LIFTING US SANCTIONS ON SUDAN

Rationale and Reality

A publication of the Small Arms Survey's Human Security Baseline Assessment for Sudan and South Sudan project with support from the US Department of State

Credits

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Cover photo: Sudanese President Omar al-Bashir waves a big stick from atop his vehicle during a rally in Nyala, South Darfur, in September 2017, ahead of the US decision to lift economic sanctions on the country. Source: Ashraf Shazly/AFP Photo

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The HSBA project

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CRP	Central Reserve Police
DDPD	Doha Document for Peace in Darfur
DDR	Disarmament, demobilization, and reintegration
DPKO	(United Nations) Department of Peacekeeping Operations
DPRK	Democratic People's Republic of Korea
EU	European Union
GDP	Gross domestic product
HAC	Humanitarian Aid Commission
IDP	Internally displaced person
JEM	Justice and Equality Movement
LRA	Lord's Resistance Army
MoD	Ministry of Defence
NATO	North Atlantic Treaty Organization
NCP	National Congress Party
NISS	National Intelligence and Security Service
RSF	Rapid Support Forces
SAF	Sudan Armed Forces
SLA	Sudan Liberation Army
SLA-AW	Sudan Liberation Army-Abdul Wahid
SLA-MM	Sudan Liberation Army-Minni Minawi
SLA-TC	Sudan Liberation Army-Transitional Council
SPLA	Sudan People's Liberation Army
SPLM-N	Sudan People's Liberation Movement-North

UK	United Kingdom
UN	United Nations
UNAMID	African Union/United Nations Hybrid Mission in Darfur
UNDSS	United Nations Department for Safety and Security
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
US	United States
USD	United States dollar
WMD	Weapons of mass destruction

Executive summary

In October 2017 the United States lifted three of the most significant components of its sanctions regime against Sudan as part of a shift in bilateral relations with Khartoum. This report describes the specific sanctions changes, their stated rationales, and their documented and likely future effects on Sudan's internal conflicts, particularly in Darfur. It finds that although the sanctions themselves had a broad impact on Sudan's economy, they did not consistently hinder key regime functions, including government institutions' ability to transact in US dollars, obtain US-origin goods and services, and acquire military and dual-use materiel.

The sanctions-easing process has improved the Sudanese government's immediate adherence to its international humanitarian obligations in Darfur and the Two Areas, and its dialogue with diplomats and humanitarians. In the longer term, however, the easing of sanctions effectively reflects international acceptance of Sudan's longstanding strategy of seeking militarized counter-insurgency solutions to its internal conflicts while largely ignoring efforts to achieve negotiated settlements. On the ground this approach is currently reflected in the government's neglect of formal peace processes in favour of moving directly to 'post-conflict' civilian disarmament—which is being implemented by a militia, in violation of the UN arms embargo, and being used as a counter-insurgency instrument—and placing pressure on internally displaced persons to return home. The easing of sanctions is likely to legitimate these tactics.

Key findings

- US trade and financial sanctions put substantial pressure on Sudan's economy, but key government institutions were able to avoid or evade these measures, particularly the prohibition on US dollar transactions and restrictions on US-origin goods and services, including for the procurement of military and dual-use materiel.
- US sanctions did not prevent the Sudanese government from obtaining the air and ground materiel it needed to execute its counter-insurgency operations since the early years of the first decade of the 21st century—including its extensive aerial bombing campaigns—in Darfur and the Two Areas.
- The government's cessations of hostilities in Darfur and the Two Areas from late 2016 onwards followed large-scale military-strategic offensives by Sudanese forces in both Darfur and Blue Nile during 2016. These operations continued in Darfur after the start of the sanctions-easing process, which has been accompanied by a major expansion of government militia forces in Darfur.
- Diplomats and humanitarian actors in Sudan report a 'sea change' since 2016 in their dialogue with and access to Sudanese government officials, which they attribute in part to the easing of US sanctions. The government has indeed opened humanitarian access to some areas of the central Darfur region. However, it continues to exclude protection workers (among others); restrict the access of the African Union/United Nations Hybrid Mission in Darfur (UNAMID) and humanitarians to rebel-held areas of East Jebel Marra; refuse to allow deliveries of cross-border aid supplies to rebel-held areas of South Kordofan and Blue Nile; and implement the bureaucratic procedures that result in delays in and denials of humanitarian access to 'conflict areas'.
- Compared to many multilateral sanctions regimes, the US lifting of sanctions followed an unusually structured process of review and assessment along well-defined 'tracks'. Nonetheless, the process was flexible enough to disregard some of the original human rights criteria for the sanctions' initial imposition, and did not set concrete benchmarks for compliance on each of the five tracks.
- On the eve of the lifting of sanctions in July 2017 the Trump administration sought at the last minute to add an additional area of conditionality, requiring Khartoum to end military relations with North Korea. This move, which threatened to disrupt two years of careful diplomatic work by the United States and Sudan, was driven purely by the new administration's foreign policy priority in East Asia, not because of any substantial new information about Sudanese–North Korean relations. Meanwhile, Sudan's East African neighbours, including key US allies, have equal or stronger ongoing military relations with North Korea.
- Neither the implementation of the 2011 Darfur peace agreement nor the pursuit of peace agreements with non-signatory Darfurian armed groups and the Sudan

People's Liberation Movement-North (SPLM-N) constituted a significant precondition for the US decision to lift sanctions. Without clear negotiated paths to peace, opposition groups have continued to obtain new weapons and resources, and seek employment as mercenaries in Libya.

- Together with the continuing drawdown of UNAMID forces in Darfur, the simultaneous easing of sanctions amid a stagnant peace process and an expansion of ethnically based government militias in Darfur are likely to reduce incentives for Sudan to pursue negotiated settlements of its internal conflicts in the future.

> “The US lifting of three major tranches of trade and financial sanctions against Sudan in 2017 constitutes the most public sign of a (qualified) détente between Khartoum and Washington.”

Introduction

The US lifting of three major tranches of trade and financial sanctions against Sudan in 2017 constitutes the most public sign of a (qualified) détente between Khartoum and Washington. The United States thereby joined many Western countries' efforts to improve relations with Sudan in the last five years, efforts that effectively recognized the permanence of the National Congress Party (NCP) regime; accepted that the imposition of sanctions on Sudan has not brought about negotiated resolutions to the conflicts on the country's periphery; and acknowledged that Sudan is increasingly useful to European and US foreign policy agendas in a range of areas, from interdicting trans-Saharan migrants[1] to providing inexpensive and expendable troops and air power in the Saudi-led war in Yemen (Mukhashaf, 2017).

The start of the sanctions-easing process in 2015 marked a clear change in the pace of improving relations between Sudan and the United States, but was not the starting point of revived relations. In public, US criticism of Sudan had increased from the early 1990s onwards over allegations that the country was producing chemical weapons; harbouring Islamist groups, including Osama bin Laden and other key al-Qaeda personnel; and committing violations of international humanitarian law in Southern Sudan and Darfur. The nadir of this phase was the US missile strike on the Al-Shifa factory in north Khartoum in August 1998 (CNN, 1998). Nonetheless, as US criticism—and sanctions—grew throughout the first decade of the 21st century with the worsening Darfur conflict, at the same time narrow cooperation and information exchanges on counter-terrorism issues began in private, facilitated in particular by National Intelligence and Security Service (NISS) director-general Salah Ghosh's cordial relations with US intelligence officials. From 2009 onwards the Obama administration sought a fresh start to US–Sudanese relations on the public track. The new US special envoy to Sudan, Scott Gration, and his successor, Princeton Lyman, introduced a more conciliatory tone into US dealings with Khartoum, and Sudan gained public credit for permitting the independence referendum and secession of South Sudan in 2011.

Despite—and partly because of—diplomats' dismay over continued government offensives in Sudan's periphery conflicts in Darfur and the Two Areas, and evidence that elements of Sudan's security forces were supplying weapons and logistical support to South Sudanese rebel forces after the start of the still-ongoing conflict in South Sudan in December 2013, by early 2015 US diplomats had decided that existing methods of exerting diplomatic pressure on Sudan had failed, and that a more positive approach should be pursued. This report examines the most prominent and public tranche of this new approach: the lifting of a swathe of US sanctions in return, ostensibly, for changes in Sudan's behaviour across five tracks ranging from counter-terrorism cooperation to reduced offensive military action in the Sudanese government's domestic counter-insurgency policies.[2]

“The [US] sanctions that remain in place are narrower than the original set, but still go beyond UN or European Union (EU) sanctions on Sudan.”

