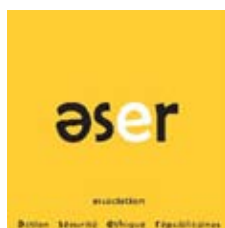


# “Véhicules civils militarisables” and the EU arms embargo on Sudan

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# Introduction

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The ongoing humanitarian crisis in Darfur has been overlooked recently because the international community has been focusing on the popular revolts in North Africa in the first half of the year and South Sudan's peaceful referendum on secession from northern Sudan, and the subsequent violence in and over the contested Abyei region. In December 2010, however, fighting in Darfur resumed and has continued ever since thus causing widespread human rights violations in the troubled region.<sup>1</sup>

The Darfur conflict burst into violence in 2003, when the rebel movements *Justice and Equality Movement* (JEM) and *Sudan Liberation Army* (SLA) publicly announced their existence. The rebels claimed Khartoum had been neglecting and marginalizing Darfur. In response to the rebellion, the Sudanese central government launched a military campaign in the region, which included support to the Janjaweed militia. In May 2006 a peace agreement was signed in Abuja. The agreement, however, could only appease one rebel faction. Consequently, fighting continued in the region.<sup>2</sup> Peace negotiations were renewed at the beginning of 2009 in Doha. The Government of Sudan and some 'rebel' movements<sup>3</sup> signed the Doha peace agreement in July 2011. Not all parties in the Darfur conflict were willing to sign the peace agreement. *"Still noticeably absent are the Justice and Equality Movement (JEM) as well as the Nur and Minnawi factions of the SLA... These groups argue that the agreement does not meet their needs. Khartoum vows to continue its fight against those groups reluctant to cooperate with what it vows is the "final document." The Sudanese Armed Forces (SAF) have begun bombing villages in South Darfur in an effort likely to pressure those rebel groups refusing to buckle and submit. Typical of Sudanese military-political strategy, civilians are caught directly in the crossfire.*<sup>4"</sup>

The international community has reacted to the Darfur conflict through the imposition of arms embargoes to restrict the supply of arms to the various actors in the conflict. The UN Security Council resolution 1556 (2004) imposed an arms embargo on *"all non-governmental entities and individuals, including the Janjaweed, operating in the states of North Darfur, South Darfur and West Darfur"*<sup>5</sup>. One year later the embargo was extended to include *"all the parties to the N'djamena Ceasefire Agreement and any other belligerents in the states of North Darfur, South Darfur and West Darfur"*<sup>6</sup>. For the Government of Sudan this means that it is allowed to receive arms through Khartoum or Port Sudan, but not to transfer them directly into Darfur. When the GoS wants to move military equipment into Darfur it needs to seek prior approval from the UN Sanctions Committee.<sup>7</sup> Additionally, the European Union imposed an embargo on Sudan in 1994<sup>8</sup>, which prohibits its member states from supplying arms, munitions and military equipment to any entity in Sudan. The Council Common Position of 9 January 2004<sup>9</sup> expanded the embargo to include a ban on technical, financial, brokering, transport, and other assistance relating to military activities and equipment.<sup>10</sup>

Despite these arms embargoes, all sides of the Darfur conflict continue to acquire weapons and related material. The UN Security Council's Panel of Experts on the Sudan has reported frequently on arms acquisitions by the Darfur insurgents and on the GoS's efforts to supply military material to counterinsurgency militias and units of the Sudanese Armed Forces (SAF) in Darfur, all without the necessary permission of the Sanctions Committee of the Security Council.

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<sup>1</sup> *Amnesty International Report 2011: The State of the World's Human Rights*, Amnesty International, 13 May 2011, POL 10/001/2011; Henry J., *Darfur in the shadows: The Sudanese government's ongoing attacks on civilians and human rights*, Human Rights Watch, June 2011

<sup>2</sup> Flint J. and De Waal A., *Darfur: A new history of a long war*, London/New York, Zed Books, 2008

<sup>3</sup> The Liberation and Justice Movement (LJM) and Abdul-Wahid Mohamed Nur faction of the Sudan Liberation Army (SLA).

