

French arms sales: ‘indicators of presence’ in Yemen and the necessary reform of control mechanisms

Our study reveals fifteen ‘indicators of presence’ that French armament may be involved in the war in Yemen. Along with the Armaments Observatory, FIDH calls for the establishment of a permanent parliamentary committee for the control of arms exports.

Cover photo: French-made Leclerc tanks of the Saudi-led coalition are deployed in the coastal district of Dhubab on January 7, 2017, during a military operation against Shiite Huthi rebels and their allies. Yemeni government forces attacked rebel positions on the Red Sea coast on sparking clashes in which six soldiers and 11 rebels were killed, a loyalist commander said. © SALEH AL-OBEIDI / AFP

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Introduction

The history of Yemen, the second most populous country in the Arabian Peninsula after Saudi Arabia, but also the poorest country in the that region, can only be understood through its relations with Saudi Arabia. With recent events comes new insight: while in 2011 the population and the *revolutionary youth* rose peacefully and brought down President Ali Abdullah Saleh after thirty-three years of rule, Saudi Arabia violently intervened in the conflict beginning on 26 March 2015. Through a campaign of aerial bombardment and sending foreign troops to Yemeni soil, the *regional coalition*¹ led by Saudi Arabia has sought to restore President Abderabuh Mansur Hadi, elected in 2012, to what it considers legitimate power in the face of a Houthi rebellion said to be manipulated by Iran.²

The fact that Yemeni civil society fought for a plural society, democracy and human rights posed a threat to the neighboring Gulf regimes. According to Amal Basha, President of the Yemeni NGO Forum of Arab Women for Human Rights, the sectarian instrumentalisation of a conflict between Shiite Houthis and Sunni tribes, even as the most contradictory political tendencies exist within each camp, aims only to mask the eminently political and economic dimension of this conflict between two parties who do not want to share power, and a central issue of the war in Yemen: that of the maintaining the country in the Saudi orbit.³

In this context, the humanitarian situation has continued to deteriorate since 2015, and according to the Yemen Data Project, beginning in March 2015, Yemen has experienced the equivalent of a bombing every 90 minutes; 6,100 civilians have been killed and 9,683 wounded, according to the Office of the High Commissioner for Human Rights.⁴ Among these civilian casualties, 61% are attributable to the coalition led by Saudi Arabia which includes the United Arab Emirates. Virtually all the rest of the abuses are attributable to the Houthis. Nearly 4 Yemenis out of 5, i.e. 22 million people, depend on humanitarian aid while 8.4 million are threatened with famine. Diphtheria is back in Yemen and in 2017 the country suffered the worst cholera epidemic in modern history. The humanitarian catastrophe compounded by Saudi Arabia's blockade of ports and airports.⁵ According to NGO Mwatana President Radhia Al Mutawakkel, the two parties to the conflict, "used torture as a systematic method of establishing their domination of the areas they control," enlisted child soldiers, committed arbitrary acts, enforced disappearances, executions, and blocked humanitarian aid. The UN Security Council passed a resolution in April 2015 demanding the withdrawal of Shiite militiamen and imposing an arms embargo on the Houthis. To date, there is no resolution condemning the abuses of any and all parties to the conflict.

In light of the above, the strategic partnership that France has chosen to establish with one of the parties to the conflict raises questions.

1. Operation "Decisive Storm" launched in March 2015 to reinstate President Hadi, overthrown by the Houthi uprising in Yemen. Initiated by Saudi Arabia, it includes ten Arab and Sunni countries (Egypt, Jordan, Sudan, Morocco), along with members of the Gulf Cooperation Council (Oman excepted).

2. For further information, *Le Yémen, de l'Arabie heureuse à la guerre [Yemen, from a contented Arabia to war]*, Laurent Bonnefoy, November 2017 et *Tribune* de François Burgat http://www.liberation.fr/debats/2017/11/27/le-yemen-crise-locale-causes-mondiales_1612880

3. <https://www.fidh.org/fr/regions/maghreb-moyen-orient/yemen/entretien-sur-le-yemen-le-conseil-des-droits-de-l-homme-des-nations>

4. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22889&LangID=E>

5. <https://www.fidh.org/fr/regions/maghreb-moyen-orient/yemen/emmanuel-macron-demandez-au-prince-heritier-saoudien-de-cesser-de>

In accordance with the United Nations Arms Trade Treaty, France has undertaken to prohibit any sale or export of weapons when it is aware that it 'could be used' to commit violations of international humanitarian law or human rights.⁶ France has also pledged under the 2008 Common Position of the European Union not to sell or transfer weapons if there is a "manifest risk" that the material sold will be used to commit serious violations of international humanitarian law.

According to a legal opinion commissioned by Amnesty International and ACAT [Christian NGO Against Torture And Death Penalty],⁷ there is a high legal risk that arms transfers will be unlawful in the light of France's international commitments, whether it concerns the provisions of the Arms Trade (ATT) or the Common Position of the European Union.⁸

Throughout the present memorandum, FIDH and its French member organisation LDH (Ligue des Droits de l'Homme), Yemeni member organisation Sisters Arab Forum (SAF) and in partnership with the Armaments Observatory (Obsarms) also display their concern about the way in which France is implementing its obligations; they encourage French authorities to put international legality at the heart of their relationship with their *strategic allies*.

Based on a complementary analysis of signs of French presence supporting the Saudi-led coalition discovered, in some cases, within Yemeni territory (Chapter 1), demonstrating opacity and lack of effective control in supervising sales of armaments and surveillance equipment (Chapter 2), FIDH, LDH, SAF and Obsarms make a number of recommendations (Chapter 3) so that France achieves a satisfactory level of transparency and parliamentary control, allowing effective application of international law in this area.

While the present debate is centered on arms sales to Saudi Arabia or the United Arab Emirates as part of the war in Yemen, yet other flagship arms partnerships (such as Egypt's President Al-Sisi) call for scrutiny. The need is blatant to find lasting solutions in order to avoid more suffering on the part of the civilian population, to work to reduce armed conflicts throughout the world, and to ensure that the rule of law is placed once again at the heart of international relations.