The US sanctions regime

US sanctions against Sudan date back to 1992 and have been revised, updated, and altered several times since then (see Table 1). The '2017 Sudan Rule' suspended three components of this regime in January 2017 and lifted them entirely in October 2017 (USDoS, 2017b). These components included:

- comprehensive prohibitions on US individuals' or entities' involvement in trade or financial transactions with Sudanese individuals or entities;
- the freezing of Sudanese government property in the United States or under the control of US companies, including banks;[3] and
- prohibiting the involvement of US citizens and companies in Sudan's oil industry (*Federal Register*, 2006b).

The sanctions that remain in place are narrower than the original set, but still go beyond UN or European Union (EU) sanctions on Sudan. They cover a larger list of Sudanese individuals and companies than the corresponding UN and EU lists, and they impose significant other measures, leveraging the United States' ability in multilateral forums to block debt relief or loans from international financial institutions such as the World Bank (UNSC, 2005; CEU, 2014).

The sanctions-easing process marked a change in the pace of improving relations between the two countries. Renewed bilateral engagement between Washington and Khartoum led to an agreement in mid-2016 based on a 'five-track' process: three sets of sanctions would be temporarily lifted—and later permanently revoked—in response to demonstrable improvements in:

- the pursuit and maintenance of a cessation of hostilities in Darfur and the Two Areas;
- humanitarian access throughout Sudan;
- cooperation on ending the conflict in South Sudan;
- cooperation to counter the Lord's Resistance Army (LRA); and
- cooperation on countering terrorism (USDoS, 2017c).

Monthly US inter-agency meetings reviewed assessments on each track, bringing together personnel from the State Department; the US Mission to the UN (with the US ambassador to the UN, Nikki Haley, being personally involved); the Department of Defense; the Department of the Treasury; US intelligence agencies; and the National Security Council. Sub-committees reviewed information on each track compiled from US government, non-government, and public news sources—officials cited websites such as Nuba Reports and Radio Dabanga—and reported to agency principals who ultimately made recommendations to the secretary of state and the president.[4] The openly declared structure and criteria underpinning this process contrast significantly with the closed-door political manoeuvring that typically characterizes changes to UN

Table 1 Overview of US sanctions on Sudan and Sudanese entities, 1992–2017

Sanctions measure	Basis	Imposed	Suspended	Lifted
Arms embargo	Arms Export Control Act, sec. 38 (United States, 1976)	8 October 1992		
Ban on US aid US vote against loans from World Bank or other international financial institutions US vote against multilateral debt relief Denial of tax credits/double tax relief for US nationals' income earned in Sudan	US State Department State Sponsorship of Terrorism List (USDoS, n.d.b)	12 August 1993		
Trade prohibitions on: (i) imports of Sudanese-origin goods and services into the United States and exports of US-origin goods and services to Sudan; (ii) the involvement of any US national in Sudanese imports or exports; (iii) US nationals' involvement in any Sudanese public contracts; and (iv) the provision of any financing or loans to Sudanese entities or individuals by US individuals or companies	Executive Order 13067 (*Federal Register*, 1997)	5 November 1997	17 January 2017 ('2017 Sudan Rule')[5]	12 October 2017
Freezing of Sudanese government assets within the United States or under the control of branches of US companies overseas (including banks)	Executive Orders 13067 and 13412 (*Federal Register*, 1997 and 2006b)	5 November 1997	17 January 2017 ('2017 Sudan Rule')	12 October 2017
Ban on the involvement of any US national or company in Sudan's petroleum or petrochemical sectors, including pipelines and oilfield services	Executive Order 13412 (*Federal Register*, 2006b)	13 October 2006	17 January 2017 ('2017 Sudan Rule')	12 October 2017

Sanctions measure	Basis	Imposed	Suspended	Lifted
Freezing of assets within the United States or under the control of US companies overseas (including banks) belonging to seven Sudanese individuals and one Sudanese company judged to have contributed to the Darfur conflict and associated human rights/international humanitarian law violations[6]	Executive Order 13400 (*Federal Register*, 2006a)	26 April 2006		
Ban on US government procurement from, assistance to, or export of controlled dual-use goods to seven Sudanese companies and one Sudanese individual under non-proliferation sanctions for supplying/procuring military or dual-use goods from Iran, Syria, or North Korea; or contributing to the development of weapons of mass destruction (WMD) or their delivery systems[7]	Iran, North Korea, and Syria Nonproliferation Act, sec. 3 (United States, 2006)	28 December 2006–28 August 2015 (various)		Sudan Technical Center listing expired 23 October 2010; Sudan Master Technologies listing expired 19 December 2016; others remain in force

and multilateral sanctions regimes, in which unrelated issues and tensions involving other countries or policy areas can affect negotiations.[8] Nonetheless, the process has remained internal to the US executive branch, without legislative scrutiny or involvement. In contrast, any future effort to remove Sudan's designation as a state sponsor of terrorism will be more complex and contested, with relevant State Department officials expecting that it will require at least another year and—despite being an executive decision in theory—greater Congressional engagement than the 2017 sanctions-easing decision.[9]

Domestic US bureaucratic dynamics and personnel changes in Khartoum rather than changes in Sudan's sanctioned activities sparked the sanctions revision process. Keenly aware that the US sanctions regime had done very little to drive change in Sudan,[10] administration officials encouraged diplomats to make progress before the end of the Obama administration in January 2017. State Department officials attribute improved bilateral diplomacy in part to 'new faces' appearing in Khartoum from 2014–15 onwards, opening up new opportunities for dialogue, even if these new personnel were not NCP

Table 2 Justifications for imposing and lifting US sanctions on Sudan, 1993–2017

Executive Order 13067 (*Federal Register*, 1997)	**Executive Order 13412** (*Federal Register*, 2006b)	**'Five-track process' (2016–17)**[a]
Support for international terrorism		Counter-terrorism cooperation
Efforts to destabilize neighbouring governments		Cooperation on ending the conflict in South Sudan
Human rights violations, including slavery and the denial of religious freedom		
	Human rights violations in the Darfur conflict	
		Humanitarian access
		Cessation of hostilities in Darfur and the Two Areas
		Cooperation to counter the LRA

[a] See USDoS (2017c).

'reformers'. These include the arrival of new Sudanese foreign minister Ibrahim Ghandour and minister of defence Awad Ibn Auf (who was himself, ironically, targeted by individual US sanctions), as well as newly positive engagement with Mohamed Ahmed Adam, head of the Humanitarian Aid Commission (HAC), and Mohammed al-Atta, head of NISS since 2009.[11] Nonetheless, the initiation of the rapprochement appears to have been driven primarily by a domestic US political timetable.

As Table 2 shows, the criteria for the easing of sanctions did not wholly reflect the original criteria on the basis of which the sanctions were initially imposed.

Some of this variation reflects the changed political and policy landscape in the intervening 20 years. The context of the 1997 sanctions was the second Sudanese civil war, which some US policy-makers saw in religious terms (as an Islamist war against a Christian south for slaves and resources). Similarly, in 1997 'Destabilizing neighbouring governments' included alleged Sudanese involvement in the attempted assassination of Egyptian president Hosni Mubarak in Addis Ababa in 1995 rather than Sudan's role in the Southern Sudanese conflict (or even in Chad's domestic rebellions).

Other discrepancies reflect political pragmatism. US-based Sudan activists have highlighted the removal of the human rights criteria in the original sanctions regimes, particularly those referring to religious freedoms (Enough Project, 2017). This 'à la carte'

Box 1 The North Korea question

The July 2017 delay in the lifting of sanctions (which had been promised in January) introduced an unexpected new element to the process by seeking to ensure that Sudan was committed to the full implementation of UN Security Council resolutions on North Korea (USDoS, 2017a). Allegations of Sudanese military procurement from North Korea are not new: US démarches to Khartoum regarding Sudan's alleged efforts to procure North Korean ballistic missiles date back to early 2009 (USDoS, 2009). In 2015–16 the United States sanctioned three North Korean individuals in Egypt and the Russian Federation who were allegedly involved in military business in Sudan (USDoT, 2015; n.d.). In February 2017 a report from the UN Panel of Experts on the Democratic People's Republic of Korea (DPRK) reported an alleged 2013 arms deal in which a North Korean front company supplied guided weapons to Sudan (UNSC, 2017a, para. 106). Nonetheless, State Department officials are clear that it was primarily the Trump administration's new focus on the DPRK, not substantial new intelligence on Sudanese–DPRK relations, that drove the introduction of the DPRK 'track' into the sanctions-easing process.[12]