<sup>4</sup> Doha Peace Agreement: Khartoum and the Rebel Groups' Moment of Truth, 4 August 2011 (<http://www.fpif.org/blog/doha-peace-agreement-khartoum-and-the-rebel-groups-moment-of-truth>) (Last accessed 2 September 2011).

<sup>5</sup> UN Security Council Resolution 1556 (2004), S/RES/1556 (2004), §7-8

<sup>6</sup> UN Security Council Resolution 1591 (2005) S/RES/1591 (2005), §7

<sup>7</sup> Peter Danssaert: *Sudan – Arms Embargoes of the European Union and the UN Security Council*, IPIS vzw [for Amnesty International-IS (internal document)], 26 April 2007; Peter Danssaert: *Darfur Arms Embargo Explained*, IPIS vzw [for Amnesty International-IS (internal document)], 30 August 2007.

<sup>8</sup> 94/165/CFSP

<sup>9</sup> 2004/31/CFSP

<sup>10</sup> Human Security Baseline Assessment/Small Arms Survey, *Supply and demand: Arms flows and holdings in Sudan*, Sudan issue brief, No 15, December 2009, p.2

In this case study we will focus on the use of European manufactured trucks in the Darfur region, and more specifically what the defence industry calls “*véhicules civils militarisables*” - commercial vehicles that can be militarized. All armed actors in the conflict require vehicles to transport combatants through the vast Darfur deserts. Japanese Toyota (Landcruisers) pick-up trucks are the most common vehicles that are spotted in the region. Usually they are mounted with machineguns, and as such compose an important assault instrument. Furthermore, a wide array of military trucks or civilian trucks modified for military purposes are being used in Darfur, e.g. anti-aircraft guns are mounted on a variety of trucks to function as support and/or attack vehicles. Some of these trucks are European models, assembled by a local company: GIAD Automotive Industry Company.

## Renault<sup>11</sup>

A 2008 Channel 4 documentary on Darfur<sup>12</sup> included images of GIAD manufactured Renault Midlum trucks in use by the government-backed Janjaweed. These trucks have been presented by Renault Trucks Défense as “*véhicules civils militarisables*”.<sup>13</sup>

The foundations for the GIAD industrial complex (“GIAD Industrial City”) were laid in March 1997. The complex is a partnership between Sudan Master Technology Engineering Co. Ltd. (76%) and the Military Industry Corporation of Sudan (24%).<sup>14</sup> GIAD Industrial City was officially inaugurated on 26 October 2000.<sup>15</sup> GIAD Trucks Company markets and assembles trucks under license from the German MAN Group and the French Renault Trucks<sup>16</sup>, a Volvo subsidiary. One of the Renault trucks manufactured by GIAD is the Midlum 210.13 4x4.<sup>17</sup> On June 25<sup>th</sup>, 2008 GIAD responded to a request for information from the International Peace Information Service (IPIS vzw) saying that the “*GIAD MIDLUM 210.13 4x4 truck is a French origin, we manufacture and we have authorization from the parent company*”. Adding “[I]t is a powerful truck used in several areas. We are now exporting to some countries”.<sup>18</sup>

**“Twenty three killed in ongoing clashes in Kass, South Darfur” (Radio Dabanga), 25 Mar 2010.**

“Twenty three people were killed yesterday in continued clashes between the Misseriya and Nuwayba in villages around Kass. Dozens more were injured. Witnesses told Radio Dabanga that more than 48 armed sport utility vehicles and two Renault trucks attacked the villages of Tourgoun, Tabo Fotto, Duwayr and Dibis, fifteen kilometers northeast of Kass. Thousands of civilians were displaced by the fighting. The attackers burned villages and looted property and livestock. Observers said that the clashes had expanded to include camel raiding. The commissioner of Kass locality, Ali Mahmoud al Tayib, said that armed groups came from North Darfur on land cruiser pickups and camel and on horseback and attacked the villages of Tourgoun, Borou Koutto, Nigeia, Tabo Fotto and Hashaba. Another group went to the east and attacked Limo and Dawis. A third groups went to the north and attacked Khirwa and Gemmeiza. A citizen accused the Sudan government that they provide heavy weapons and vehicles to the conflicting parties to destabilize the region. He raised the question from where the tribes get the arms and vehicles if not provided by the government”.