Research Methodology

FIDH, LDH, SAF and Obsarms have been unable to dispatch a fact-finding mission to Saudi Arabia, the United Arab Emirates, or Yemen. This memorandum is the fruit of research conducted among various sources:

- Official sources, i.e. reports from France to the UN Arms Trade Treaty Secretariat, report to Parliament on arms exports, France's report on the implementation of the Common Directive 2008/944/PESC;
- The general press, the intelligence media and the specialised armament press;
- Specialised accounts (weapons experts, military experts) located on social networks;

6. Article 6.3 of the Arms Trade Treaty: "A Party State shall not authorise any transfer of conventional weapons referred to in Article 2 (1) or property referred to in Articles 3 or 4 if it becomes aware at the time of authorisation that these weapons or property could be used to commit genocide, crimes against humanity, serious violations of the Geneva Conventions of 1949, attacks directed against civilians or civilian objects and protected as such, or other war crimes as defined by international agreements to which it is a party." <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/Fran%C3%A7ais1.pdf>

7. https://amnestyfr.cdn.prismic.io/amnestyfr%2Fb2bf59b9-cd8e-471f-a689-e8e84f151b17_etude+juridique_cabinet+ancile_transfert+d%27armes+de+la+france+dans+le+cadre+du+conflit+au+y%C3%A9men.pdf

8. Common Position 2008/944 / CFSP of the Council of the European Union of 8 December 2008 defining common rules governing the control of exports of military technology and equipment.

- A group of experts from the arms industry;
- The SIPRI database;⁹
- Reports from industrialists.

The present information is, for the most part, referenced.

These elements should not be taken as evidence, rather as *signs or indicators of presence* of the use of French equipment within the context of the conflict in Yemen, indicators which must be confirmed by a parliamentary commission of inquiry with the ability to gather information under Secrets of Defence on the sale of French weapons.



SANAA, YEMEN - NOVEMBER 11: People inspect wreckage of collapsed building after an air strike in the Yemeni capital of Sana'a on November 11, 2017. The Saudi-led military coalition carried out two air strikes on the defence ministry in Yemen's rebel-held capital Sanaa. © MOHAMMED HAMOUD / ANADOLU AGENCY

9. The SIPRI public database, developed by the **Stockholm International Peace Research Institute – SIPRI**, an institute of strategic studies working to promote scientific studies on conflicts, aims to contribute to the understanding of the conditions necessary for the peaceful resolution of international conflicts and lasting peace.

Chapter 1: Indicators of French presence supporting the Arab Coalition and on the ground in Yemen

The recent media interest in the issue of French arms sales potentially involved in the war in Yemen has sparked much public questioning according to the results of a recent poll¹⁰ while few convincing answers have been proffered by French executive powers.¹¹ Our memorandum of analysis nevertheless confirms that French authorities helped plan Saudi and Emirati operations in Yemen. We have uncovered some fifteen indications of the presence of French arms currently being used by the Arab Military Coalition under the command of Saudi Arabia. Some particular indicators:

1. Massive orders and armament deliveries prior to and during the conflict;
2. Prior custom manufacturing adaptations made to Saudi Arabian specifications incorporated into the design of certain war materials;
3. Signs of the presence of French equipment on site in the conflict scenes in Yemen.

From this, it would appear that French armaments are being used to a massive extent in Yemen. These *indicators of presence* show that France's actions would put the country in violation of its international legal obligations and European commitments prohibiting sales, transfers, or deliveries of weapons if it can be proven that they are liable to play a part in perpetuating violations of Human Rights and international humanitarian law.

They confirm that the French arms export control system, shielded by its opacity, does not guarantee compliance with international obligations.

Subject to confirmation by a potential parliamentary commission of inquiry able to access arms contracts which may have information under the Defense Secret, such a diagnosis would prove damning for the French authorities. They point to the limitations of the current export licensing valuation policy based entirely on executive self-regulation. Dedicated to both the promotion and control of arms sales, the government seems unable to wisely exercise its second mission. This essential function must be shared to a greater extent with Parliament, as in other European countries.

1.1. Orders and massive arms deliveries prior to and during the conflict in Yemen

Volume of orders and deliveries in Saudi Arabia

As shown in the graph below from the 2017 Report to Parliament on Arms Exports, Saudi Arabia's order volume exploded in the two years preceding the conflict: 1.9 billion euros in 2013 and 3.6 billion in 2014, versus the usual 600 to 800 million euros.¹² Order volume was multiplied by 2 to 4.5. This situation logically translated into an increase in deliveries a few years later with the conflict in Yemen raging and the United Nations highlighting the deaths of thousands of civilians under coalition bombing, and as many flagrant violations of international humanitarian law.

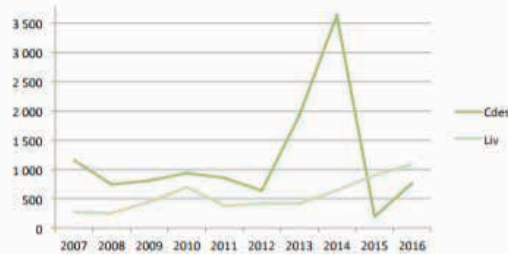
10. https://handicap-international.fr/sn_uploads/pdf/CP-Yemen-Sondage-ventes-armes.pdf

11. See in particular the interview of Minister of Armies Florence Parly on France Inter, "Yemen: 'The use of normally controlled weapons,'" [« Yémen: «l'utilisation des armes est normalement encadrée»] affirms Parly, RFI.fr, 9 February 2018, <http://www.rfi.fr/moyen-orient/20180209-yemen-utilisation-armes-est-normalement-encadree-affirme-parly>

12. Parliamentary Reports on arms exports for 2014 and 2015.



ARABIE SAOUDITE



Évolution des commandes/livraisons 2007-2016 en millions d'euros (euros courants)

Saudi Arabia: Evolution of orders/deliveries from 2007 to 2016 in millions of euros. [Current euros]

While Paris usually sends some 400 to 500 million euros worth of arms to Riyadh each year, deliveries rose just prior to and during the conflict: 644 million euros in 2014, 900 million in 2015, 1 billion in 2016¹³. Here again, we see a rise of approximately 50 to greater than 100% of these deliveries during the year preceding the conflict in Yemen.¹⁴

Volume of orders and deliveries to the United Arab Emirates

In 2015-2016, the volume of orders from the United Arab Emirates, the other leader of the Coalition, remained comparable with what was recorded in 2013 (€335 M), but in 2014, they were multiplied by three (€937 M). Deliveries, on the other hand, remained within the usual range: €294 M in 2015 and €400 M in 2016.¹⁵



ÉMIRATS ARABES UNIS



Évolution des commandes/livraisons 2007-2016 en millions d'euros (euros courants)

United Arab Emirates: Evolution of orders/deliveries from 2007 to 2016 in millions of euros. [Current euros]

13. Parliamentary Reports on arms exports for 2015, 2016 and 2017.

14. Tony Fortin, Warda Mohamed, « Comment la France participe à la guerre contre le Yémen » [How France is participating in the war on Yemen], *Orient XXI*, 12 September 2017. <https://orientxxi.info/magazine/comment-la-france-participe-a-la-guerre-contre-le-yemen>, 1990.