Significantly, researchers and sanctions monitors have never documented North Korean weapons or ammunition in-theatre in Sudan, in contrast to North Korean supplies of materiel to Sudan's regional neighbours such as Kenya, Ethiopia, and Somalia.[13] Moreover, several of Sudan's neighbours, including key US regional allies, have military relationships with North Korea that are as current and arguably as substantial as that of Sudan, yet have escaped public US censure. Two key factories in Ethiopia's military industry were built partly using North Korean production technology, for example, and the UN Panel of Experts on the DPRK pointed in 2015 to supplier listings that suggested possible ongoing transactions between the Homicho ammunition plant in Ethiopia's Oromia region and North Korea's 'Korea Mineral Trading General Corporation' in possible violation of UN Security Council Resolution 1781 (UNSC, 2015, para. 88; USDoS, 2007).[14] Similarly, Uganda's police and air forces receive training from North Korea. While the Ugandan government insisted in 2016 that these contracts would not be renewed, the most recent will only expire in March 2018 (Uganda, 2017). Meanwhile, Uganda has continued to host North Korean officials responsible for military cooperation throughout East Africa, who take advantage of Ugandan diplomatic privileges to promote North Korean military assistance elsewhere in the region, including in South Sudan in late 2016, according to a senior Sudan People's Liberation Army (SPLA) officer involved in military liaison with North Korea.[15]

Reports that the July 2017 sanctions extension led to a diplomatic rift between Khartoum and Washington may have been overstated: although President Omar al-Bashir reportedly disbanded the government committee established to liaise with the US process, liaison at the agency level continued throughout 2017 (Reuters, 2017).[16] Nonetheless, the potential disruption of the State Department's long-term conflict mitigation strategy in Sudan for the sake of a new and largely unrelated foreign policy priority contrasts markedly with the transparency and clear incentive structure of earlier stages of the sanctions-lifting process.

Former foreign minister Ibrahim Ghandour (pictured here in Khartoum, July 2017) led Sudanese negotiations to lift US economic sanctions on Sudan. He was sacked by President Omar al-Bashir on 19 April 2018.
Source: Ashraf Shazly/AFP Photo

approach to the sanctions criteria was possible because of the latitude built into a unilateral, executive-driven sanctions regime, and allowed political trade-offs that US officials have argued are necessary if sanctions are to be used as leverage in the most achievable or urgent policy areas.[17]

Nor was the process—however transparent and structured—immune to interference from political agendas. While State Department officials insist credibly that there was no horse trading between counter-terrorism cooperation and Sudan's internal military conduct, the Trump administration's renewed focus on North Korea in 2017 contributed to delaying the lifting of sanctions by three months (see Box 1). The delay also reflected US uncertainty about progress on other tracks, particularly humanitarian access. Nonetheless, the Trump administration's introduction of track 'five-and-a-half' on North Korea showed that even very public goalposts can be moved if changing foreign policy priorities demand it.

Finally, the United States ensured additional latitude by setting no benchmarks for sufficient progress in the five areas laid down as criteria for the easing of sanctions.[18] For instance, although US officials hoped that the process would lead to a negotiated ceasefire with third-party monitoring in Darfur and the Two Areas, ultimately Sudan's time-bound cessation of hostilities in these regions was deemed sufficient. Officials also

argue that this was fairer, constituting an objective that the Sudanese government could achieve unilaterally, unlike a fully negotiated ceasefire.[19] Similarly, the process involved interim 'reward' measures, such as meetings between officials of the Central Bank of Sudan and international banks in New York and London in September and December 2016 to seek ways to mitigate US banking prohibitions;[20] and the appointment of accredited defence attachés in Washington, DC and Khartoum in March 2017.

> “Of the entire suite of US sanctions on Sudan, those lifted during 2017 probably had the largest impact on the availability of goods, services, and financing to the Sudanese economy.”

Assessing the constraining effects of US sanctions

Of the entire suite of US sanctions on Sudan, those lifted during 2017 probably had the largest impact on the availability of goods, services, and financing to the Sudanese economy, including: the comprehensive embargo on the trade of goods and services to or from the United States; and the denial of financial services by US banks, which, given the need for US accounts to carry out dollar-denominated financial transactions anywhere in the world, had established a partial international blockade on the Sudanese banking system.[21]

In 2008 the US Treasury Department reported that US enforcement agencies had directly blocked some USD 93 million worth of transactions to Sudan each year in the previous eight years—less than 0.5 per cent of Sudan's gross domestic product (GDP) during that period (USOFAC, 2009, Annex IV). This does not, of course, provide any indication of the scale of transactions not carried out because of the sanctions. Sanctions may have had a wider inhibiting effect on potential investors or partners of Sudanese companies even outside US jurisdiction, for example, particularly for those Sudanese companies listed by the US Treasury Department on account of government ownership, involvement in WMD proliferation, or their contribution to the Darfur conflict. For instance, the US Treasury has claimed that two securities brokers refused to participate in the floating of the sanctioned company GIAD Motor Industry on the Dubai stock exchange in 2008, preventing the share issue (USOFAC, 2009, p. 10). Successful prosecutions or fines of major financial institutions and commercial companies, ranging from oilfield service providers to paper merchants, also suggest that strong incentives have existed to facilitate the supply of US-origin or US-facilitated goods and (especially financial) services to Sudan in contravention of the sanctions, and thus that a wide range of goods and services have not been easily substitutable.[22]

In practice, however, US goods and services continued to be supplied, both legally and illegally. The fact that 17 international banks—including almost every major global banking group—were fined between 2009 and 2016 for violating the financial services/dollar-correspondent banking ban on Sudan indicates that the Sudanese banking sector was not isolated as the sanctions intended (Thomson Reuters, 2017). Starting in 2009, moreover, the US government issued a series of licences and exemptions to the Executive Order 13067 and 13142 trade sanctions covering almost all the sectors (except banking) that had previously seen high-profile sanctions violations: US involvement in oil transfers to Sudan from South Sudan were licensed in December 2011; the provision of food items permitted in October 2011; agricultural commodities, medicines, and medical devices (to conflict areas only) were permitted in September 2009; and personal communication technology was permitted from February 2015.[23]

The impact of US sanctions is also difficult to disentangle from endogenous features of the Sudanese economy that may have contributed to the economic problems that the regime has always publicly ascribed to the external pressure of US sanctions—including limited foreign investment; inadequate access to foreign exchange; external public debt

(rising from 77 per cent to over 110 per cent of GDP between 2013 and 2016); and inflation (standing at over 35 per cent in late 2017, with consumer prices increasing over 150 per cent between 2013 and 2016) (IMF, 2017, p. 24). Such endogenous features include:

- Sudan's loss of three-quarters of its public revenue and foreign exchange from oil exports after South Sudan's secession in 2011 (Sudan became a net oil importer from 2014 onwards);
- the additional loss of oil transit revenues after the shutdown of much of South Sudan's oil production in 2014;
- the low productivity that commonly accompanies economies previously based on capital-dominated primary resource extraction, which is characteristic of both Sudan's oil boom and its pre-1999 reliance on commercial agriculture;
- decades of high government borrowing, pre-dating the 2011 oil shock, but rising still further afterwards (Sudan's Gulf creditors placed an extra USD 2.4 billion in the Central Bank of Sudan in 2015 and 2016), fuelled not only by subsidies on fuel, food, and medicine, but also by military expenditure running officially at nearly 30 per cent of federal expenditure by the middle of the first decade of the 21st century, and likely double that amount (World Bank, 2007, p. 23); and
- Sudan's 2011 acceptance (and 2016 extension) of the 'zero option' agreement to shoulder all the external liabilities for its debt when South Sudan seceded (IMF, 2016, p. 18; 2017, p. 57).

> "Beyond their wider economic constraints on the regime, did the sanctions prevent Sudan more narrowly from obtaining materiel to carry out the counter-insurgency operations that led to the sanctions in the first place? Not significantly."