<sup>11</sup> Renault Defense and Volvo received an advance copy of this brief for reaction. At first Renault accepted and invited (Email from Renault, 18 July 2011) IPIS vzw to discuss this brief, but at a later stage the invitation was retracted (Email from Renault, 26 August 2011).

<sup>12</sup> Sudan: Meet the Janjaweed, Channel 4, 14 March 2008.

<sup>13</sup> «Renault Trucks à EUROSATORY 2004», Renault Trucks Défense press release, 17 June 2004; See also: «*The Renault Trucks Defense logistics vehicles range, derived from the civil range, insures the logistics transportation of charges from 3t to 20t (trucks) and from 19t to 60t (tractors): Midlum 4x4, Kerax 4x4, Kerax 6x6, and Kerax 8x8*» ([www.army-technology.com/contractors/vehicles/renault](http://www.army-technology.com/contractors/vehicles/renault)).

<sup>14</sup> GIAD 2005 Annual Report, 15 February 2006: p. 5.

<sup>15</sup> The industrial complex is situated 50 km south of Khartoum. The largest company present is the holding company GIAD Automotive Industry Company and its seven subsidiaries: GIAD Motors Co., GIAD Trucks Co., GIAD Tractors and Agricultural Equipment Co., GIAD Furniture and Medical Appliances Co., GIAD Autoservices Co., GIAD Press and Metal Forming Co., and GIAD Paints Co. (GIAD Automotive Industry Company – A Legacy of Perpetual Civilization, GIAD Automotive Company brochure, undated: p. 6. See also [www.giadauto.com](http://www.giadauto.com).)

<sup>16</sup> Communication Giad Trucks with the International Peace Information Service vzw, Antwerp (Belgium), 15 May 2008 (e-mail); <http://www.giadtrucks.com/eng/profile.htm>, (last accessed on 17/06/2011).

<sup>17</sup> Communication Giad Trucks with the International Peace Information Service vzw, Antwerp (Belgium), 15 May 2008 (e-mail); [http://www.giadtrucks.com/eng/products/renault/renault\\_truck\\_10.htm](http://www.giadtrucks.com/eng/products/renault/renault_truck_10.htm), (last accessed on 23/06/2011)

<sup>18</sup> Communication Giad Trucks with the International Peace Information Service vzw, Antwerp (Belgium), 25 June 2008 (e-mail). We have not been able to ascertain to which countries these trucks are exported.

When Renault Trucks was questioned by the UN Expert Panel on Sudan in 2009 on its business links with GIAD, Renault replied that its “contracts comply with the rules preventing embargo violation and that it has no formal contracts with GIAD”.<sup>19</sup> But in 2008, Renault, when contacted by IPIS vzw, gave a slightly different answer: “We sale [sic] our civilian range of construction trucks: 6X4 and 4X4 to GIAD TRUCK CO. who sale [sic] them locally to their own Customers including mostly:

- private and public CONSTRUCTION COMPANIES
- private and public TRANSPORT COMPANIES
- private and public INDUSTRIAL SECTORS
- government DEPARTMENTS AND MINISTRIES

since 1998”<sup>20</sup>.

Although at first sight it seems that Renault denied that GIAD manufactured the Renault trucks, Renault ended their communication to IPIS vzw by stating: “we will still be there [Sudan] to assemble our trucks at GIAD”<sup>21</sup>. The chassis number (Vehicle Identification Number) of trucks assembled by GIAD start with CKD, while trucks manufactured in France start with VF6.<sup>22</sup> CKD stands for ‘completely knocked down’, a specific form of technology transfer. The vehicles are cased and shipped in pieces, to be assembled at destination in Sudan.<sup>23</sup> What is certain from the communication is that GIAD was selling, since 1998, Renault trucks to Sudanese government departments and ministries: although Renault itself was “not in contact for trucks or spare parts with the local Ministry of Defense”<sup>24</sup>.

The argument that the Renault Midlum belongs to the civilian range of construction trucks is not entirely true. The Renault Midlum, Kerax, etc. trucks have been advertised by Renault Trucks Défense as “véhicules



GIAD Truck (Darfur, Sudan) (Channel 4)

<sup>19</sup> UN Security Council, *Report of the Panel of Experts established pursuant to resolution 1591 (2005) concerning the Sudan*, S/2009/562, 29 October 2009, §167

<sup>20</sup> Communication Renault Trucks Défense with the International Peace Information Service vzw, Antwerp (Belgium), 30 June 2008 (e-mail).