15. Parliamentary Reports on arms exports in 2014, 2015, 2016 and 2017.

Orders, deliveries and military cooperation during the conflict

Many armaments were delivered to Saudi Arabia and to the United Arab Emirates in 2015, 2016 and 2017:¹⁶

- 115 light armored Nexter Aravis according to the Official Report of France presented to the Secretariat of the Arms Trade Treaty;
- Light armored ACMAT Bastion Patsas, according to the SIPRI database;
- A large quantity of Sherpa Light and Vab-Mark 3 light armored vehicles from Renault Defense Trucks;
- Cougar Transport helicopters from Airbus Helicopters ;
- Sagem SDTI surveillance drones;
- Couach patrol boats;
- 29 missiles to the United Arab Emirates according to the 2016 French Official Report submitted to the Secretariat of the Arms Trade Treaty;
- 745 sniper rifles to Saudi Arabia.

In addition, 'recent' equipment has been delivered, commercialised after the onset of the conflict: **Soframe Arive** armored vehicles have been the subject of a recent transfer.¹⁷ While it is not possible to determine the exact date of the *indicators of presence* in the field, the transfer probably occurred during the conflict: this 'new model' armored vehicle had not been unveiled to the general public by the time of the conflict, not until the Eurosatory show in June 2016.¹⁸

Has the arrival of Emmanuel Macron led to a change? In the beginning of 2018, an article from *La Tribune* relates that the contract for the 3 patrol boats from Shipyards of Normandy has been finalised: deliveries to Riyadh are imminent.¹⁹ On the other hand, France signed a contract in November 2017 for two Gowind corvettes (Naval Group) for the United Arab Emirates.²⁰ Finally, Chantiers Couach concluded a contract with the Emirati company, ADD Military Supplies, on 20 March 2018 for the transfer of naval technologies.²¹

16. Tony Fortin, Warda Mohamed, « Comment la France participe à la guerre contre le Yémen » [*How France is participating in the war on Yemen*], *Orient XXI*, 12 September 2017. <https://orientxxi.info/magazine/comment-la-france-participe-a-la-guerre-contre-le-yemen>, 1990.

17. « Si l'on en croit une des quatre photos, la garde nationale saoudienne est équipée du véhicule d'infanterie ARIVE produit par la société française SOFREMA, une acquisition récente! » [*If we are not mistaken, in one of the four photos, the Saudi National Guard is equipped with the ARIVE infantry vehicle produced by the French company SOFREMA, a recent acquisition!*] @elluinA, 26 February 2018. <https://twitter.com/ElluinA/status/968104809806139392>

18. « #French Company #SOFRAVE unveils #ARIVE #ARmoured #Infantry #Vehicle #Eurosatory 2016 Read <http://bit.ly/1Jz5kU1> », @armyrecognition, 22 June 2016 <https://twitter.com/ArmyRecognition/status/745621018010607617>

19. Michel Cabirol, « CMN : le contrat de trois patrouilleurs est enfin entrée en vigueur en Arabie Saoudite » [*CMN: the three patrol boat contract has finally come into force in Saudi Arabia.*], 2 January 2018. <https://www.latribune.fr/entreprises-finance/industrie/aeronautique-defense/cm-n-le-contrat-de-trois-patrouilleurs-est-enfin-entre-en-vigueur-en-arabie-saoudite-763169.html>

20. « Les Emirats Arabes Unis vont acheter deux corvettes Gowind à la France » [*United Arab Emirates to purchase two corvettes Gowind from France*], *Latribune.fr*, 9 November 2017. <https://www.latribune.fr/entreprises-finance/industrie/aeronautique-defense/macron-annonce-l-acquisition-de-deux-corvettes-gowind-par-les-emirats-757415.html>

21. « Bassin d'Arcachon : le chantier naval Couach se renforce dans la péninsule arabique », [*Arcachon Basin: Couach naval shipyards more and more present on the Arabian peninsula*], *Sudouest.fr*, 20 March 2018, <http://www.sudouest.fr/2018/03/20/bassin-d-arcachon-le-chantier-naval-se-renforce-dans-la-peninsule-arabique-4297647-2904.php>

Under an agreement dating back to 1982, France has maintained military cooperation with Saudi Arabia such as it pursued during the conflict: reconnaissance flights, provision of satellite imagery, training of fighter pilots and joint exercises with the Saudi navy.²² Under the presidency of Emmanuel Macron, this cooperation seems to continue. In October 2017, joint military exercises were held in the Taif region of Saudi Arabia between French and Saudi Special Forces.²³ The purpose of these exercises was to transmit know-how about fighting that takes place in mountainous areas. On the other hand, the French Air Force and Army continue their participation in training the forces of the United Arab Emirates.^{24 25}

1.2. Armament manufactured according to Saudi Arabian specifications

Development of Mark 3 Crotale prototypes

As part of a French-Saudi arms contract, Thales is upgrading the Saudi anti-aircraft fleet. The latest generation of Thales Mark-3 Crotale ground-to-air systems has even been provided to “test” their use in the Kingdom during the conflict. Equipment loans to Saudi Arabia are not uncommon; both parties benefit from it. France maintains control of the market and has its prototypes tested outside its theatres of operation; without footing the bill, Saudi Arabia gets state-of-the-art equipment and holds an extra card in its deck for negotiations. French weapons can be used by a client of France without having been officially handed over. According to La Tribune.fr, during the war in the spring of 2016, “the anti-aircraft system destroyed rockets in flight during demonstrations before the Saudi armed forces. This was of great interest to Riyadh, anxious to better protect its troops and its people in contact with Shiite Houthi rebels, who frequently use rockets to bomb the southern part of the Kingdom from Yemen.”²⁶ According to a specialist, the Mark 3’s were adapted during their manufacture to the needs of Saudi Arabia: these *stealth* anti-aircraft systems respond to a desert environment where the range is visible. According to him, “They allow aim and firing faster by eliminating the chances of being spotted.”²⁷ The Mark 3 is also adapted to the ‘classical’ Arab urban environment: “their stealth, accuracy and rate of fire make it possible to respond to wild firings, especially from sniper fire, in a blind urban environment. Their use for offensive purposes reveals a desire to reach the target at all costs.” Mounted on AMX tanks, these ground-to-air systems are not only defensive weapons; they act as mobile artillery to target the opposing areas. The Saudi army seeks to annihilate its enemy at all costs by multiplying artillery fire from a distance. Thales’s place is disputed by its competitor MBDA, which, according to *Intelligence Online*, would try to impose the replacement on Saudi ships of **Thales Crotale Shahine** by its **Simbad systems**.²⁸ These can fire Mistral missiles that were delivered in 2016 and 2017, according to the

