow violations to take place.

- Press the Joint African Union-United Nations Chief Mediator for Darfur, Djibril Bassolé, to add halting arms sales and respecting the embargo to his agenda.
 - The Secretary of State should send a formal letter to Mr. Bassolé urging him to add cessation of arms sales and respect for the embargo to his agenda in the political negotiations. Encourage him to raise the need to respect and enforce the embargo both publicly and privately with all stakeholders in the political negotiations aimed at peacefully and permanently ending the conflict.

FIRST SIX MONTHS IN OFFICE

During its first six months, the administration should make significant progress in unilaterally implementing recommendations from the Panel of Experts. The Obama administration should also lead other members of the Security Council to enforce and strengthen the Darfur arms embargo.

- Announce publicly the measures it is taking unilaterally to implement recommendations made by the Panel of Experts, such as travel bans and asset freezes on violators, to enforce and strengthen the Darfur arms embargo, as well as the timeline for implementing them.
- Raise documented violations of the Darfur arms embargo with the countries responsible and demand they be addressed.
 - The new administration should make arms embargo violations a focus of bilateral and multilateral discussions involving violator countries, including Russia, Chad, Libya, and

China. For example, China has been found to have supplied to Sudan A-5 aircraft that were later seen—and possibly used—in Darfur.¹³ The United States should strongly urge China to send a powerful message to the government of Sudan, as well as other violator countries, by agreeing to cease providing A-5s (and associated spare parts, servicing, and training) to Khartoum. Together, the Sudanese government's public statements of its refusal to abide by the embargo and the possible indictment of Sudanese President Omar al-Bashir for genocide, war crimes, and crimes against humanity put all states supplying arms to the government of Sudan on notice that they should immediately suspend such shipments. The new administration should encourage such suspensions through its bilateral and multilateral diplomacy.

- To ensure a lasting halt to the flow of arms and therefore lasting pressure on the parties to the conflict, the new administration should demand that all states cease to enter into new arms agreements with the government of Sudan. Furthermore, the United States should encourage other states not only to take these steps as national decisions, but also to seek to coordinate suspensions with regional organizations where appropriate.
- Call on the U.N. Sudan Sanctions Committee to adopt best practices from other arms embargoes.
 - Measures that have been used successfully to enforce other embargoes have not been implemented in Sudan. These include, but are not limited to, effective, trustworthy, and accountable use of end-user agreements; monitoring and recording arms' serial numbers in databases, and consistent checking of those databases for origin or movement information every time potentially illegal arms are

discovered; vigilant monitoring of air traffic into Sudan in order not to miss flights carrying illegal arms; and clearly defining actions such as providing spare parts, technical assistance, and training as violations of the embargo.

The Sanctions Committee should also recommend that the Security Council call on states to submit monthly reports on violations known to them and to make public as much of that information as possible. Such reporting has become a pattern in enforcement of other Security Council sanctions and would allow the Council to call on all member states to cooperate in acting on the information.¹⁴

Strengthening the mandate for UNAMID to monitor the embargo by establishing within it an embargo-monitoring cell, which includes a customs officer, would also likely improve enforcement. Success with such measures led to “tangible improvements”¹⁵ in Cote d'Ivoire and is currently being used in the Democratic Republic of the Congo.

- Pressure the U.N. Sanctions Committee to respond to Sudanese government violations, especially of U.N. neutrality, importation and use of sophisticated weapons, and notification requirements.
 - The government of Sudan has violated the embargo by transferring aircraft into Darfur, including aircraft painted white to resemble those of the U.N.¹⁶ and by transporting embargoed weapons through private cargo companies.¹⁷ These violations threaten the U.N.

¹⁴ If needed, Chapter VII of the U.N. Charter creates a framework for making these steps mandatory.

¹⁵ See Côte d'Ivoire Group of Experts report at UN doc S/2006/964 (12 December 2006) paragraph 32.

¹⁶ The use of white aircraft and other white vehicles by government of Sudan forces in Darfur has been documented continuously since the first Panel of Experts report in January 2006. The Panel's April and October 2006 reports contain photos of white government-owned aircraft in Darfur. See UN Docs S/2006/250 (19 April 2006) p.17-18 and S/2006/795 (3 October 2006) p. 51-52. In October 2008, the government of Sudan agreed to cease its use of white helicopters. See UN Doc S/2008/659 (17 October 2008) paragraph 23.

¹⁷ Panel of Experts report, October 2006, UN doc S/2006/795 (3 October 2006) p. 27.

