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Question & Answer: The call for an arms embargo against South Sudan

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Recent fighting in South Sudan's Unity State between government troops and opposition forces has placed civilians at renewed risk and once again threatened the shaky cessation of hostilities agreement signed in January. Earlier this month members of a United Nations Security Council (UNSC) delegation to South Sudan reportedly expressed alarm that the warring parties are still acquiring arms. Here, Amnesty International's Elizabeth Deng and Geoffrey L. Duke, of the South Sudan Action Network on Small Arms explain why an arms embargo should be a priority.

- Why does there need to be an arms embargo on South Sudan?

The conflict in South Sudan that broke out on 15 December 2013 has been characterized by violations of international human rights and humanitarian law that amount to war crimes and crimes against humanity. Both government and opposition forces have targeted civilians based on their ethnicity. They have used a range of conventional arms and military equipment to facilitate and commit killings of individuals seeking refuge in hospitals and places of worship and have attacked humanitarian workers. Many of the killings have been carried out using small arms and light weapons which are in wide circulation in the country. Arms sent to the government forces have been diverted to the armed opposition. Additional shipments of arms are likely to fall into the hands of both parties to the conflict and be used to fuel further atrocities.

A comprehensive arms embargo would require every state to take all necessary measures to prevent the direct or indirect supply, sale or transfer of arms to South Sudan. If effectively implemented, such an embargo would help stop the flow of arms to government and opposition forces, and could play a role in preventing additional human rights and humanitarian law violations and abuses. Pending such an embargo, all states should immediately suspend international arms transfers to the warring parties and fighters allied to them until such arms no longer pose a substantial risk of being used to commit or facilitate serious abuses of human rights or war crimes.

- Where do these arms come from?

Arms have flowed into South Sudan from many countries. Over the past few years, large shipments of conventional weapons and munitions were imported from Ukraine via the port of Mombasa, Kenya. Recently, Amnesty International confirmed that in June 2014, Chinese state-owned defence manufacturer NORINCO shipped over 1,000 tonnes of small arms and light weapons worth US\$38 million to the Government of South Sudan. The shipment included rocket systems, thousands of automatic rifles and grenade launchers, 20,000 grenades, hundreds of pistols and machine guns, and several million rounds of ammunition. It also included 100 anti-tank guided weapons and 1,200

associated missiles. The shipment left China on 15 May 2014. It reached Mombasa, Kenya on 7 June and the cargo was unloaded three days later.

The Small Arms Survey (SAS) has also recently reported that opposition forces may have received ammunition from Sudanese or outside groups since the conflict started. SAS analysed ammunition used in the massacre of approximately 200 people at a mosque in Bentiu, Unity State, and found that some ammunition had markings indicating it was manufactured in Sudan in 2014, after the internal armed conflict broke out. "If this ammunition's markings accurately reflect its date of manufacture, it cannot have been supplied to its user earlier than January 2014, after the defection of the Sudan People's Liberation Movement – In Opposition (SPLM-IO) forces from the Sudan People's Liberation Army (SPLA) in mid-December 2013," the report states. "This makes it unlikely that the ammunition originated in SPLA stocks taken by defecting SPLM-IO forces, and likely that it was obtained by its user (SPLM-IO or another armed group) from an external source since the start of the current conflict." The SAS said that the evidence suggests outside groups provisioning non-government forces with arms or ammunition is ongoing in 2014. Still, the group cautioned that drawing definitive conclusions is difficult due to "constant circulation of ammunition between opposing and allied forces in South Sudan and Sudan, and because many forces have previously shared the same ammunition providers." The report goes on to say that more than half of the ammunition being used by the opposition matches that which Sudan had previously supplied to South Sudanese rebels.

Arms transfers to South Sudan are generally made from foreign countries to the armed forces with the authorisation of government authorities, but there is also significant illicit small arms and ammunition trafficking into South Sudan and within the country by unauthorised groups. Small arms and light weapons are also diverted to unauthorised groups, often due to high levels of corruption and mismanagement of official stocks as well as theft. South Sudan must make concerted effort to secure official stocks. Sustained efforts will also be required from IGAD members and the larger international community to address arms trafficking from neighbouring states into South Sudan.

- ***Doesn't the government have the right to acquire weapons?***

Governments can lawfully sell, acquire and possess arms for law enforcement and national security purposes. But governments also have an obligation to respect international human rights and humanitarian law. We are calling for an arms embargo because the Government of South Sudan's military has committed serious violations, and additional weapons and munitions will likely be used to commit and facilitate further serious violations of international human rights and humanitarian law. The arms embargo should remain until measures are in place to protect civilians from grave human rights abuses.

- ***Is there international support for an arms embargo?***

The United States suspended military assistance to South Sudan soon after the outbreak of violence in December 2013. The European Union has maintained an arms embargo that was first imposed on Sudan in 1994, and was extended to cover South Sudan in 2011.

