



Policy Brief: Evading Telecommunication Disruption During Conflicts

Author: Khattab Hamad

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- **Email:** sudandemocracy@amelproject.org
- **Facebook:** <https://www.facebook.com/democracyactionproject>



Executive Summary

This policy brief highlights the critical need for a framework to ensure uninterrupted telecommunication services during conflicts, particularly in the face of intentional shutdowns during conflicts, considering Sudan as a case study. It compares two key approaches, the first one is the domestic approach, which prioritizes revising the local regulations and policies to guarantee connectivity sustainability. The second is the international approach, which prioritizes revisiting the international laws and conventions to protect human rights and ensure access to telecommunication.

This paper argues for the international approach, advocating for the urgent need to amend the international laws and regulations to ensure connectivity availability, and guaranteeing accountability to those responsible in cutting off the telecommunication. This approach paves the way for telecommunication sustainability and protects human rights.



Introduction:

The intended shutdown of communications services by state actors, as I witnessed during the conflict between the Rapid Support Forces (RSF) and the Sudanese Armed Forces (SAF) in Sudan, adds significant challenges to humanitarian efforts, violates human rights, and threatens the safety of civilians. This paper explores the critical importance of maintaining communication connectivity during conflicts. I propose strategies to mitigate the impact of internet shutdowns through international cooperation, legal frameworks, and local partnerships.

Context:

The conflict between the RSF and SAF in Sudan has witnessed frequent internet shutdowns. However, several documented cases occurred due to logistical barriers. Perhaps, the case of February 2024, when the RSF took over the telecommunication infrastructure in Khartoum, the capital, and imposed a nationwide shutdown, portrays the need for a high-scale discussion to protect human rights by guaranteeing telecommunication sustainability. This special case shutdowns severely disrupt communication channels and humanitarian aid operations, access to critical information, and exacerbate human rights violations.

Problem:

Telecommunication shutdowns during conflicts can disrupt access to information, fuel misinformation and propaganda, and threaten human life. The mentioned case of shutdown violates international humanitarian law (IHL), the International Covenant on Civil and Political Rights (ICCPR), and the African Charter on Human and Peoples Rights (ACHPR), which guarantees protection for civilians and humanitarian actors during armed conflicts. The case of Sudan has highlighted a serious gap in international law, demonstrating the lack of frameworks to address communications disruptions during armed conflict. This paper argues for the urgent need to update international laws and convictions, including International Humanitarian Law (IHL), to guarantee communication connectivity for civilians caught in the crossfire.

However, recognizing telecommunication as a human right does not guarantee it as there is no framework that protects the telecommunication infrastructure and other related components. There is a crucial need for accountability mechanisms to contribute to guaranteeing human rights.

Scope:

This paper prioritizes updating international laws and conventions, laying the groundwork for long-term resilience. This framework emphasizes guaranteeing the right to access, which



safeguards human life.

Policy options:

My domestic approach prioritizes revising the local regulations and policies to guarantee connectivity sustainability. Nonetheless, I am not considering this option, as it falls outside the theme of human rights. Furthermore, there are internal complexities associated with the context of the ongoing conflict in Sudan as both parties have misused telecommunication, weaponizing it for their military advantage, which weakens the impact of any attempts directly targeting them.

My international approach prioritizes revisiting international laws and conventions to protect human rights and ensure access to telecommunication. It also explores accountability mechanisms as a proactive tool to prevent telecommunication shutdown.

Proposed Policy:

I advocate for an international approach, which establishes mechanisms that offer protection and guarantee accountability to ensure telecommunication sustainability. In light of the mentioned case of Sudan, and to avoid the United Nations (UN), the African Union (AU) and the International Committee of the Red Cross (ICRC) should start amending the above-mentioned laws and conventions in a way that ensures accountability and deter targeting the telecommunication infrastructure.

- IHL amendment:

However, the current IHL primarily works to protect people in situations of armed conflict. The IHL in its current form does not rise to the level of addressing communications blackouts directly. This is because IHL was approved before the importance of communications was linked to human life and rights. This law lacks specific provisions regarding communications and the Internet.

When looking at the international conventions I referred to (ICCPR and ACHPR), I find that they have indicated the right of access to information, and they have also indicated the necessity of ensuring access to the Internet as a human right. However, these conventions are usually ignored by state actors due to the lack of a third party to offer pressure to implement these obligations. Our vision in this paper is that the ICRC -as an implementer of international humanitarian law- has a great opportunity to contribute to protecting the communications infrastructure and protecting workers in this vital sector during armed conflicts, which greatly guarantees human rights.

- Accountability mechanisms:



After amending the IHL, accountability should be ensured through the international community and other international bodies. I propose below mechanisms to make those who target telecommunication infrastructure or intentionally shut the telecommunication accountable:

1. International Criminal Court (ICC):

The ICC should add a telecommunications shutdown to its mandate, clearly defining what constitutes an illegal internet shutdown during the conflict. *2. Targeted sanctions:*

Sanctions are good tools that prove their power in the international arena. Financial sanctions by the international community might put pressure on those who are responsible for shutdowns, and deter others from following the same manner.

Conclusion:

Upholding communication rights during conflicts is essential to safeguarding humanitarian principles and protecting the most vulnerable populations. The conflict in Sudan is just one example of the devastating impact of telecommunication shutdowns during the conflict. It shows us the gap in international humanitarian law. By updating international laws and conventions, I can ensure that communication channels remain open in times of war, protecting human rights, facilitating humanitarian aid, and promoting accountability. The international community, including the ICRC, UN agencies, and INGOs, has a critical role to play in ensuring that telecommunication, a vital lifeline for civilians caught in conflict, remains accessible. The recommendations outlined in this policy paper provide a roadmap for collective action to address the challenges following the telecommunication shutdowns and ensure people have the right to communicate and access information.

Call to action:

I encourage the regional and international organizations to build a plan for an advocacy campaign that presses the ICRC and the UN to implement this policy paper against telecommunication shutdowns during armed conflicts. This includes diplomatic pressure, public condemnation, and leveraging international forums to raise awareness about the humanitarian consequences of such actions.

Furthermore, humanitarian organizations should exploit humanitarian corridor initiatives by advocating the importance of communications and their contribution to saving lives. I call the Kingdom of Saudi Arabia, given its role as a peace mediator and its significant soft power capable of exerting pressure on warring factions, to include these recommendations in humanitarian aid packages.