¹³ Human Rights First and Christian Dietrich (former consultant with the Panel of Experts), *A Three-Step Guide to Strengthening the Darfur Arms Embargo, Targeting the Arms Supply Chain*, October 2008, available at <http://www.stoparmstosudan.org/pages.asp?id=42>

itself and should be high priority targets for enforcement. In addition to ceasing these violations, the government of Sudan should also fulfill its obligation under the resolutions to declare transfers of arms to Darfur. Not only has the government of Sudan entirely failed to fulfill that obligation, but it has also explicitly refused to do so. The Sanctions Committee and the Security Council should ensure that the government of Sudan faces serious consequences for its grave violations. For example, the Security Council should, under Chapter VII of the U.N. Charter, authorize member states to take any and all necessary steps to enforce the arms embargo.

- Take steps to encourage rebel groups to respect the arms embargo and seriously participate in peace talks.

- The Panel of Experts has recorded arms embargo violations by Sudanese rebels, especially the Justice and Equality Movement, stemming from their operations in eastern Chad. The United States should apply pressure and offer inducements to rebel groups to end violations. Pressure could include preventing individuals associated with the rebel groups from living in or traveling to the United States, as well as taking action to aid criminal investigations in countries or tribunals with jurisdiction over these rebel actors. Inducements could take the form of assurances of demobilization and access to funding (such as development aid for disarmament, demobilization, and reintegration, or revenues from natural resource extraction) once peace is struck.
- Furthermore, the United States should encourage other actors with influence on those groups to respect the arms embargo and work with Joint Mediator Bassolé in peace talks. This pressure should include direct approaches to countries, companies, and persons with arms or other material relationships with these groups, such as the governments of Chad and France.

- With strong allies, lead efforts within the Security Council to implement travel bans and asset freezes on persons who have impeded the peace process, committed violations of international humanitarian and human rights law, violated the arms embargo, or borne responsibility for offensive military flights over Darfur.

- The Sanctions Committee's mandate includes designating individuals who should be subject to travel bans and asset freezes. The new administration should ensure that a list of such individuals is maintained and revised as new information comes to light.
- One important source of this information is the Panel of Experts, which, over the past several years, has confidentially recommended to the Sanctions Committee a number of individuals it believes should have travel bans and asset freezes placed on them for impeding the peace process, committing violations of international humanitarian law and human rights law, violating the arms embargo, or for bearing responsibility for offensive military flights over Darfur. However, the Committee has failed to take action on the great majority of these people because its members cannot reach consensus on whom to sanction. The new administration should direct the U.S. Mission to the U.N. to use its influence to ensure that the Sanctions Committee recommends to the Security Council additional people on whom to place travel bans and assets freezes. The United States should be ready to strike a conciliatory tone in this process in order to ensure at least some of the individuals included in the confidential list are sanctioned. That is, the United States must be prepared for some rebel leaders to be sanctioned in order to encourage other Sanctions Committee members to allow government of Sudan officials to be sanctioned. Indeed, particular focus should be placed on sanctioning leaders from both the rebel groups and the Sudanese government who appear on the confidential list. Doing this will help

strengthen the arms embargo and could provide additional leverage in resolving the conflict.

- Take unilateral steps to halt the flow of weapons into all of Sudan, Chad, and northern parts of the Central African Republic.
 - The porous borders of the region and the cross-border interactions of refugees, rebels, and the Sudanese and Chadian governments necessitate a broader regional arms embargo. Therefore, the new administration should lead efforts within the Security Council to expand the Darfur arms embargo to cover all of Sudan, Chad, and the northern parts of the Central African Republic. Such an expansion should not have any effect on development assistance to the countries or areas covered.
 - As an indication of determination and a measure of its seriousness on the matter, the United States should institute a unilateral arms embargo on Chad and northern parts of the Central African Republic. It should also press the European Union to do the same. The French government will almost certainly strongly resist these efforts, given its history and influence in Chad and CAR. The United States government should make these embargoes an important issue in its bilateral relations with France.
- Privately and publicly call on the European Union to black-list aviation companies that violate the arms embargo and companies that provide fuel to aircraft operating in Darfur in violation of the arms embargo.
 - A European Union black list of aviation companies and aircraft would not only prevent the use of E.U. airspace—which can disrupt arms flights to Africa—but also send a critical political signal of renewed commitment to enforcing the Darfur arms embargo.
 - The United States should call on the E.U. to follow its lead in preventing individuals and companies in the E.U. from doing business with the fuel providers, as well as preventing those providers from transiting materials through E.U. territory or airspace.
- Urge regional organizations, including the African Union and the E.U., to announce a halt to arms agreements and arms deliveries to Sudan and the region.
 - Unilateral suspensions of sales by arms-supplying countries would be useful on their own, but similar decisions by regional organizations would amplify the message sent to and the effect on the parties to the conflict.
- Seek constructive involvement of a few arms-supplying countries in peace negotiations and with the parties to the conflict.
 - The United States government has significant and complicated bilateral relationships with many of the arms-supplying countries. These relationships, and those countries' economic interests inside and outside the conflict zones, should provide the United States some leverage to convince those countries to participate helpfully in resolving the conflict. By persuasion or by threat of negative and intrusive public attention, the United States could encourage these supplying countries to put their global business interests ahead of their shorter-term interests in selling weapons to conflict areas. The new administration should also impress on these countries that tending to human rights concerns in the Darfur region would also help sustain or bolster their economic interests there by increasing stability in the region.
 - The goal of this pressure should be for arms-supplying countries to help ensure that political negotiations move forward by placing a moratorium on all arms transfers to the region. By making fighting more costly, these restrictions would make political solutions more attractive.