22. Tony Fortin, Warda Mohamed, op.cit.

23. Joint Military Exercise between Saudi Arabia, France, Asharq-al-awsat, 4 October 2017, <https://eng-archive.aawsat.com/theaawsat/news-middle-east/saudi-arabia/joint-military-exercise-saudi-arabia-france>

24. Entraînement aux missions opérationnelles de nuit pour les équipages Rafale de la base aérienne des forces françaises stationnées aux Emirats arabes unis, site du Ministère de la Défense [Training for night operational missions for Rafale crews at the airbase of French Forces stationed in the United Arab Emirates], Ministry of Defense website], 26 March 2018. <http://www.defense.gouv.fr/ema/forces-prepositionnees/emirats-arabes-unis-ocean-indien/actujalites/entrainement-aux-missions-operationnelles-de-nuit>

25. « Fin de l'exercice El Himeimat 8 pour la section d'infanterie du #2REI aux Emirats Arabes Unis L'occasion d'approfondir les connaissances et savoir-faire du combat VBCI en milieu désertique mais aussi de resserrer les liens avec le partenaire émirien! » [End of Exercise El Himeimat 8 for #2REI Infantry Section in United Arab Emirates: an opportunity to deepen the knowledge and know-how of VBCI combat in desert environments but also to strengthen ties with the UAE partner!], @Chefdecorps2REI [https://twitter.com/Chefdecorps2REI/status/979400132356648962]

26. Michel Cabirol, « Fin de partie pour le Crotale (Thales) en Arabie saoudite ? » [Game over for (Thales) Crotale in Saudi Arabia?], LaTribune.fr, 8 November 2016. <https://www.latribune.fr/entreprises-finance/industrie/aeronautique-defense/fin-de-partie-pour-le-crotale-thales-en-arabie-saoudite-614352.html>

27. Selon les termes techniques, « le ciblage et la précision du tir est beaucoup plus puissante en accélérométrie » [In technical terms, « the targeting and accuracy of the shot is much more powerful in accelerometry. »]

28. « Mark-3 : Thales mise tout sur le PIF » [Mark-3: Thales puts everything on the PIF], Intelligence Online, 7 December 2016. <https://www.intelligenceonline.fr/grands-contrats/2016/12/07/mark-3--thales-mise-tout-sur-le-pif,108192695-art>

SIPRI database. According to *Intelligence Online*, competition between industrialists has been revived by an episode of the war in Yemen: the attack on the frigate Al-Maqqah by the Houthis forces on 30 January 2017, which revealed certain weaknesses in the anti-aircraft systems provided by Thales.²⁹

Geographical requalification of arms originally intended for Lebanon

According to collected witness reports, industrialists have been working since 2011 on most of the armaments delivered during the last three years. Most of these were to be delivered to the Lebanese Armed Forces as part of the Donas contract signed in September 2014. In 2015, industrialists who were active under this contract began submitting their equipment to technical testing for “geographical qualification” in hopes of guaranteeing its compatibility with the probable area of use. To their surprise, they were asked to adapt the material to the geographical conditions of Yemen and not Lebanon, implying that Yemen would be the final area of use of the equipment. Did the Donas contract allow for “opaque” delivery of military equipment at a time deemed ‘sensitive,’ that is, after the outbreak of the war in March 2015? According to the testimony of a senior member of the Ministry of Defense in April 2017, “When you sign this type of agreement that can be challenged at an ethical level, you must do all you can to make confusing. Hence the choice of Donas, a contract name that avoids use of the names of both the equipment and the manufacturers.”

While the delivery of some equipment (Sherpa Light, Vab-Mark 3, Cougar helicopters) was later confirmed by our unofficial sources, and / or the SIPRI base, some doubt exists as to the potential signing of new contracts, suggesting that increased opacity is being carried forward. A Twitter account and a specialised Arabic-language forum announced in early March on the sidelines of AFED 2018 (the Saudi arms trade show),³⁰ a contract with Groupe Naval on the sale of Gowind corvettes to Saudi Arabia, including three to be built on site.^{31 32}

According to reports from industrial witnesses dating from October 2017, the Thales Mark-3 Crotale anti-aircraft systems, calibrated for Riyadh, “were in production at the rate of three units per day.” The final recipient of these units remains unknown. The specialised trade press claimed that the contract with Saudi Arabia had yet to be honored. While the delivery in ‘test’ form to the Saudi forces has indeed been confirmed by the press,³³ what about the status of this contract today? Has it been signed, suspended, honored, or canceled?

It is up to a commission of inquiry to clarify these points and shed light on these potential contracts.

29. « Un incident en mer Rouge rouvre un front commercial entre Thales et MBDA à Paris » [*An incident on the Red Sea reopens a commercial front between Thales and MBDA in Paris.*], *Intelligence Online*, 8 February 2017. <https://www.intelligenceonline.fr/grands-contrats/2017/02/08/un-incident-en-mer-rouge-rouvre-un-front-commercial-entre-thales-et-mbda-a-paris,108210778-art>

30. Saudi Armed Forces Exhibition (AFED 2018), 26-28 February 2018. <http://afed.com.sa>

31. <http://defense-arab.com/vb/threads/115021/page-73>

32. https://twitter.com/YHYA_HUDA/status/969257860868771840 Corvette GOWIND 2500
3 out of 5 will be produced locally

Duration for the production of the first one: 40 months

Duration for the production of the second one: 39 months

Duration for the production of the third one: 38 months

33. See below.

1.3. 'Indicators of presence' of French equipment used in Yemen ³⁴

- In 2016, a publication close to the French military defense milieu referred to Saudi use of Caesar guns in Yemen.³⁵ In December 2015, this artillery sold by Nexter during the conflict was thought to have been carried into the border city of Najran to pound targets in Yemen.³⁶ According to various articles in the Yemeni press, Saudi artillery - whether Caesar guns, Crotale Shahine or other foreign systems - is used massively in Yemen in addition to air strikes. On 14 November 2016, Saudi artillery targeted the Khouba area in response to Houthi rocket fire.³⁷ On March 5, 2018, 100 rockets and artillery shells were fired by the Saudi army near the Razi border in the province of Saada.³⁸
- United Arab Emirates' **Mirage 2000** (Dassault) fighter aircraft have been deployed to Yemen.³⁹
- The Al-Maqqah frigate was outfitted with the Thales **Crotale Shahine** anti-aircraft system when it was attacked by the Houthi forces on 30 January 2017.⁴⁰
- Among drone debris, an aluminum fragment carrying a mark mentioning the town of Issoire has been found in the conflict area.⁴¹ According to weapons engineers interviewed, the probability is high that it implicates a Sperwer / SDTI surveillance drone from the French company, Safran. According to other industrial sources, these drones have recently been exported. In addition, three mini **Airbus DRAC** surveillance drones were shot down by the Houthi forces,⁴² the first two in the northern Yemeni province of Jawf, on 26 February 2017,⁴³ the third in Saada (northwest) during the conflict.
- Saudi fighter jets are refueled by **Airbus A330-MRTT's**,^{44 45} which also transport troops. According to professionals in that area, two of them were deployed in Yemen by Saudi Arabia in April 2017; at least one was used during the conflict by United Arab Emirates.⁴⁶