<sup>21</sup> Communication Renault Trucks Défense with the International Peace Information Service vzw, Antwerp (Belgium), 30 June 2008 (e-mail).

<sup>22</sup> [http://www.aew-sdn.com/pdf/finding\\_renault\\_truck\\_identificaton3.pdf](http://www.aew-sdn.com/pdf/finding_renault_truck_identificaton3.pdf).

<sup>23</sup> Communication Renault Trucks Défense with the International Peace Information Service vzw, Antwerp (Belgium), 26 August 2011 (e-mail).

<sup>24</sup> Communication Renault Trucks Défense with the International Peace Information Service vzw, Antwerp (Belgium), 30 June 2008 (e-mail).

*civils militarisables*”.<sup>25</sup> In regard of the Midlum truck Renault specifically wrote in the press release for the Eurosatory 2004 defence exhibition<sup>26</sup>: “*This range [Midlum] launched in 2000 is aimed primarily at the civilian and military market...*”<sup>27</sup>

Renault did not deny that trucks are used for military purposes in Sudan: “*So, in Sudan there are trucks used for peace, some for war, and many others (thanks [sic] God) for the benefit of the populations [sic]*”<sup>28</sup>. Therefore Renault Trucks asks the question: “*what are we suppose[d] to do in this Country?*”. Their reply:

“- *stop part and training back-up [sic] to GIAD and jeopardize the UN and Red Cross logistics (and missions)*”,  
or

“- *go-on with our general purpose truck range, like in any other 75 countries we export it to, without being able to control completely the exact end-users identity and morality... [sic]*”<sup>29</sup>.

Are we to conclude from this reply that they do not know the identity of their end-users in all the 75 countries to which they export or do they mean that only in the Sudan they are unaware of the end-users of their trucks? If this statement by the company is to be taken at its’ face value it also strongly suggests that the moral conduct of the putative end user is not a major issue for Renault Trucks...

Meanwhile, in their defence, Renault Trucks is arguing in mitigation that the Red Cross and the UN have also purchased Renault trucks for their operations in South Sudan and Darfur. This is a non sequitur since we are discussing the use of such vehicles by the Sudanese military and pro-government militias in Darfur. Moreover Renault claims that the Red Cross and the UN are using the services of a GIAD subsidiary to service these



Truck with anti-aircraft gun (Darfur, Sudan) (Channel 4)

<sup>25</sup> «Renault Trucks à EUROSATORY 2004», Renault Trucks Défense press release, 17 June 2004; See also: «*The Renault Trucks Defense logistics vehicles range, derived from the civil range, insures the logistics transportation of charges from 3t to 20t (trucks) and from 19t to 60t (tractors): Midlum 4x4, Kerax 4x4, Kerax 6x6, and Kerax 8x8*» ([www.army-technology.com/contractors/vehicles/renault](http://www.army-technology.com/contractors/vehicles/renault)).

<sup>26</sup> Eurosatory is an annual international “Land Security & Defence” exhibition held in France.

<sup>27</sup> In regard of the Midlum truck Renault writes specifically: «*La gamme de distribution de moyen tonnage, Renault Midlum, a été conçue pour être l’outil polyvalent, productif et robuste capable de couvrir les besoins de 6 à 16 tonnes, et même 18 t, de PTAC. Cette gamme lancée en 2000 vise avant tout une clientèle aussi bien civile que militaire exigeant un véhicule d’une fiabilité à toute épreuve, facile à conduire, à exploiter et à entretenir.*» («Renault Trucks à EUROSATORY 2004», Renault Trucks Défense press release, 17 June 2004).

<sup>28</sup> Communication Renault Trucks Défense with the International Peace Information Service vzw, Antwerp (Belgium), 30 June 2008 (e-mail).

<sup>29</sup> Communication Renault Trucks Défense with the International Peace Information Service vzw, Antwerp (Belgium), 30 June 2008 (e-mail).

Renault trucks: "RENAULT TRUCKS and its Service network, including AEW CO.<sup>30</sup> of the GIAD GROUP, is providing precious field service in JUBA, and DARFOUR to both RED CROSS and the UN..."<sup>31</sup>.