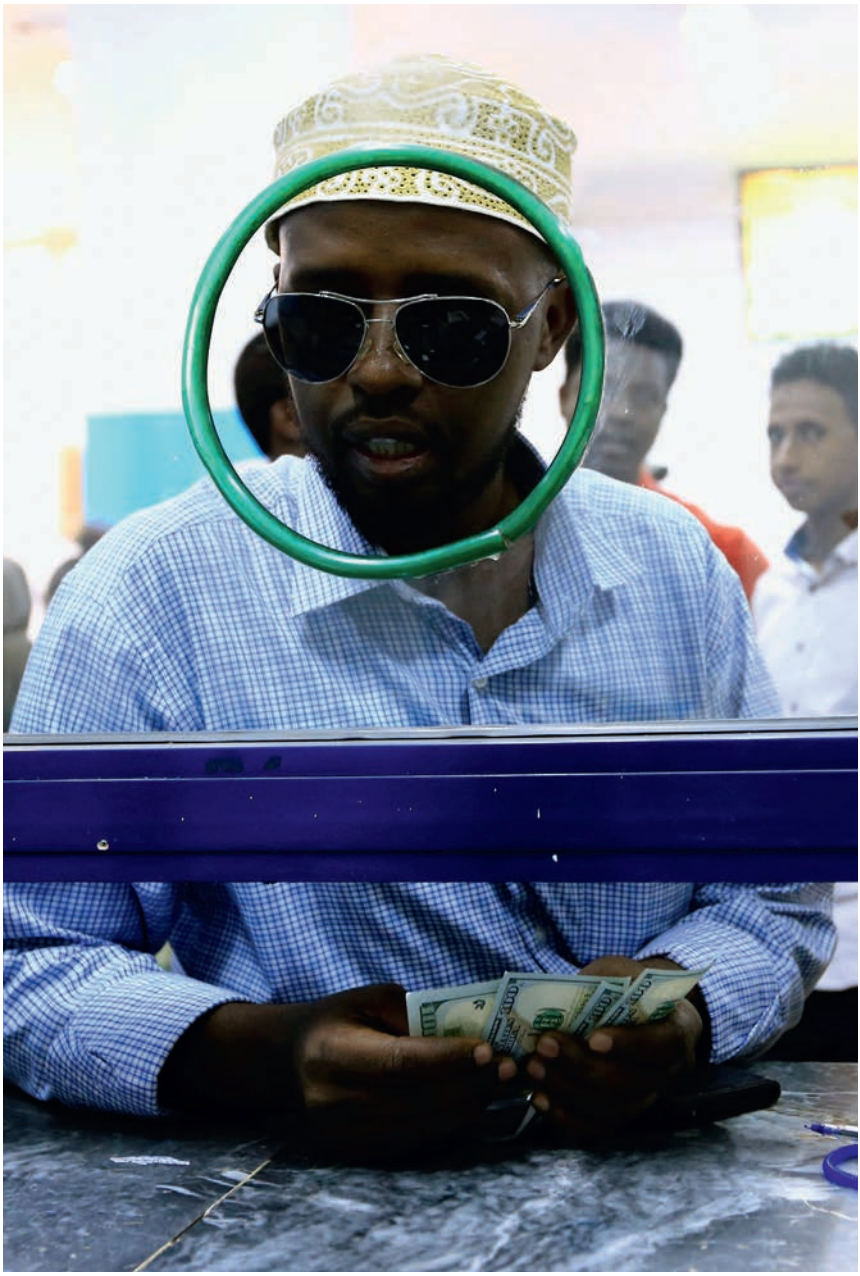
Beyond their wider economic constraints on the regime, did the sanctions prevent Sudan more narrowly from obtaining materiel to carry out the counter-insurgency operations that led to the sanctions in the first place? Not significantly. Logistics are a case in point. Despite news stories about the reduction of Sudan's national civilian airline to just one or two functioning aircraft,[24] the Sudanese Air Force's inventory has increased since 1997 to at least 22 cargo aircraft, replacing US-built C-130s with comparatively inexpensive, robust, and easily resupplied Soviet-built aircraft purchased from the second-hand Antonov and Ilyushin markets. These substitutes have enabled the Sudanese

Air Force to subject Darfur and the Two Areas to aerial bombardment for 13 years. Ironically, this bombardment has been an important component of the five-track monitoring process—a clear failure of the sanctions to directly impact Sudan's military capacity or to reduce international humanitarian law violations in its internal conflicts. Sudan's fleet of presidential aircraft and a dozen private Sudanese aviation companies that have emerged since the mid-1990s have also concentrated on acquiring Soviet transports that fall outside the scope of US sanctions.[25]

The Sudan Armed Forces (SAF) made similar substitutions for its military ground logistics. The MAN Group supplied German MAN 4×4 and 6×6 truck kits to the state-owned GIAD vehicle factory until 2007, and these were among the most prevalent heavy vehicles used by the Sudanese government. When the United States placed GIAD on the US sanctions list in May 2007, the MAN Group stopped supplying these kits to GIAD. In response, SAF started buying hundreds of second-hand ex-Bundeswehr MAN trucks from a Dutch vehicle exporter, acquiring them through a front company with the same Khartoum address as GIAD (HSBA, 2016b, p. 8).

The way in which the Sudanese government paid for these straightforwardly substituted goods also illustrates the limits of the US banking embargo. The European suppliers of both Antonov cargo aircraft in 2009–10 and second-hand MAN trucks in 2012–14 were paid in US dollar-denominated transactions from Sudanese front company accounts at Sudan's Omdurman National Bank, which the UN Panel of Experts on Sudan has described as 'the bank of the Sudanese Armed Forces' (UNSC, 2016b, para. 90; HSBA, 2016b, p. 9). Third-country European banks were also able to provide indirect correspondent banking for dollar transactions for military procurement, thereby avoiding US banking restrictions.[26] For example, in 2004 the Sudanese Ministry of Defence (MoD) purchased several hundred thousand dollars worth of aviation equipment from a Russian Federation aircraft plant. It paid in US dollars into the aircraft plant's Russian Federation bank account from an account at a Russian Federation Islamic bank held in the name of a Sudanese MoD official based in Moscow. This dollar-denominated transaction went via a correspondent account at an Austrian bank that had dollar-correspondent accounts with several US banks. There is no suggestion that any of these banks contravened sanctions or otherwise acted unlawfully or improperly. Nonetheless, the example shows how dollar transactions for Sudanese defence procurements were made possible without directly involving either Sudanese or US bank accounts.[27]

Finally, pressure on the assets and financial access of specific individuals and companies accused of contributing to armed conflict or the regime's capacity to commit human rights violations has been surprisingly restrained. Since 2006 the United States has only sanctioned seven individuals for their conduct in Sudan's internal conflicts, four of whom the UN Security Council had already listed and two of whom have since died.[28] Although Executive Order 13400 empowers the US Treasury to sanction any company found 'to have directly or indirectly supplied . . . arms or any related materiel, or



A man withdraws US dollars inside a currency exchange bureau in Khartoum, Sudan, October 2017.
Source: Mohamed Nureldin Abdallah/Reuters

any assistance, advice or [military] training to the Government of Sudan', many of the key contributors to the Sudanese military supply chain have never been listed. For instance, SAF's indiscriminate aerial bombardment in Darfur was a key motivation for Executive Order 13400 and a key marker of the 'hostilities' track in the sanctions-lifting process. Yet neither the Khartoum aircraft repair plant that maintains all of SAF's military aircraft nor the Russian Federation company that has developed and partly staffed this plant since 2008 appears on the US sanctions list (in contrast to several Sudanese military production companies accused of facilitating Syrian, Iranian, or North Korean weapons proliferation). Indeed, since 2012 NATO has contracted the Russian Federation company in question to train the Afghan Air Force—a programme that the United States partly finances (HSBA, 2016b, p. 3; NSPA, 2013). ●

> “While the US sanctions did not prevent the behaviours that had caused the sanctions to be imposed, their easing has changed Khartoum’s relations with diplomats and humanitarians.”

Did the sanctions-easing process drive change in Sudan’s conflicts?

While the US sanctions did not prevent the behaviours that had caused the sanctions to be imposed, their easing has changed Khartoum's relations with diplomats and humanitarians. It is a 'different country', according to one Khartoum-based UN humanitarian official.[29] But have these improved relationships concretely improved the security, counter-terrorism, or conflict problems on which the easing was explicitly conditioned?

Cooperation on countering terrorism and the LRA

Of the five tracks established in 2016, changes in counter-terrorism cooperation are the most difficult to assess independently. Although politically significant in the United States thanks to a prominent activist lobby, cooperation on countering the LRA has had a limited (human security) impact in East and Central Africa. Indeed, there is no evidence of Sudanese government support for the LRA in at least the last two years; the group has been neither a significant force nor under unitary command for at least five years; and both the United States and Uganda have drawn down their counter-LRA operations in the Central African Republic and South Sudan since April 2017.[30] Sudan's one demonstrable effort in this area since 2016 was to send military representatives to an African Union workshop on the issue (USDoS, 2017c).

Cooperation on ending the conflict in South Sudan

Stopping spoiler activities in the South Sudan conflict was a more substantial demand, given evidence of the presence of SPLA-in-Opposition rear bases in West and South Kordofan and the provision of weapons overland and by air from Sudan during the first two years of the current civil war in South Sudan (CAR, 2015; Craze, Tubiana, and Gramizzi, 2016, pp. 186–96). But there has been little evidence of this cross-border interference on a substantial scale since June 2015, before the start of the five-track process (CAR, 2017b, pp. 49–52; UNSC, 2017b, paras. 34–41, 125–27).