34. The date of equipment sale and/or delivery is unknown.

35. Union-IHEDN, Défense, No. 180, May-June 2016, p.31.

36. « #Saudi #Arabia: #French made #CAESAR self-propelled howitzer moved to the #Najran front, #Yemen @EjmAlrai », 14 December 2015. <https://twitter.com/LowlandsSN/status/676401840968323072>

37. <http://www.alarabiya.net/ar/saudi-today/2016/11/15/قبوخل-ىل-عن-نييٹوخل-ات-افوذق-م-ىل-ع-درت-ة-ىدوع-ىل-ا-ى-ع-فدمل>.html

38. <http://www.yagency.net/24779>

39. « Les Émirats arabes unis ont perdu un Mirage 2000-9D au Yémen » [*United Arab Emirates' Mirage 2000-9D down in Yemen*], Opex-360 - Zone militaire, 14 March 2016. <http://www.opex360.com/2016/03/14/les-emirats-arabes-unis-ont-perdu-mirage-2000-9d-au-yemen/>

40. « Un incident en mer Rouge rouvre un front commercial entre Thales et MBDA à Paris » [*Red Sea incident reopens commercial front between Thales and MBDA in Paris*], *Intelligence Online*, 8 February 2017. <https://www.intelligenceonline.fr/grands-contrats/2017/02/08/un-incident-en-mer-rouge-rouvre-un-front-commercial-entre-thales-et-mbda-a-paris,108210778-art>

41. "Allegedly drone crashed near Sanaa Yemen ...Un marquage Alu bien francais," [...'*Alu' marking unmistakably French*], @towersight, 5 August 2017. <https://twitter.com/towersight/status/893746560642801664>

42. "#Breakingnews Yemeni Air Defense be able to shoot down a US-Saudi reconnaissance aircraft in #Saada #Yemen #news #media," @0Yemen_princess, 27 June 2017. https://twitter.com/0Yemen_Princess/status/879759079287250944

43. "Two spy drones shot over Yemen," Memri Cyber & Jihad Lab.org, 28 February 2017. <http://cjlabs.memri.org/lab-projects/tracking-jihadi-terrorist-use-of-social-media/two-saudi-spy-drones-shot-down-over-yemen/>

44. "Tornado IDS during refueling from A-330 MRTT above Yemen," @Officer_Pilot, 23 February 2017. https://twitter.com/Officer_Pilot/status/834695381489446913

45. "@bparker001 @compassiom @dredossary MRTT aircraft, F16 Bahraini Saudi supply during ongoing operations in Yemen," @buhamadtz, 25 September 2015. <https://twitter.com/buhamadtz/status/647628814969778177>

46. <http://www.almayadeen.net/articles/blog/848591/%D8%AD%D8%B5%D9%8A%D9%84%D8%A9-%D8%AE%D8%B3%D8%A7%D8%A6%D8%B1-%D8%B7%D8%A7%D8%A6%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D8%AA%D8%AD%D8%A7%D9%84%D9%81-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D9%8A%D9%85%D9%86>

- It is likely that five **Airbus Cougar** transport helicopters were deployed in a rescue operation involving Saudi fighter pilots in January 2018.⁴⁷
- Finally, vehicles dedicated to **ACMAT Bastion Patsas** Special Forces may have been deployed in Yemen in early 2018.⁴⁸ According to the SIPRI database, these armored SUVs were delivered to Riyadh in 2016.
- But the weapons sold in the 80s and 90s are also heavily used in Yemen, as “*Lessons from the Chars Leclerc tanks commitment in Yemen.*”⁴⁹ We discover that the Leclerc tanks sold in the United Arab Emirates had served “at the Battle of Aden from March-July 2015” before being engaged in the capture of Al-Anad Air Base. We learn that the Leclerc tanks sold in the United Arab Emirates served “*at the Battle of Aden from March to July 2015*” before being used in the capture of Al-Anad Air Base;⁵⁰ Then, battalions were deployed during offensive manoeuvres in mountainous areas around Ma’rib and in urban areas on Sabr. Finally, our research shows that Chars Leclerc tanks were identified during Emirati operations in the Taz region in early 2017,⁵¹ and again toward the end of 2017⁵² and the beginning of 2018.⁵³
- A **Dauphin helicopter** delivered to Saudi Arabia in the 1980s was also spotted in early 2017.⁵⁴
- **A fifteen-year-old Thales brand radio** was identified by a group of experts we consulted on the photos of a Chinese-origin Wing-Loong armed drone that crashed in Yemen⁵⁵. The radio was probably installed in the device by an Emirati or Saudi engineer. Had Thales agreed to the integration of its system on a drone of Chinese origin? According to one expert we interviewed, such a thing is unlikely: “*Thales simply explained and trained the client at the time of the sale, and certainly accompanied the initial installation of the radio. In the 80s, the major French arms companies performed maintenance and upgrades on the equipment they sold. This is no longer the case. Countries like Saudi Arabia or the United Arab Emirates have acquired technological expertise for the products they purchase,*” he explained. Such an example highlights the non-viability of end-user certificates put forward by the

47. « El rescate de la tripulación del caza #Tornado #RSAF estrellado cerca de Sa’dah #Yemen movilizó cinco helicópteros #AS532 Cougar apoyados por ocho cazas #F15 S/C y 3 helicópteros de ataque #AH64 Apache. » [The rescue of the crew of the #Tornado #RSAF Starfighter near Sa’dah #Yemen mobilised five #AS532 Cougar helicopters supported by eight # F15 S / C fighters and 3 attack helicopters #AH64 Apache.], @linceanalista, 10 January 2018. <https://twitter.com/linceanalista/status/951148795651395584>

48. “ACMAT Bastion PATSAS deploying to #Yemen? 2nd and 3rd pic as references. Via @Air_4U h/t @AlexMello02,” @AbraxasSpa, 18 January 2018. <https://twitter.com/AbraxasSpa/status/954123486024347654>

49. Guillaume Paris, « Leçons de l’engagement des chars Leclerc au Yémen » [Lessons from the Leclerc tanks commitment in Yemen], 2 December 2016. <http://ultimaratio-blog.org/archives/8148>

50. Al Anad Air Base is a military airbase in the Lahij Governorate, south west Yemen. It is the biggest air base in Yemen; it served as a headquarters for US intelligence-gathering and counter terrorism in southern Yemen until the Houthis insurgents took control on March 25 2015. On March 26, forces loyal to President Hadi shelled the base, causing some Houthis to flee. On August 3 2015, loyalist fighters backed by Saudi and UAE retook it (two weeks after the Battle of Aden).