Advanced Engineering Works Co. is the authorized Renault trucks after sales distributor for Sudan to supply spare parts and services.<sup>32</sup> The International Red Cross informed us of the following: "Please note that the ICRC delegation in Sudan is not outsourcing the service and maintenance of its trucks. The vehicles are being serviced by our in-house team of mechanics"<sup>33</sup>. Adding: "The company you mentioned is our local agent for guarantee repair issues. That means that in case of a breakdown covered by a warranty this company repairs the trucks for free. In addition, we occasionally buy spare parts from them whenever we do not have urgently required spare parts in our stock. The amount spent for spare parts since January 1st 2011 until today amounts to 1,303SDG, roughly 500 US Dollars".

According to the *Décret n°95-589 du 6 mai 1995 relatif à l'application du décret du 18 avril 1939 fixant le régime des matériels de guerre, armes et munitions*<sup>34</sup> the trade in "[V]éhicules non blindés, équipés à poste fixe ou munis d'un dispositif spécial (affût circulaire d'armes de défense aérienne, rampes de lancement) permettant le montage ou le transport d'armes (art. 2)" needs to be authorized (art. 9)<sup>35</sup>. The authors have asked Renault<sup>36</sup>, the French Ministry of Foreign Affairs and French Customs<sup>37</sup> if an export licence was requested/granted. The Ministry of Foreign Affairs answered that these trucks "are neither on the military list nor on the dual-use list, so Renault was not obliged to apply for an export license until now". They did add, however, that they are open to discuss the issue and might take additional information into consideration to possibly put the trucks on the control list.<sup>38</sup> Renault replied: "These components being non military parts and Sudan undergoing no such embargo, we are not submitted to export licence application."<sup>39</sup> This brief has however clearly demonstrated



GIAD Truck (Darfur, Sudan) (Channel 4)

<sup>30</sup> [www.aew-sdn.com](http://www.aew-sdn.com)

<sup>31</sup> Communication Renault Trucks Défense with IPIS, 30 June 2008 (e-mail).

<sup>32</sup> "Authorized After-Sales Distribution Confirmation", 066/PV/RTI/09, Renault Customer Service Middle East, 14 June 2009 ([http://www.aew-sdn.com/pdf/renault\\_authorized.pdf](http://www.aew-sdn.com/pdf/renault_authorized.pdf)); [http://www.aew-sdn.com/spare\\_parts.htm](http://www.aew-sdn.com/spare_parts.htm)

<sup>33</sup> Communication International Red Cross with IPIS, 13 July 2011 (email).

<sup>34</sup> Original Decree in force until 17 December 1998; modified by *Décret n°98-1148 du 16 décembre 1998 modifiant le décret n°95-589 du 6 mai 1995 relatif à l'application du décret du 18 avril 1939 fixant le régime des matériels de guerre, armes et munitions* (in force until 30 September 2005).

<sup>35</sup> "La fabrication et le commerce des matériels, armes et munitions des quatre premières catégories sont soumis à autorisation. (Art. 9)"

<sup>36</sup> Communication with Renault Trucks Défense, 26 August 2011 (email).

<sup>37</sup> Communication with French Customs, 30 August 2011 (email).

<sup>38</sup> Communication with French Ministry of Foreign Affairs, August 2011 (telephone)

<sup>39</sup> Communication with Renault Trucks Défense, 30 August 2011 (email).

through earlier Renault communications and statements, and the use of the trucks in the field, that these trucks are not merely civilian trucks. Consequently, the transfer seems to constitute a violation of the EU arms embargo on Sudan. The enforcement of the EU arms embargo on Sudan is the responsibility of each individual member State.