FIRST YEAR IN OFFICE

Within the first year the new administration should feel confident that it has taken all the measures it can to unilaterally enforce and strengthen the Darfur arms embargo. The new administration should also have made significant headway in gaining more agreement within the Security Council to take measures to stem the flow of arms to Darfur and to punish individual violators of the embargo.

We recommend that the new administration achieve the following benchmarks during the first year:

- Put into effect all the measures it can to help implement the recommendations made by the Panel of Experts to enforce and strengthen the Darfur arms embargo.
 - While executing the steps detailed above, the new administration will likely create or discover other avenues of action that will promote the same goals.
 - The new administration should, as appropriate, make public the steps it has taken to implement the recommendations.
- The Treasury Department should complete the process of establishing sanctions and/or approval requirements to ensure that air traffic in Darfur is consistent with the arms embargo.
- Secure new unilateral and multilateral sanctions on individuals recommended by the Panel of Experts and others, as appropriate, for having impeded the peace process, committed violations of international human humanitarian or human rights law, violated the arms embargo, or borne responsibility for offensive military flights over Darfur.
 - Place particular focus on those individuals listed in the confidential annex of the 2007 Panel of Experts report as well as those cited in the 2008 Panel of Experts report.
 - Take steps to help ensure the Panel of Experts has the capacity to research and recommend additional individuals for travel bans and asset freezes.
- Introduce a resolution in the Security Council to expand the Darfur arms embargo to cover all of Sudan, Chad, and northern parts of the Central African Republic.
 - In order to strengthen the embargo, it must be expanded to cover all of Sudan, Chad, and northern CAR. (Such expansion should not have any effect on development assistance to the countries or areas covered.) Some suppliers argue that the Security Council arms embargo does not prohibit arms transfers to the government of Sudan as long as the arms sold are not destined to be used in Darfur. This argument, however, is legally suspect because the government of Sudan has explicitly refused to abide by the embargo's requirement that it seek authorization for arms transfers within the country. Combined with the well documented existence of foreign arms in Darfur, the Sudanese government's open violation of the embargo vitiates any promises supplying countries obtain from it about the destination of weapons purchased. To avoid the misuse of this argument as a basis for continued arms sales, therefore, and to recognize the porousness of the some borders in the region, the U.S. Mission to the U.N. should introduce a Security Council resolution expanding the embargo to cover the entire region through which arms move into Darfur and related conflict areas.
 - The language of the resolution may be quite similar to that of the resolutions that imposed the Darfur arms embargo. That is, the expanded embargo should prevent states or their nationals from supplying arms to all belligerents, including affected governments and rebel groups. The embargo should also extend to related materiel of all types, including weapons and ammunition, military vehicles, aircraft and equipment, paramilitary equipment, and spare parts, without regard to the place of origin of the materiel. Finally, it should also extend to training.

- The United States should ensure that such an expansion does not have any effect on development assistance to the countries or areas covered.

Conclusion

The intensification of the violence in Darfur over the past year places new urgency on stemming the flow of weapons into the region. The United States government, like its fellow U.N. Security Council members, has several tools to do this but has done far too little to end the frequent violations to the Darfur arms embargo. The lack of punitive consequences for embargo violations benefits belligerents to the conflict, all of whom violate the embargo, and worsens the suffering of the civilian population in Darfur.

Through the actions outlined above, the new administration has the opportunity to help end the impunity enjoyed by violators of the arms embargo while also helping to unblock the stalled political negotiations for peace. An enforced and strengthened arms embargo will not solve the complex political problems in the region that are the root of the violence, but it will offer new leverage towards peacefully settling the conflict.



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