The pursuit and maintenance of a cessation of hostilities in Darfur and the Two Areas

The track on hostilities in Darfur and the Two Areas is more independently verifiable. Every year since 2003 (in Darfur) and 2011 (in the Two Areas) SAF had undertaken dry season offensives; these did not occur in late 2016 or 2017. The Sudanese government could afford to be magnanimous in its restraint during 2017, however, having taken the opportunity in 2016—during and after the start of the sanctions-easing process—to mount an unprecedented offensive against the last remaining rebel stronghold in Darfur's Jebel Marra at major humanitarian cost, newly displacing at least 80,000 and possibly as many as 200,000 people (UNOCHA, 2016). The US State Department's published sanctions assessment states that this campaign occurred prior to the sanctions-

easing phase, in late 2015 and early 2016 (USDoS, 2017c). In fact, the large-scale Jebel Marra offensive began in earnest in mid-January 2016 and continued until May, with aerial bombardment continuing until late August 2016, well after the agreement on the five tracks, and after the government's declaration of a unilateral ceasefire in July (UNSC, 2016c, paras. 3–5). In Blue Nile, government gains in 2016 dry-season fighting were much less dramatic, but there is similar evidence from battlefield captures that SAF sought to substantially reinforce its forces along the Blue Nile front line with new armour and additional artillery in early 2016, possibly in preparation for an attempt at an 'end-game' (CAR, 2017a, p. 6) similar to the one it sought in Jebel Marra.

> "US officials acknowledge that progress to resolve humanitarian access restrictions remains the least clear-cut of the five tracks."

Since 2013 the government has substantially transferred its counter-insurgency operations from SAF to the paramilitary Rapid Support Forces (RSF) led by former '*janjawid*' commander Mohammed Hamdan Dagalo 'Hemeti'. Although formally integrated into SAF by the 2017 RSF Act, in practice the RSF remains semi-autonomous under Hemeti's command, and constitutes the largest and best-equipped government-backed militia of the entire Darfur conflict. UNAMID has agreed to work in 'a collaborative way in order to advance the weapons collection campaign' that the RSF is currently leading, despite the mission's mandate to protect civilians and mediate conflicts in Darfur—both of which are arguably negatively affected by the forcible disarmament campaign.[31] Ironically, the redeployment to Darfur of several thousand RSF personnel together with their weapons and armour in late 2017 to support the weapons collection campaign in itself constitutes one of the largest ever increases in militia-held weapons and militia personnel in Darfur, and is a clear violation of the UN arms embargo (*Sudan Tribune*, 2017a; UNSC, 2017e, paras. 78–81).

In short: the government's maintenance of unilateral cessations of hostilities during 2017, particularly in the Two Areas, where rebel-held areas are much larger and more geographically contiguous than in Darfur, is no small diplomatic achievement. But this has arguably been made possible by the government first securing its military position through its 2016 offensives and by dramatically increasing the size of its militia forces both before and during the sanctions-easing process.

Humanitarian access throughout Sudan

US officials acknowledge that progress to resolve humanitarian access restrictions remains the least clear-cut of the five tracks.[32] As late as July 2017 all of East Jebel Marra

> “. . . in practice the directives allow the HAC and other agencies to deny and control humanitarian access as comprehensively as they have done previously.”

locality remained blocked to humanitarian actors; and at the time of writing Khartoum continues to deny both UNAMID and humanitarians access to SLA-Abdul Wahid (SLA-AW)-held areas of East Jebel Marra and the Rokoro locality, citing insecurity as the reason.[33] The government also continues to completely refuse the cross-border supply of aid to SPLM-N-controlled areas of South Kordofan and Blue Nile. US diplomats argue that this impasse is at least as much a consequence of the SPLM-N’s rejection of alternative supply routes via government-held areas and its insistence that 20 per cent of aid should come via the Asosa crossing point from Ethiopia as it is due to government-imposed impediments (Koutsis, 2017a) (although the SPLM-N’s position is at least comprehensible in view of the government’s past manipulation of humanitarian access in Darfur via government-held territories). More fundamentally, the HAC’s system of restricting access using visa delays, aid agency expulsions, and short-term travel permissions—described by one US diplomat as ‘the deliberate construction of a vast bureaucracy built to impede humanitarian access’[34]—remains in place. Certainly, this machinery is working much more permissively than in the past: from March 2017 HAC has granted authorizations for humanitarian assessments and activities in areas of Jebel Marra that have been consistently inaccessible for several years, including in and around Golo; in villages in the Nierteti locality; and in locations around Guldo and Boori. In September 2017 it granted access for an assessment mission to Deribat, East Jebel Marra (although it suspended a subsequent UN Children’s Fund mission to Deribat later that month, citing security concerns).[35] At least two non-UN international NGOs have also begun to provide primary medical assistance and distribute food and non-food items in some of the newly opened areas. New HAC directives issued in December 2016 provide for a list by locality of ‘active conflict areas’ where travel permits are still required; these areas are more precisely defined than the state-wide designations previously imposed (HAC, 2016, p. 9). But in practice the directives allow the HAC and other agencies to deny and control humanitarian access as comprehensively as they have done previously.[36]

So while access has increased significantly in Darfur, for both UN agencies and some non-UN international NGOs, some areas described as ‘open’ by the UN Country Team and the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) are still not accessible to all humanitarian actors. For example, as of late 2017 humanitarian protection officials were still excluded from newly accessible areas in the Nierteti, Rokoro,

and East Jebel Marra localities,[37] despite guarantees in the 2016 HAC directives that humanitarian organizations may 'determine the most appropriate field teams and staffing . . . based on technical and operational concerns . . . across all sectors, including protection' (HAC, 2016). Moreover, the UNOCHA database established to record access restrictions, which provided important evidence for the US State Department in its assessment of the access track, does not record months-long delays in approval as denials.[38] (Notably, the revised HAC directives make no commitments regarding deadlines for approving or denying travel permits or requests for access.) Nor does the database record as refusals instances where a humanitarian activity is approved, but the UNAMID escort deemed necessary in the area in question is denied. A significant number of security-based access refusals by the UN Department for Safety and Security (UNDSS) itself also relieve the government from having to formally deny access to 'conflict areas', thereby effectively pre-empting HAC decisions.[39] The UNOCHA database also does not record these UNDSS refusals.

Non-humanitarian actors supporting or monitoring humanitarian activities enjoy even less access. The Sudanese government has granted just one visa in the last two years to UNAMID's human rights section, resulting in nearly half of its posts being vacant and some of UNAMID's Darfur human rights monitors being based instead in Addis Ababa.[40] Meanwhile, UNAMID's ability to deploy permanently to the newly 'opened' areas of Jebel Marra remained without final authorization throughout 2017, raising concerns about access in practice even in officially open areas, particularly when humanitarian air access remains reliant on UNAMID ground security. This did not prevent the UN Security Council from agreeing in June 2017 to transfer 18 of the mission's 33 camps and team sites to the government, while drawing down 44 per cent of UNAMID's military component and 30 per cent of its police component. The rationale for this reconfiguration was to focus the mission's assets on the planned Jebel Marra Task Force to protect civilians and humanitarians in the newly opened area, which is to be based in nine remaining team sites and a new temporary operating base in Golo—its only proposed location actually within the previously closed area of Jebel Marra.[41] Yet even as UNAMID pushed ahead with the transfer of the team sites during 2017, the governor of Central Darfur and the Golo commissioner withheld formal approval for the proposed location of the new Golo site until 7 January 2018, leaving the preparatory staff of the Jebel Marra Task Force based primarily in Zalingei, some 150 km from Jebel Marra.[42]

Finally, the maintenance of the government's machinery of access restrictions has led to self-imposed constraints on UN humanitarian activities. HAC procedures—even after their 2016 revision—require UN humanitarian agencies to work hand in hand with the government in Darfur and government-held areas of South Kordofan and Blue Nile, which affects the planning, staffing, and operational decisions that humanitarians make. For example, UN humanitarian agencies have increasingly begun to use government police escorts in Darfur in preference to UNAMID escorts, and directly pay (somewhat

variable) fees to police units, both because doing so involves smaller, more flexible convoys and because it reduces access denials. One senior UN humanitarian official in Khartoum estimated that three-quarters of escorted UN humanitarian agency missions in the last 12 months have used police rather than UNAMID escorts.[43] Such changed modalities, which are unthinkable in many other humanitarian contexts, are not represented in access statistics, but nonetheless effectively reflect a transformation of humanitarian space and principles in Darfur. ●

> “Contrary to its intentions, the US–Sudanese rapprochement has therefore legitimized the Sudanese government’s approach of supplanting efforts to end hostilities through negotiation with efforts to end hostilities through military and strategic advantage.”

A ‘new normal’ for Sudan’s periphery conflicts?