51. “Saudi lead coalition launched ‘Golden Spear’ Offensive on Taiz province ... UAE Leclerc MBTs back on the front #Yemen,” @towersight, 7 January 2017. <https://twitter.com/towersight/status/817818414748008449>

52. “UAE army heading offensive against Houthis in Western coast of Yemen. Tanks Leclerc, 155mm SPH G6, Agrab mortars, Patria AMV,” @imp_navigator, 9 December 2017. https://twitter.com/imp_navigator/status/939566687560568832

53. “Yemen: UAE Leclerc MBT damaged on Taiz road Feb2018,” @towersight, 24 February 2018. <https://twitter.com/towersight/status/967320580348399617>

54. « La frégate saoudienne Al Madinah frappée par une vedette kamikaze » [Saudi frigate Al Madinah hit by fast-moving suicide craft], 6 February 2017. <https://www.menadefense.net/2017/02/06/fregate-saoudienne-al-madinah-frappee-vedette-kamikaze/>

55. Tony Fortin, « Technologie française dans un drone armé au Yémen » [French technology in an armed drone in Yemen], *Damoclès* N°151, N°1-2017.

political authorities, particularly with regard to parts and components.⁵⁶

- As the maritime blockade continues, ships sold to France have been active in off the coast of Yemen. According to *Intelligence Online*, Al-Makkah, the frigate delivered by Naval Group in 2004, was reportedly attacked in the Red Sea by the Houthi forces in February 2017. It was spotted at the time in the vicinity of a port.⁵⁷ Similarly, at the end of 2016, the stealth frigate Lafayette and Al-Madinah (Naval Group) were attacked at sea during an operation also close to the coastal areas of Yemen.^{58 59 60} It has been established further that Baynunah corvettes sold to the United Arab Emirates have participated in the blockade of the country.^{61 62}

56. « Des armes qui ont été transférées légalement peuvent être détournées de deux façons : soit elles passent des mains de l'utilisateur final autorisé à celles d'utilisateurs non autorisés, soit elles sont utilisées de manière non autorisée ou illégale par l'utilisateur final autorisé. Les États exportateurs sont chargés de l'analyse préalable du risque de détournement tant en termes de collecte de l'information que d'emploi des certificats d'utilisateur final » [*Legally transferred weapons can be diverted in two ways: either they pass from the authorised end user to unauthorised users, or they are used in an unauthorised or illegal manner by the authorised end user. Exporting States are responsible for the prior analysis of diversion risk both in terms of collecting information and using end-user certificates.*] <http://www.grip.org/fr/node/132>

57. "Stealth? Already detected by #Yemen armed forces: #Saudi Navy French-built 'stealth frigate' Makkah 814 sailing south towards Yemeni coast." @BaFana3, 6 February 2017. <https://twitter.com/BaFana3/status/828632579024756737>

58. "#Saudi aggression battle ship while destroyed today by Yemeni naval missile in front of #Yemen west coast #Lafayette Genus, Made in #France" <https://twitter.com/I4Yemen/status/826132129826426881>

59. "#Yemen naval forces targeted #Saudi aggression "Almadinah" battleship at west coast, 176 soldiers incl. Officers were onboard & a Helicopter," @I4Yemen, 30 January 2017. <https://twitter.com/I4Yemen/status/826098672995799040>

60. "Marine royale saoudienne," Wikipedia.fr. https://fr.wikipedia.org/wiki/Marine_royale_saoudienne [*Royal Saudi Navy*]

61. « #Yemen UAE Baynunah-class corvette filmed by houthi forces. Anti-ship missiles also fired <https://www.youtube.com/watch?v=8UnXy2tUyMg> », 26 October 2015. https://twitter.com/green_lemonn/status/658625872119922689

62. Nadav Pollak and Michael Knights, Gulf Coalition Operations in Yemen (Part 3): Maritime and Aerial Blockade, *The Washington Institute*, 25 March 2016. <http://www.washingtoninstitute.org/policy-analysis/view/gulf-coalition-operations-in-yemen-part-3-maritime-and-aerial-blockade>

Chapter 2: An obscure and seemingly faulty verification of arms sales

2.1. Executive command that seems to override France's international commitments

In France, the decision to export arms rests in the hands of the Prime Minister on the advice of the Interministerial Commission for the Study of Exports of War Materials (CIEEMG). Chaired by the Secretary General of Defense and National Security, it is composed of the Ministries of Foreign Affairs, Defense, and the Economy.

In making such a decision, the CIEEMG must respect the commitments made under the international instruments to which France is party: the TCA – Arms Trade Treaty, the EU Common Position, the Wassenaar Arrangement, and the measures of sanction taken by the UN Security Council and the European Council of the EU.

According to a legal brief commissioned by ACAT France and Amnesty International France, Article L2335-4 of the Defense Code makes it possible to suspend, to abrogate, to modify the licenses granted, “for reasons of respect of the international commitments of France.”⁶³ According to the Arms Trade Treaty, France is required to assess whether the export of war material may contribute to human rights violations. The authorities even have the obligation to stop any authorisation or transfer of equipment if they are aware of the risk that it may be used to commit violations of international humanitarian law.

According to the EU Common Position on Arms Exports, at the time of the authorisation process, France is required to assess the compatibility between export applications and compliance with a number of criteria, such as the respect for human rights or the preservation of peace and regional security. In the context of the conflict in Yemen, NGOs ACAT-France and Amnesty International France concluded that there is “an extremely high legal risk that arms transfers from France are illegal under its international commitments. The French Government did not carry out an export risk assessment in accordance with the provisions of the Arms Trade Treaty and the Common Position.”⁶⁴ On the contrary, the authorities continued their deliveries of cannons, armor and ammunition to the Coalition forces. At no time, did the CIEEMG, which deliberates behind closed doors, report its decisions and modalities of evaluation of the legality of the export licenses to the National Assembly.