The Intergovernmental Authority on Development (IGAD), the African Union, and the United Nations (UN) Security Council have all threatened sanctions on parties to the conflict should they fail to demonstrate commitment to peace negotiations. Such sanctions could include a comprehensive arms embargo. Any move in the UN Security Council to impose an arms embargo, however, would require the support of China, which has been the major arms supplier to South Sudan as well as to Sudan over the past years.

In May, the UN Security Council expressed concern at the threat to peace and security in South Sudan arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in South Sudan. In his July 2014 report to the UN Security Council on South Sudan, Secretary General

Ban Ki Boon called on the parties to the conflict to “stop all mobilization, arms purchases and political activities aimed at strengthening one side against the other.”

- ***What kinds of abuses have been carried out with arms in South Sudan?***

Arms have been used to commit or facilitate acts such as extrajudicial killings, rape and other forms of sexual violence, attacks on humanitarian personnel and the destruction of civilian property including homes and markets. In Juba, for example, a group of up to 300 men of Nuer ethnicity were rounded up by security forces, detained in the Gudele neighbourhood of Juba, and massacred by gun fire on 16 December. In Malakal, following the opposition capture of the town on 18 February 2014, opposition forces shot dead civilians in Malakal Teaching Hospital. In Bentiu, some 200 people, many of them Sudanese traders from Darfur, were reportedly killed in the Khaly Balek mosque after opposition forces captured the town on 16 April 2014. On 17 April 2014, a group of armed youth forced their way into the UN protection of civilians site in Bor, where approximately 5000 IDPs were sheltered, and killed some 50 people. On 4 and 5 August 2014, members of a community-based self-defence militia in Maban county reportedly targeted and killed six humanitarian workers based on their ethnicity.

- ***What kind of arms are being used in the conflict?***

It is clear that since 15 December, most of the fighting has been conducted with small arms and light weapons, but a wide range of conventional arms and military equipment has been used to facilitate attacks and to commit grave violations and abuses of human rights and humanitarian law. Also, individual civilians and criminal gangs have been using small arms and ammunition in violent crime contributing to killings, injuries and insecurity across the country.

The main small arms used are assault rifles especially Kalashnikov-pattern 7.62 x 39 mm rifles made in a host of countries, Chinese-made CQ 5.56 x 45 mm rifles (which is China's copy of the US M-16 rifle), and short and long barrel Israeli-made Galil rifles.

In addition, machine guns are used. Particularly common are the PKM-pattern 7.62 x 54R mm general-purpose machine guns and the DShK-pattern 12.7 x 108 mm heavy machine guns. Heavy machine guns and anti-aircraft guns used include the single-barrel 14.5 x 114 mm heavy machine guns, quad-barrelled ZPU4-pattern 14.5 x 114 mm towed anti-aircraft guns, and ZU-23-2-pattern 23 mm anti-aircraft guns.

Anti-armour weapons used are mainly RPG-7-pattern anti-tank rocket systems primarily made in Bulgaria, China, and Sudan, as well as Chinese made QLZ-87 35 mm automatic grenade launchers and 9K115 Metis anti-tank missiles.

Mortars include 60 mm, 81 mm, 82 mm and 120 mm rounds and their launchers. In addition, the UN found evidence of the use of AO-1SCh cluster munitions south of Bor, in Jonglei state. Cluster munitions are weapons that have inherently indiscriminate effects as they spread over a wide area and do not allow for distinction between combatants and civilians. They are prohibited under customary international humanitarian law and by the Cluster Munitions Convention. The cluster munitions are likely to have been dropped from UPDF jet aircraft.

According to the UN Mission in South Sudan (UNMISS), anti-tank land mines have been used in the fighting in Unity state. Three anti-tank land mines were detonated by vehicles between May and June, reportedly resulting in five deaths and nine injuries.

Armoured vehicles and artillery are used less frequently but comprise T-55 main battle tanks and T72M1 main battle tanks and 125 mm artillery. Many of the tanks were imported from Ukraine. Also BM-21 'Grad' 122 mm multi-rocket launch systems are used for “area saturation” and are mounted on URAL trucks.

Other vehicles in common use are Toyota Land Cruisers and Hilux, with mounted weapons, URAL 4x4 and 6x6 military trucks, 'Cougar' and 'Typhoon' 4x4 wheeled armoured personnel carriers and RG-31 armoured personnel carriers which are used only by the Ugandan People's Defence Force.

Aircraft that ferry troops, munitions and other supplies include Mi-17 transport helicopters, which are used by the SPLA and UPDF only, and also Mi-24 attack helicopters that are used by the UPDF only.

- ***What would the impact of an arms embargo be on foreign forces in South Sudan?***

In the 23 January 2014 Cessation of Hostilities Agreement, the parties to the conflict in South Sudan agreed to “redeploy and/or progressively withdraw forces, armed groups and allied forces invited by either side from the theatre of operations.” The UN Security Council has called for the withdrawal of armed groups and allied forces invited by either side as required by the Cessation of Hostilities Agreement and has warned of the serious consequences that could result from the regionalization of the conflict.