In its statements justifying the sanctions-easing process, the State Department emphasised that the United States continues to have concerns about the conflicts in Darfur and the Two Areas, including the absence of a ceasefire and limited progress towards comprehensive peace agreements in these conflicts (USDoS, 2017c). Meanwhile, the Sudanese government has used the sanctions thaw, together with the diplomatic rapprochement and welcoming statements from the EU, the UK, UNAMID, and others—as well as the drawdown of UNAMID forces—to justify its claims of 'mission accomplished' in Darfur and the Two Areas.[44] This is in addition to its military push for strategic advantage in Darfur and Blue Nile in early 2016, as discussed above, and the introduction of new militia personnel and their accompanying weaponry into Darfur on a larger scale than at any time since the conflict's earliest stages.

In May 2017 Khartoum was willing to militarily engage rapidly and decisively—using the RSF and in spite of the supposed cessation of hostilities—when two convoys of SLA-Minni Minawi (SLA-MM) and SLA-Transitional Council (SLA-TC) fighters entered Darfur from Libya and South Sudan to try to reunite with rebel personnel near Wadi Hawar. Although not initiated by the government, this episode strongly suggests that even before the final lifting of sanctions, Khartoum continued to prioritize the preservation of its newly consolidated strategic advantage in Darfur over sanctions-motivated restraint. One consequence of this posture is that prospects for a peace deal with the majority of Darfurian rebel groups, which remain outside the 2011 Doha Document for Peace in Darfur (DDPD), are as distant as ever.[45] Instead, those rebel groups that have not signed the DDPD—which in practice constitute all the groups that have had any significant military capability on the ground—remain unambiguous targets of operations by government-backed militias and are simply becoming irrelevant militarily in the face of RSF and SAF offensives.

Contrary to its intentions, the US–Sudanese rapprochement has therefore legitimized the Sudanese government's approach of supplanting efforts to end hostilities through negotiation with efforts to end hostilities through military and strategic advantage. This pattern will likely continue in the future. In Darfur, the government continues to reverse the conventional sequence of armed conflict resolution, skipping over a comprehensive peace agreement and the disarmament and demobilization of most combatants,[46] and is instead pressing ahead with the return of displaced populations and civilian disarmament, first voluntarily and then forcibly from October 2017.[47] In most post-conflict settings civilian disarmament and the return of internally displaced persons (IDPs) rely on consent, including from previous armed opposition groups, and the reassertion of the state's monopoly on violence after the signing of a comprehensive peace agreement. In Darfur's case these operations are replacing—and in some cases reproducing—the counter-insurgency operations that the sanctions were supposed to end. The reinforcement of RSF personnel in El Fasher in early November 2017 for forcible disarmament activities presaged targeted RSF operations in late November in North Darfur against former Border Guard Forces members loyal to Sheikh Musa Hilal Abdallah, the most

influential of Khartoum's armed opponents among the Rizeigat (and the major Rizeigat rival to the RSF's functional leader, Mohammed Hamdan Dagalo 'Hemeti').[48]

This use of a disarmament campaign for counter-insurgency operations may well extend to other targets. In December 2017 the *wali* (governor) of Central Darfur, Jafar Abdelhakim Ishag, reportedly threatened to expand the RSF-led forcible disarmament campaign to SLA-AW-controlled areas of Jebel Marra, claiming that such measures would not fall under the purview of the government's cessation of hostilities (*Sudan Tribune*, 2017b).[49] Sure enough, since mid-January 2018 the disarmament campaign has provided one of the official justifications for RSF forces to engage militarily with SLA-AW forces east of Golo, precipitating renewed population displacement (UNSC, 2018).[50] So far the campaign's forcible phase has not precipitated widespread armed violence elsewhere. Nonetheless, UNAMID's operational reconfiguration and drawdown would make it difficult for it to respond to a new major government offensive outside central Darfur. It also does not appear to have constrained recent RSF engagements within central Darfur, which have taken place around Deribat, and between Golo and Rockero—in precisely the newly accessible areas supposed to be the new focus of UNAMID's peacekeeping efforts. Meanwhile, UNAMID's political rapprochement with the Sudanese government—by declaring that areas of North and South Darfur do not need peacekeepers and lending public support to the RSF-led disarmament campaign—effectively reinforces Sudanese officials' assertions that militia-led military operations, either under the disarmament campaign banner or in dedicated operations against Darfurian armed group incursions, are consistent with a cessation of hostilities.

The stalling of the peace process and the government attempts at forcible civilian disarmament without a peace deal (while disarmament, demobilization, and reintegration (DDR) remain incomplete even for the limited DDPD caseload) have tangible consequences for domestic and regional peace and stability, not just in Darfur and the Two Areas, but also in neighbouring Libya.

- **Undermining prospects for a meaningful peace deal in Darfur**. Sudanese government actions in Darfur risk undermining the prospects of reaching a meaningful, comprehensive peace agreement. The DDPD remains largely irrelevant, since none of the signatories, with the partial exception of JEM-Dabajo, had substantial military capabilities on the ground. The government's counter-insurgency approach to disarmament in Darfur is further eroding combatants' confidence not only in its willingness to negotiate with groups that have not signed the DDPD, but even to implement the stalled security arrangements of the (already severely limited) agreement itself.[51] According to one DDPD signatory group, some of its personnel awaiting DDR near Nyala have been detained by the RSF since October 2017 as part of the forcible disarmament phase and remain in detention, which is not an outcome that any conventional DDR process would envisage.[52]

Hyper Rapid Force soldiers accompany illegal immigrants and traffickers who, according to the RSF, were caught while travelling in a remote desert area en route to Libya, January 2017.
Source: Mohamed Nureldin Abdallah/Reuters

- **Undermining civilian security in Sudan's peripheries.** State-level authorities appear to envisage the disarmament campaign as a precursor to dismantling Darfur's IDP camps. This threat was dramatized in early November 2017, when RSF forces and members of other government security agencies with over 100 vehicles surrounded and threatened to enter Darfur's largest IDP camp, Kalma in South Darfur, to search for weapons as part of the forcible disarmament campaign, and in response to the deaths of two government personnel during violence between camp residents and Sudanese security forces on the occasion of President Bashir's visit to South Darfur.[53] This incursion was defused, and indeed Darfur's IDP camps (including Kalma) have

experienced previous threats from state governors to disarm residents and relocate or remove camp infrastructure, notably in 2010. Nonetheless, international humanitarian and civilian protection officials fear that the disarmament campaign may become a justification—if not a violent instrument—for accelerating IDP returns and dismantling the camps, an acceleration that the government and UNAMID leadership wish to see in spite of the low levels of voluntary returns. The latter is unsurprising in the absence of any resolution of the key obstacles to the IDPs' return such as disputes over land ownership and expropriation, and a basic lack of confidence in the ethnicized militias that the Sudanese government is using as state security providers.[54]

Beyond Darfur, the Sudanese government is now floating the prospect of beginning a disarmament campaign in Blue Nile. This is a conflict area where the government has maintained its cessation of hostilities more comprehensively than in Darfur, but where its strategic supremacy is similarly secured by a fatally fragmented rebel movement and strategic gains from the 2016 fighting season. It remains to be seen whether, as in Darfur, it will seek a 'new normal' in Blue Nile, characterized by the deployment of militias and the use of weapons collection campaigns as a counter-insurgency measure, under the guise of complying with the sanctions-easing conditionality of a cessation of hostilities. Meanwhile, a peace deal with any faction of the SPLM-N remains ever further out of reach.

- **Continued regional instability**. More generally, the fallout from stalled peace talks and the lack of DDPD implementation is evident in the fact that fighters from both DDPD and non-DDPD signatory groups have sought money and alternative employment in Libya, fighting both with General Khalifa Haftar and for anti-Haftar militias south of Kufra. These mercenary forces include Liberation and Justice Movement members previously assembled near Kabkabiya following the signing of the DDPD whose reintegration failed in 2014–15. They also include (non-signatory) SLA-MM and SLA-TC fighters, some of whom re-entered Darfur in May 2017 with replenished supplies of weapons, including M79 anti-armour weapons not previously seen in Darfur and armoured personnel carriers, which no Darfur rebel group had previously possessed.[55]

  As the RSF's rapid defeat of this force indicates, these new weapons acquisitions are unlikely to present a serious challenge to the Sudanese government's strategic advantage in Darfur or elsewhere, particularly as Darfur's armed groups continue to fragment politically.[56] But they do show how the wilful neglect of the formal mechanics of Darfur's peace processes—which were also neglected as metrics in the sanctions-lifting process—continues to provide incentives for all armed actors in Darfur to continue to participate in armed violence on both sides of the Sudanese–Libyan border.