Questioned by *Liberation* on the subject of arms sales in Yemen, the administrative body under the Prime Minister's office argued: “The process of authorising the sale of arms has been adapted to the situation. A specific system for monitoring the precise use of armaments is in place, in compliance with our international commitments. This is an analysis that is made on a case-by-case basis because we support Saudi Arabia and the United Arab Emirates in their fight against terrorism and for the security of their territory,” a position reiterated on April 5 following the appeal of 10 NGOs, including FIDH.”⁶⁵

63. Joseph Breham, Laurence Greig, « Les transferts d'armes de la France dans le cadre du conflit au Yémen, à compter d'avril 2015 jusqu'à la période actuelle » [*Arms transfers from France in the context of the conflict in Yemen, from April 2015 to the current period*], 16 March 2018, p.13. https://www.acatfrance.fr/public/etude-juridique_cabinet-ancile_transfert-d-armes-de-la-france-dans-le-cadre-du-conflit-au-yemen.pdf

64. Ibid.

65. Pierre Alonso, « La France rattrapée par ses ventes d'armes à l'Arabie Saoudite » [*Its arms sales to Saudi Arabia has caught up with France*], Reuters, 5 April 2018. https://www.challenges.fr/top-news/la-france-ecarte-toute-suspension-de-ventes-d-armes-a-ryad_578675

⁶⁶ Sources close to the authorities were expressing a different point of view a month earlier on condition of anonymity: *"We want to show that France is doing something. We thought that some deliveries were suspended in the past, but no element proves that."*⁶⁷

Signals currently being sent by the government call for arms exports to continue at the current rate. According to military programming law, the *"weapons programs of France are sustainable thanks to exports."* The future law provides that 400 new jobs out of the 6,000 newly created will be dedicated to the promotion of arms sales.

Finally, as we have established, new contracts with Saudi Arabia and the United Arab Emirates have been signed in recent weeks, contracts which will in all likelihood be honored by those newly in power. It is difficult to expect the government to perform its functions of simultaneously promoting arms sales and controlling them. It is up to Parliament to act as a third party and exercise its role of controlling government activity (Article 24 of the 1958 Constitution). The modalities weighting transparency and parliamentary control must therefore be reviewed using this scale.

2.2. Transparency – lagging behind its European partners

Each year, of course, authorities publish a report to the attention of Parliament on arms exports from France. It contains data pertaining to the various stages of an arms delivery. But it provides little information about the licensed material such as the exact designation of the piece of equipment sold, the manufacturer's name, or the quantity of material exported. On a per-country scale, the only figure made available is the financial amount of the licenses broken down according to the lists of equipment of the European Union as well as the number of licenses granted. However, the categories of equipment of the European Union are too broad to permit identification of any particular object. Also included are data on orders and deliveries. These are decisive because they reflect a state of French exports that is closer to reality.⁶⁸ The level of information on this decisive step decreases with respect to licenses since only the financial amounts per country are shown. The annual report is also published six months late.

In terms of transparency, France is lagging behind its European partners (United Kingdom, Italy) and needs to make progress. Here is a review of possible improvements:

• In the United Kingdom, a more regular pace of data publication

The British report is published every year⁶⁹ in addition to the raw data that are posted quarterly on a website;⁷⁰ deadlines are met. On the contrary, French data are provided annually only and appear irregularly. In terms of transparency, regularity has advantages for the reader. The UK quarterly statements present much lower sums making it easier to

66. « La France écarte toute suspension de ventes d'armes à Ryad, » [*France rules out any suspension in sales of arms to Ryad*], Reuters, 5 April 2018. https://www.challenges.fr/top-news/la-france-ecarte-toute-suspension-de-ventes-d-armes-a-ryad_578675

67. "No sign of France reviewing weapons sales to Saudi-led Yemen coalition: sources," Reuters, 9 February 2018, <https://www.reuters.com/article/us-yemen-security-france/no-sign-of-france-reviewing-weapons-sales-to-saudi-led-yemen-coalition-sources-idUSKBN1FT2UL>

68. The licenses, or the political export authorisations given by the Interministerial Commission for the Study of Exports of War Materials (CIEEMG), respond to calls for tender. But they do not prejudge the actual export of the material concerned – all depends on the two stages following the authorization: the signature of the contract (in-taking the order) and the delivery(-ies) of material.

69. United Kingdom Strategic Export Controls Annual Report 2016. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/629853/Strategic_Exports_AR_2016_tagged.pdf

70. <https://www.gov.uk/government/collections/strategic-export-controls-licensing-data>

check and cross-reference to press and other information in order to determine exactly which equipment is covered by the arms contracts.

• **Data accuracy in Italian and UK reporting enables more efficient and effective verification**

1. Precision in equipment characteristics: The Italian and British reports are specific in identifying the types of material licensed. The British report, for instance, identifies “devices containing military pyrotechnic materials” and “heading sensors for hydrophone arrays.” The French report refers only to the broadest categories of material on the EU list.
2. Quantities: In the Italian reports, the quantities of material sold are shown. This information is absent from French and British publications.
3. Name of manufacturer: The manufacturers’ names appear in the Italian report while they are lacking in the French and British reports.
4. Dual-use material: In contrast to France, the list of equipment in the UK report is not limited to the EU Common Military List. This includes a substantial number of dual-use items, i.e. material having both civil and military applications. This includes security hardware and technology such as “technology for information security software” encompassing computer technologies and software related to encryption or decryption of digital data. Significantly, transfers related to certain digital technologies for identification, authentication, monitoring and tracing are subject to special transparency. Dual-use items are not included in the French report.
5. Notifications: Notifications, such as refusals or revocations of a license, and their justification are indicated for each country in the British report. These notifications are broken down by geographical region (Africa, Middle East, etc.) and not by country in the French report, making verification virtually impossible.

2.3. Non-existent parliamentary oversight

Rare though they may have been under the presidencies of Jacques Chirac and Nicolas Sarkozy, debates on the data of the reports to Parliament have become non-existent under the mandates of François Hollande and Emmanuel Macron. Since 2013, these publications have not been followed by any debate in Parliament, even though they were at least the subject of a presentation before the Defense Committee in previous years. When MPs rely on these data to challenge the government, the government sends them back on the ropes, invoking the Defense Secret.