However, several foreign armed groups continue to be involved in the conflict in support of both sides. For example, the Sudanese rebel group Justice and Equality Movement (JEM) has fought alongside government forces in Unity state. Witnesses interviewed by Amnesty International reported that elements of JEM participated in attacks on civilians in Unity state, burning and looting of houses and markets, and the theft of civilian vehicles. Sudanese militia of Misseriya ethnicity have reportedly supported opposition forces in Unity state. Soldiers of the Uganda People's Defence Force (UPDF) were deployed in South Sudan in support of the government soon after the outbreak of violence, and remain stationed in Juba and Bor.

A comprehensive arms embargo on all parties to the conflict should be designed to prevent the direct or indirect supply, sale or transfer of arms to all parties to the conflict in South Sudan, including to all foreign armed forces and groups present in the country. The UN and AU should carefully consider any exemptions to the arms embargo on a case-by-case basis where such arms are needed for UN or AU sanctioned operations, such as to support the protection of civilians mandate of UN peacekeeping forces.

- ***Were small arms a problem before the conflict?***

Yes. The widespread availability and abuse of small arms and, to some extent, light weapons, and their corresponding ammunition, has been one of the major security concerns in South Sudan since the signing of the Comprehensive Peace Agreement in 2005. Since 2005 thousands of South Sudanese civilians have been killed with firearms in the context of violent crime, cattle rustling, inter-communal violence and armed rebellions. The Government of South Sudan has conducted numerous civilian disarmament programs. However, these campaigns have generally failed to yield any significant number of firearms from communities, while arms continued to flow into communities through spillage from government stocks and from militia groups. Disarmament efforts have often pitted local communities against the SPLA due to the arbitrary and disproportionate use of force by government security forces, including extra-judicial killings, rape and torture. The additional flow of small arms into South Sudan may undermine the prospect for long-term stability and set the stage for increased criminality and violence even after the current conflict ends.

- ***Why are you asking the Intergovernmental Authority on Development (IGAD) to call for an arms embargo?***

IGAD is an 8-country East African trading bloc that is mediating the negotiations taking place in Addis Ababa between the Government of South Sudan and the SPLM/A-In Opposition. On 23 January 2014, the parties to the conflict signed a Cessation of Hostilities agreement, which required them to refrain from actions that could be viewed as confrontational, including “ammunition resupply.”

As the regional body leading the international response to the conflict, IGAD should issue a communiqué declaring an arms embargo on South Sudan by its member states. IGAD should then make a recommendation to the UN Security Council that it adopt a similar resolution declaring a comprehensive and mandatory arms embargo on South Sudan.

Support for an arms embargo by IGAD member states, particularly by the countries bordering South Sudan, will be critical to ensuring wider political support for imposing the arms embargo and for its effective implementation. Neighbouring countries are also well placed to effectively monitor and provide information on the risks of and actual cross-border violations of an arms embargo once imposed. However, if any of the neighbouring states or elements within them continue to provide military support to the Government of South Sudan or the SPLM/A-In Opposition, ignoring the gross violations and abuses of human rights and humanitarian law committed by the parties to the conflict, the embargo is very likely to be ineffective.

- ***Do arms embargoes work? Would an arms embargo be respected?***

Arms embargoes work if they have widespread political support and are well designed and implemented. The success of an arms embargo also depends on its comprehensiveness and the adoption of measures by relevant states for its effective implementation.

The scope of the arms embargo should cover direct and indirect transfers, including sales and gifts and the finance and logistics to make such transfers, of all weapons, munitions, armaments and associated military and para-military equipment, technology, parts and components.

Effective implementation of the embargo requires genuine commitment and consensus among governments of the region and key states within the international community, including China, which has supplied significant quantities of weapons to South Sudan this year.

Effective implementation also requires specific measures to overcome particular challenges such as South Sudan's long and porous borders. South Sudan is surrounded by six countries—Sudan, Uganda, Kenya, Ethiopia, Central African Republic, and the Democratic Republic of Congo. These borders would provide both the government of South Sudan and opposition forces with a range of options for circumventing an arms embargo. South Sudan's longest, particularly porous and difficult to secure border is with Sudan, a weapons manufacturer, known supplier of weapons to South Sudan and home to numerous armed groups and militias.

Moreover, parallel processes such as efforts to improve the management of government arms stocks, to ensure respect for international human rights and humanitarian law by South Sudan's security sector, and a plan for the disarmament, demobilisation and reintegration of SPLA soldiers and opposition forces should accompany any arms embargo.

It is important to note that arms embargoes take time to have an impact on the ground. South Sudan is already awash with arms and ammunition, enough to sustain the conflict for some time. This includes the recent shipment of \$38 million-worth of arms from China. Weapons in government stocks and those held by the opposition constitute a current and immediate threat to civilians, particularly given the lack of commitment by either side to prevent their further use to facilitate atrocities and violations of international human rights and humanitarian law.