The fact that the United States continues to support the extension of the UN Security Council's Darfur sanctions regime, despite its own sanctions-easing programme,[57] is perhaps the most graphic indicator that the international community will continue to pursue rapprochement and use the language of post-conflict recovery while accepting in practice that unresolved armed conflicts and Sudanese government counter-insurgency operations continue. Certainly, the UN and US sanctions regimes have different purposes and targets. Nonetheless, US officials' assertions that peacekeeping in Sudan still requires a robust Chapter VII mandate and a targeted sanctions regime to reinforce it indicate a clear acceptance of the limitations of the government's supposed cessation of hostilities as either a metric or a driver of progress towards durable peace in Sudan's peripheries.

> “US trade and financial sanctions are some of the most comprehensive in the world—a remnant from the first international wave of ‘non-targeted’ sanctions.”

Conclusion

US trade and financial sanctions are some of the most comprehensive in the world—a remnant from the first international wave of 'non-targeted' sanctions (Cortright and Lopez, 2002, pp. 1–22). In the case of Sudan their economic impact may have been significant. Nonetheless, their direct constraints on the state's resources and capacity for armed violence, and the indirect economic incentives they generated for the regime may by the middle of the second decade of the 21st century have been comparatively modest. The adequate measurement of these constraints and incentives would need to assess not only the comprehensiveness of the sanctions and their enforcement, but also the range of channels, both legal and illegal, that were available for dollar transactions, dual-use procurement, and access to US goods and services for key Sudanese economic sectors.

The improvement in diplomatic relations with Sudan over the last 24 months, which is credited to the sanctions-easing process, thus attests the importance of political signalling rather than material constraints and incentives among the kinds of leverage that sanctions regimes can generate. Accordingly, US officials have occasionally indicated during the sanctions-easing process that their primary objective was to lift or mitigate sanctions, with Sudanese behaviour change as a means to that end, rather than vice versa.[58]

The improvements in diplomatic dialogue, the pause in aerial bombardments, and the current easing of humanitarian access in the central Darfur region that have accompanied the sanctions-lifting process are all real. But the core strategic features of Sudan's periphery conflicts that originally generated the sanctions remain in place. These are: the government's pursuit of control in the country's peripheries by force rather than negotiation; its use of paramilitaries and ethnic militias to exert this force (on an increased scale since 2013); and its maintenance of a bureaucratic machinery designed to systematically deny international humanitarian actors' access to and contact with affected populations, even if that machinery is—for the moment—operating more benignly than before.

This is in no way to underestimate the skilful and sustained diplomatic work by State Department officials over two administrations to establish and steward the sanctions-easing process; nor the process's unusual transparency and structure, at least at its inception. Rather, it indicates that US sanctions on Sudan may have been less a tool for changing that country's behaviour than a straightforward impediment to political dialogue, and that the hard US diplomatic work of easing them was as much about navigating domestic lobbies to secure their easing as about changing the Sudanese government's behaviour.

Endnotes

1 For EU collaboration with Sudan on migrant interdiction and prevention programmes, see ‹http://www.khartoumprocess.net›.

2 This report focuses narrowly on those aspects of the political, economic, and security situation in Sudan that have been directly impacted by US sanctions, or on which the easing of these sanctions has been conditioned. It is primarily a piece of desk research, based on telephone interviews and email correspondence with government, intergovernmental, and humanitarian officials in Washington, DC, Khartoum, and New York; telephone interviews and email correspondence with political leaders and armed group members based in Khartoum, and in North Darfur, South Darfur, and Blue Nile states; and a review of both published and unpublished secondary sources. It also draws on field observations in Blue Nile state during 2017 and in Darfur during 2011. Without recent field access, it cannot reflect the views of Sudanese communities in Darfur or elsewhere, and does not seek to do so. Nor is it intended to provide a comprehensive review of recent developments in Sudan's internal conflicts, or of the humanitarian situation in that country.

3 See *Federal Register* (1997). Executive Order 13412 of October 2006 (*Federal Register*, 2006b) introduced a waiver for these trade sanctions for transactions involving the Two Areas, Southern Sudan, Abyei, Darfur, and 'marginalized areas in and around Khartoum', as long as the Government of Sudan was not involved.

4 Telephone interview with senior US State Department official involved with the lifting of sanctions on Sudan, December 2017.

5 The '2017 Sudan Rule' provided a 'general license' authorising all transactions prohibited under Executive Orders 13067 (broad trade sanctions) and 13412 (petroleum sector sanctions), but did not constitute a permanent revocation of these sanctions. See the amendment to the Sudan Sanctions Regulations in *Federal Register* (2017).

6 The seven individuals comprise four listed by the UN Security Council's Sudan Sanctions Committee on 25 April 2006 ('*janjawid*'/Border Guard Forces militia leader Sheikh Musa Hilal; former Sudan Armed Forces (SAF) Western Military Area commander Maj.-Gen. Gaffar Mohammed El-Hassan; former National Movement for Reform and Development field commander Jibril Abdel Karim 'Tek'; and former Sudan Liberation Army (SLA) field commander Adam Yaqub), and three subsequently listed unilaterally by the United States (Khalil Ibrahim Fedeil, former leader of the Justice and Equality Movement (JEM); Ahmed Haroun, former minister of humanitarian affairs, governor of South Kordofan, and alleged '*janjawid*' recruiter;

and Lt.-Gen. Awad Ibn Auf, former head of military intelligence and current Sudanese defence minister). The company is Azza Air Transport Co., a Sudanese air company connected to the Ministry of Defence that has provided logistical support to SAF in Darfur, according to the UN Panel of Experts on Sudan (UNSC, 2008, para. 67).

7 The seven companies are: GIAD Industrial Complex (first listed 28 December 2006); Yarmouk Industrial Complex (first listed 28 December 2006); Al-Zargaa Engineering Complex (first listed 28 December 2006); Sudan Master Technologies (first listed 23 October 2008); Sudan Technical Center (first listed 23 October 2008); Military Industrial Corporation (first listed 19 December 2014); and Vega Aeronautics (first listed 28 August 2015) (USDoS, n.d.a). The individual is Muhamed Al-Husayn Yusuf (first listed 21 March 2017).

8 For an example of this, see HSBA (2016a, pp. 10–11).

9 Telephone interviews with senior US State Department official involved with the lifting of sanctions on Sudan and US State Department official involved with multilateral institutions, December 2017.

10 Telephone interview with senior US State Department official involved with the lifting of sanctions on Sudan, December 2017.

11 Telephone interview with senior US State Department official involved with the lifting of sanctions on Sudan, December 2017.

12 Telephone interview with senior US State Department official involved with the lifting of sanctions on Sudan, December 2017.

13 Conflict Armament Research's iTrace database; a review of Small Arms Survey weapons documentation, 2009–18; author's weapons observations in Kenya, 2009.

14 The second Ethiopian factory is the GAFAT small arms plant. According to a US intelligence report disclosed to US media in 2007, US officials declined to intervene in a reported shipment to Ethiopia of tank parts and other military equipment from North Korea in January 2007 on the eve of the US-backed offensive against the Islamic Courts Union in Somalia, in possible violation of UNSC Resolution 1781. The Ethiopian government confirmed the shipment, but denied that it included embargoed weapons, stating instead that it comprised 'various items required by the military industry in Ethiopia' (Nazret.com, 2007).

15 UNSC (2017a, Annex 12-8); telephone interview with senior SPLA officer directly involved in discussions with DPRK military officials, December 2017. The officer alleged that in December 2016 a three-person delegation of North Korean military officials transited through Uganda to South Sudan's capital, Juba, travelling by vehicle from Entebbe via the Nimule border crossing escorted by Ugandan army personnel. Although the author has not been able to confirm the details of these allegations with Ugandan sources, two months previously a North Korean colonel based in Uganda sent a written offer of arms supplies and military training to the Government of South Sudan, confirming a liaison between the two governments.

16 Telephone interview with senior US State Department official involved with the lifting of sanctions on Sudan, December 2017.

17 Telephone interviews with senior US State Department official involved with the lifting of sanctions on Sudan and US State Department official involved with multilateral institutions, December 2017.

18 See, for instance, Lyman (2017), who nevertheless called the process a 'benchmarking exercise'. The lack of public benchmarks was clear: senior State Department officials confirmed that there were no non-public or internal State Department targets either (telephone interview

with senior US State Department official involved with the lifting of sanctions on Sudan, December 2017).

19 Telephone interview with senior US State Department official involved with the lifting of sanctions on Sudan, December 2017; USDoS (2017c).

20 Telephone interview with senior US State Department official involved with the lifting of sanctions on Sudan, December 2017.

21 Although a prohibition on correspondent banking is not explicit in Executive Order 13067 (*Federal Register*, 1997), US federal prosecutions of banks, including BNP Paribas, for violating sanctions on Sudan have successfully asserted that EO 13067 includes 'the processing of US dollar transactions through the United States'. See US District Court, Southern District of New York (2014, para. 5).