On March 15, 1994 the Council of the European Union imposed an arms embargo upon Sudan.<sup>40</sup> The Common Position stresses that: *"The embargo covers weapons designed to kill and their ammunition, weapon platforms, non-weapon platforms and ancillary equipment. The embargo also covers spare parts, repairs, maintenance and transfer of military technology. Contracts entered into force prior to the date of entry into force of the embargo are not affected by this Decision"*<sup>41</sup>. The Council took more restrictive measures in 2004.<sup>42</sup>

Furthermore, it seems the French export licensing authorities use a very narrow interpretation of the categories of the EU Common Military List. If we analyse the definitions of the ML6 (Ground vehicles and components), ML18 (Production equipment and components) and ML22 (Technology) categories, it is rather surprising that the export licensing authorities judge the Renault trucks are not subject to export licensing control. It is highly unlikely that these kinds of trucks would not be subject to licensing procedures in all other EU countries. In Belgium, for example, a catch-all clause that is foreseen in the arms export legislation, would prevent these items from being exported without a license.

Apart from the question whether the export should have been authorised by an export license, we also want to argue that Renault should have been more diligent in its business dealings with GIAD since:

From its inception in 1997 GIAD Industrial Complex has been connected to the Military Industry Corporation of Sudan;

- (a) GIAD is involved in the production of military goods in Sudan<sup>43</sup>;
- (b) The EU arms embargo dates back to 1994, and this embargo is linked to the (continued) violence in Sudan;
- (c) The Renault trucks are marketed as dual-use items, *"véhicules civils militarisables"*, specifically aimed at the civilian and military market;
- (d) Renault admits to not having control over end-use of its trucks in Sudan;
- (e) Renault also indicated that it was aware that in Sudan trucks are used to wage warfare<sup>44</sup>, and therefore it should have been aware that there was a clear risk that its equipment might be used to commit serious violations of human rights;
- (f) Meanwhile in 2007 the US Treasury has sanctioned GIAD for "contributing to the conflict in the Darfur region"<sup>45</sup>.

It should be noted that a similar agreement also exists with Iran. CKD kits of the Midlum are sent for assemblage to the Iranian Saipa Diesel Company: *"Designed in France and dispatched as CKD, a new generation of Midlum Euro III adapted to the Iranian market, is being assembled and distributed by Saipa Diesel Co. With an annual production of 1,800 Trucks."*<sup>46</sup> Thirty per cent of the Midlum parts are manufactured in Iran,<sup>47</sup> while the Iranian Arya Diesel Motor Company focuses on the assemblage of the heavy Renault trucks range (Kerax, Premium).<sup>48</sup> According to *Jane's Military Vehicles and Logistics* the Kerax range of heavy-duty civilian trucks can be *"militarised to varying degrees to suit specific operator requirements... Based on an in-production range of commercial trucks, the Renault Kerax range of military trucks is likely to reflect minor design changes and specification upgrades associated with civilian truck production"*<sup>49</sup>. Moreover *"the Kerax range... replaced all earlier military vehicles produced by Renault"*<sup>50</sup>.

<sup>40</sup> Council Decision of 15 March 1994 on the common position defined on the basis of Article J.2 of the Treaty on European Union concerning the imposition of an embargo on arms, munitions and military equipment on Sudan, 94/165/CFSP: art. 1.

<sup>41</sup> Council Decision of 15 March 1994 on the common position defined on the basis of Article J.2 of the Treaty on European Union concerning the imposition of an embargo on arms, munitions and military equipment on Sudan, 94/165/CFSP: note 1.

<sup>42</sup> Council Common Position 2004/31/CFSP of 9 January 2004 concerning the imposition of an embargo on arms, munitions and military equipment on Sudan.

<sup>43</sup> "El-Bashir: Sudan on way to producing own tanks", Associated Press, 27 October 2007.

<sup>44</sup> Communication Renault Trucks Défense with IPIS, 30 June 2008 (e-mail).

<sup>45</sup> US Treasury SDN list update 29 May 2007, <http://www.treas.gov/offices/enforcement/ofac/actions/20070529.shtml>.

<sup>46</sup> <http://www.en.iran.renault-trucks.com/renault-trucks-iran/> (Last accessed 26/08/2011).

<sup>47</sup> "Saipa Diesel Speeding Ahead", *Iran International*, July 2004.

<sup>48</sup> Aryadiesel.com (last accessed 26/08/2011).

<sup>49</sup> *Jane's Military Vehicles and Logistics 2008 – 2009*, 29th Edition, Jane's Information Group: p. 461-462.

<sup>50</sup> *Jane's Military Vehicles and Logistics 2008 – 2009*, 29th Edition, Jane's Information Group: p. 462.

In 2007 the United Nations Security Council imposed an arms embargo on Iran, but only for following categories: battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms.<sup>51</sup> The scope of the restrictive measures imposed on Iran by the United Nations were widened in 2010 by calling upon all States “to exercise vigilance and restraint over the supply, sale, manufacture and use of all other arms and related materiel”<sup>52</sup>. In accordance with the UN sanctions regime the European Union widened its sanctions against Iran in 2010. According to article 1 of the Council Decision of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position (2007/140/CFSP) it is prohibited to supply, sell or transfer direct or indirectly the following items, materials, equipment, goods and technology, including software, to, or for the use in, or benefit of, Iran: “arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, para-military equipment and spare parts for such arms and related materiel, as well as equipment which might be used for internal repression. This prohibition shall not apply to non-combat vehicles which have been manufactured or fitted with materials to provide ballistic protection, intended solely for protective use of personnel of the EU and its Member States in Iran”<sup>53</sup>.

## MAN

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Renault has not been the only European company providing military support to the Sudanese government. Early 2006, Sudan placed an order for 2,700 MAN M2000 trucks, model LE16.220 4x4 BB. According to Jane’s, the M2000 trucks are based on commercial MAN designs, but militarised as required to suit customer requirements.<sup>54</sup> The UN Panel of Experts on Sudan disclosed in its 2009 report that it had identified a MAN truck mounted with an anti-aircraft gun, deployed by the SAF (Sudanese Armed Forces) in Darfur. The German vehicle manufacturer clarified in writing to the Panel that it had signed a contract with GIAD in 2005 and had delivered three consignments in 2006 and 2007. These post-UN-embargo deliveries concerned assembly kits for civilian MAN trucks of the model L90/M2000. MAN, however, clarified it had never authorised the militarization of its trucks, neither had GIAD informed the manufacturer about this. Since MAN has learned about the military use of their dual-use equipment in Darfur, the company has decided to halt all business with its Sudanese partners as a formal company policy. Consequently no more business transactions have taken place with GIAD after the April 2007 delivery of 790 L90/M2000 trucks.<sup>55</sup>

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<sup>51</sup> United Nations Security Council Resolution of 24 March 2007, S/RES/1747: paragraph 6.

<sup>52</sup> United Nations Security Council Resolution of 9 June 2010, S/RES/1929: paragraph 8.

<sup>53</sup> Council Decision of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP: art. 1.

<sup>54</sup> *Jane’s Military Vehicles and Logistics 2008 – 2009*, 29th Edition, Jane’s Information Group: p. 464.

<sup>55</sup> UN Security Council, *Report of the Panel of Experts established pursuant to resolution 1591 (2005) concerning the Sudan*, S/2009/562, 29 October 2009, § 165-171, 203

## Conclusion

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This paper casts serious doubts on the continuing export of European trucks to Sudan, where there are documented cases of their being used to facilitate gross abuses of human rights. This brief clearly documents that completely knocked down truck assembly kits, (CKD kits), which were delivered by MAN and Renault to GIAD, have been observed in the Darfur region in militarised form.

However the EU embargo on Sudan prohibits the supply of military material to Sudan. Therefore, French and German export licensing authorities should have denied any such authorisation to both Renault and MAN. Renault has subsequently declared that the trucks are non-military, and claims therefore that neither the EU arms embargo nor the French arms export legislation are applicable. However, in a clear contradiction of their position thus stated, Renault advertises the Midlum and the Kerax truck range as "*véhicules civils militarisables*", which vitiates Renault's argument that these are merely civilian trucks.

This paper clearly demonstrates that Renault has been, and remains, in breach of the sanctions imposed both by the United Nations and by the European Union on Sudan. However, at least a partial, albeit belated, atonement could be made were Renault to cease their existing commercial contracts for the supply of CKD kits, spare parts, and the servicing of, these vehicles within the Sudan. Because apart from their legal licensing duties and obligations, the general issue of due diligence can be raised. This paper demonstrates that Renault and MAN could and, indeed, should have been aware of the serious risk that their material would have been used in the Darfur conflict. The profile of the client that they were exporting to, GIAD Industrial Complex, is well known. Renault also admitted subsequently that they are aware that their products are being used for waging war in Sudan.