22 Prominent US Treasury fines and deferred prosecution agreements for Sudan sanctions violations since 2010 include those levied against the banks BNP Paribas, Deutsche Bank, Credit Agricole S.A., Barclays Plc, Lloyds TSB, Credit Suisse, ANZ Banking Group, ABN Amro, Compass Bank, JP Morgan, HSBC, Standard Chartered, ING, Bank of Tokyo—Mitsubishi, National Bank of Abu Dhabi, Intesa Sanpaulo, and Commerzbank AG; oil services and machinery suppliers National Oilwell Varco and Schlumberger; medical supply firms Alcon Laboratories Inc. and Hyperbranch Medical Technology Inc.; telecoms company ZTE; aviation services firm Fokker; and paper manufacturer White Birch.

23 USDoT (n.d.). Although in some cases—for instance, medical devices destined for areas outside the 'specified' conflict areas—individual Office of Foreign Assets Control licences were still required for such exports, larger or regime-linked businesses appear to have been able to obtain such licences (Foltyn, 2017).

24 See, for example, de Freitas-Tamura (2017); *The Economist* (2017); AFP (2017b); VOA (2017). See also Lewis (2013).

25 While substitution has clearly been a central feature of Sudanese government aviation procurement, there is evidence that by 2014 the government had also managed to procure sufficient parts—perhaps from the second-hand market—to make at least one of its C-130s serviceable despite US sanctions. Ironically, this was used to supply materiel to Fajr Libya militia groups in Tripoli during July and October 2014, according to the UN Panel of Experts on Libya, in likely violation of the UN arms embargo on Libya. See UNSC (2016a, paras. 160–62).

26 Confidential correspondence, on file with the author.

27 Confidential correspondence, on file with the author.

28 Khalil Ibrahim Fedeil, the leader of JEM, was killed in a Sudanese air strike in West Kordofan in December 2011 and Adam Yacub Sharif died in June 2012.

29 Telephone interview with senior UN humanitarian official, December 2017.

30 Interview with US Africa Command personnel, Juba, February 2017; email correspondence with Central African Republic security expert, December 2017.

31 UNAMID (2017); telephone interview with senior UNAMID official, Khartoum, December 2017.

32 Telephone interview with senior US State Department official involved with the lifting of sanctions on Sudan, December 2017. Uncertainty on this track was such that the US State Department sent a senior official to Khartoum for a two-day assessment immediately prior to the final lifting of sanctions in October.

33 Telephone interview with senior UN humanitarian official, Khartoum, December 2017. See also UNSC (2017d, paras. 30–33).

34 Telephone interview with senior US State Department official involved with the lifting of sanctions on Sudan, December 2017.

35 Telephone interview with senior UN humanitarian official, Khartoum, December 2017; UNSC (2017d, paras. 30–34). The descriptions of access clusters are based on an internal UN Office for the Coordination of Humanitarian Affairs (UNOCHA) access map of Jebel Marra produced in April 2017. At the time of writing in January 2018 UNOCHA had not produced an updated access map.

36 International humanitarians are concerned about HAC announcements in late 2017 that the overarching 2006 Act regulating humanitarian work is to be revised in 2018, a move they fear may further centralize and increase government control (telephone interview with senior UN humanitarian official, Khartoum, December 2017).

37 Telephone interview with senior UN humanitarian official, Khartoum, December 2017. One exception are villages around Golo, where new access in March 2017 revealed very high rates of acute malnutrition, leading to a response funded by the Central Emergency Response Fund, which included protection officials.

38 Telephone interview with senior UN humanitarian official, Khartoum, December 2017. The database includes an 'additional comments' field in which delays may be recorded, but this is not systematically filled in and not quantified in UNOCHA's access statistics.

39 Telephone interview with senior UN humanitarian official, Khartoum, December 2017.

40 Telephone interview with senior UN humanitarian official, Khartoum, December 2017; see also UNSC (2017d, para. 34).

41 UNSC (2017c); email correspondence with UN Department of Peacekeeping Operations (DPKO) spokesperson, 30 January 2018.

42 At the time of writing, 11 of the 18 planned team-site transfers were complete (telephone interview with senior UN humanitarian official, Khartoum, December 2017; email correspondence with DPKO spokesperson, 30 January 2018).

43 Telephone interview with senior UN humanitarian official, Khartoum, December 2017.

44 For the latest such statements from President Bashir and Foreign Minister Ibrahim Ghandour, linking US sanctions and the UNAMID drawdown to an assessment that the Darfur conflict is over, see AFP (2017a) and BBC (2017). For statements from the UK, Norway, and the European External Action Service welcoming the lifting of US sanctions on Sudan, see EEAS (2017), and UK and Norway (2017). For a critical review of the broader EU–Sudanese rapprochement, particularly in the context of the Khartoum process to prevent trans-Sahelian migration, see APPGSSS (2017).

45 The full text of the document is available at ‹https://unamid.unmissions.org/doha-document-peace-darfur›.

46 On the inadequacies of disarmament, demobilization, and reintegration (DDR) in Darfur even for signatories to the DDPD, see HSBA (2016a, pp. 9–10).

47 A full analysis of the disarmament campaign and recent RSF operations in Darfur remains outside the scope of this report. Estimates of the numbers of weapons collected since July 2017 vary widely from 14,000 to 30,000. Neither figure has been verified. Likewise, while it is certain that additional RSF personnel arrived in Darfur in late 2017, possibly after combat in Yemen, the figure of 10,000 additional RSF personnel claimed by the *wali* of North Darfur is also not verified.

48 Hilal is paramount chief of the Mahamid, while 'Hemeti' is from the Mahariya.

49 Khartoum has previously claimed that specific areas, operations, or personnel are exempt from peace agreements or cessations of hostilities. For instance, according to the faction's leaders, seven combatants from JEM-Dabajo—a DDPD signatory group—remain in custody under capital sentences in Khartoum, accused of an attack against Central Reserve Police (CRP) forces (Ittihad-al-Merkazi) at Khor Baskawit, south of El Daein in 2010. The government argues that the amnesty for such acts under Section 60 of the DDPD does not cover these individuals, since their crimes are 'private' ones against the CRP members themselves (telephone interview with JEM-Dabajo member, location withheld, December 2017).

50 Clashes began around 18 January 2018 in SLA-AW areas east of Golo subject to the forcible disarmament campaign. These continued into February and March, with the *wali* of Central Darfur claiming that operations in this zone and further east around Deribat were responding to cattle rustling and other 'criminal activities' by SLA-AW fighters (*Sudan Tribune*, 2018).

51 The JEM-Dabajo leadership claims that some 450 of the 1,350 personnel whose names it submitted to the Sudan DDR Commission remain undemobilized in South and West Darfur, although the accuracy of the original 1,350-person list cannot be verified. An unknown number of Liberation and Justice Movement personnel still await demobilization (telephone interview with JEM-Dabajo official, location withheld, December 2017). See also HSBA (2016a) on the inflation of DDR combatant lists and delays to the process.

52 Telephone interview with JEM-Dabajo official, location withheld, December 2017. The detentions have not been independently verified.

53 UNAMID (2017); telephone interview with senior UN humanitarian official, Khartoum, December 2017.

54 Telephone interview with senior UN humanitarian official, Khartoum, December 2017.

55 Tubiana and Gramizzi (2017, pp. 139–51); author analysis of photographs of weapons and vehicles captured from SLA-MM forces in May 2017, from a confidential source; UNSC (2017e, paras. 66–73). In contrast to Darfurian groups, rebel groups in the Two Areas have some armour (captured from SAF), but not small armoured personnel carriers suitable for mobile warfare of the kind that is characteristic of the Darfur conflict (author observations and Conflict Armament Research iTrace dataset).

56 Among the most significant of numerous splits among groups that have not signed the DDPD are the defection from JEM-Gibril of Masalit officers and fighters led by Mansour Arbab Younis from 2015 onwards; and the 2014 splitting off of the SLA-AW faction under Mohammed Abdelsalam 'Tarrada' and Nimir Mohammed, which became the SLA-TC. This process of fragmentation is now being mirrored in accelerated form in the Two Areas, with the 2017 split within the SPLM-N.

57 Telephone interview with US Department of State official involved with the monitoring of sanctions on Sudan, December 2017.

58 For instance, at a banking workshop in London in December 2016 US officials actively advised Sudanese businesses and banking officials on avoiding the 'over-implementation' of the banking sanctions by 'doing business without a US nexus—meaning not using the dollar, US persons, or US products' (Koutsis, 2017b). This is a peculiar public objective for US diplomats to promote, particularly in the middle of a sanctions process intended to use the material leverage of the US economic and currency dominance in world trade.

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