In her letter dated September 16, 2015, Green Party MP Danielle Auroi unsuccessfully asked the Minister of Defense for details of several suspicious transactions involving Libya. In his response on October 15, 2015, Mr. Le Drian, at that time Minister of Defense, denied any violation of the embargo ... brandishing the “Defense Secret” in opposition. In the French system, parliamentarians are required to take the executive’s word for it. How to fulfill in this case their mission of control of the activity of the government? (Article 24 of the Constitution)

In another attempt to skirt the debate, in early 2016 the previous government blocked the law on the violation of embargoes providing for the prosecution of arms traffickers and mercenaries engaged in illegal activities, mainly on the grounds that a deputy, Mr. Pouria Amirshahi, had introduced an

amendment aiming at the creation of a parliamentary committee for monitoring compliance with embargoes. In the eyes of a spokesman for the Ministry of Foreign Affairs interviewed by request of the Armaments Observatory in 2016, this proposal was simply “unthinkable.”

The Defense Committee traditionally sets aside its role in controlling government action when it comes to arms sales and compliance with France’s international commitments. Also, parliamentary actions on the issue of arms sales result in questions to the government to which the government is required to respond within two months. In this way, MPs Sébastien Nadot (LREM) and Hervé Saulignac (New Left) recently questioned the government on the consequences of French arms sales in Yemen.^{71 72} In general, the reaction of the government often amounts to a summary reminder of France’s international commitments ... And the parliamentary debate stops there.

A new turning point may have been reached with the request for the creation of a commission of inquiry into the sale of French arms and their use in Yemen, filed Thursday, April 5th, by MP Sebastien Nadot, a proposal co-signed by 15 other LREM members.⁷³

As stated by the Flemish Peace Institute, which carried out a comparative study in 2017 on export control systems: *“The French parliamentary debate on the issue is limited and adopts a specific economic and strategic approach under which the National Assembly exercises no systemic control over the country’s arms export policy, but mainly supports the promotion of arms exports. This more broadly reflects a French policy approach to arms exports focused on issues of national security, international position and employment in France.”*⁷⁴

According to the Flemish Peace Institute, in ranking the most transparent and rigorous countries on the question, France is clearly behind Sweden, the United Kingdom, the Netherlands, the Flemish region of Belgium, and Germany . It should be noted that Italy is not included in the study.

71. Question N° 5957 de M. Sébastien Nadot (*La République en Marche* - Haute-Garonne), site de l’Assemblée nationale [Question No. 5957 by Mr. Sébastien Nadot (*The Republic Moving Forward* - Haute-Garonne), site of the National Assembly], 27 February 2018. <http://questions.assemblee-nationale.fr/q15/15-5957QE.htm>

72. Question N° 6404 de M. Hervé Saulignac (Nouvelle Gauche - Ardèche) site de l’Assemblée nationale [Question No. 6404 from Mr. Hervé Saulignac (*New Left* - Ardèche), site of the National Assembly], 13 March 20. <http://questions.assemblee-nationale.fr/q15/15-6404QE.htm>
“Ahead of Saudi prince visit, Macron lawmaker asks for inquiry over French arms sales,” Reuters, 5 April 2018. <https://uk.reuters.com/article/uk-france-saudi-arms/ahead-of-saudi-prince-visit-macron-lawmaker-asks-for-inquiry-over-french-arms-sales-idUKKCN1HC2ND18>, <http://questions.assemblee-nationale.fr/q15/15-6404QE.htm>

73. “Ahead of Saudi prince visit, Macron lawmaker asks for inquiry over French arms sales,” Reuters, 5 April 2018. <https://uk.reuters.com/article/uk-france-saudi-arms/ahead-of-saudi-prince-visit-macron-lawmaker-asks-for-inquiry-over-french-arms-sales-idUKKCN1HC2ND>

74. Diederik Cops, Nils Duquet and Gregory Gourdin, *Towards Europeanised arms exports controls*, Flemish Peace Institute, p.156.

Chapter 3: Best practices and Recommendations

3.1. Sound European practices

In most other European countries, interventions on the issue of arms exports are regular. These actions are facilitated by the establishment of an export control commission or the obligation, under certain conditions, to inform Parliament in the event a new license is granted.

- **In Germany and the Netherlands, an obligation to inform Parliament in the event of a new export decision**

Since 2014, the German government informs Parliament of any new export decision within two weeks.⁷⁵ An equivalent disposition applies in the Netherlands for licenses involving sums greater than 2 million euros.⁷⁶ For example, following the 2011 Arab revolutions, in 2012 Dutch parliamentarians ‘voted in’ several motions against arms transfers to Saudi Arabia and Egypt.⁷⁷

Finally, the publication of a report every 6 months favours parliamentary debate in both these countries.⁷⁸

- **Setting up an *ad hoc* parliamentary commission**

The involvement of national parliamentarians may be realised through putting into place an *ad hoc* parliamentary commission. In Sweden, an Export Control Council composed of parliamentarians from all political parties is involved in the examination of export applications.⁷⁹ In the Walloon region of Belgium, a sub-commission on the control of arms licenses meets several times a year, behind closed doors, to discuss government policy.

In the United Kingdom, an across-party export control commission⁸⁰ has the function of examining the criteria for export decisions issued by the government and demanding government accountability. While its role is advisory, the commission can go as far as conducting investigations and asking for the “Defense Secret” to be lifted on certain information. Its work is made public on a website.⁸¹

In March 2016, British Members of Parliament conducted an investigation into the use in Yemen of weapons manufactured in the UK.⁸² The investigation sought to determine the volume of arms sold in the Persian Gulf, and questioned the role played by this trade in relation to British interests. The investigation also looked at whether weapons manufactured in Britain had been used by Saudi forces in the conflict, whether export

75. Diederik Cops, Nils Duquet, Gregory Gourdin, op.cit, p. 156.

76. Ibid.

77. Patrice Bouveret, Tony Fortin, « Transferts d armement: pour un contrôle parlementaire effectif » [*Arms transfers: for effective parliamentary control*], September 2015. http://www.obsarm.org/IMG/pdf/notes_no_2-2015_transfert.pdf

78. Diederik Cops, Nils Duquet, Gregory Gourdin, op.cit.

79. Ibid.

80. This Commission (Commissions for the Control of Arms Exports) is composed of 4 subcommittees: Business, Innovation and Skills, Defense, Foreign Affairs, and International Development.

81. Committees on arms export controls. <http://www.parliament.uk/business/committees/committees-a-z/other-committees/committee-on-arms-export-controls/>

82. Use of UK-manufactured arms in Yemen inquiry; Committees on Arms Export Control; Parlement.uk. <https://www.parliament.uk/business/committees/committees-a-z/other-committees/committee-on-arms-export-controls/inquiries/parliament-2015/uk-arms-yemen-15-16/>

licensing criteria had been violated, and what steps could be taken if this were the case. Following this report, recommendations were made including immediate suspension of arms transfers to Saudi Arabia.

Added to this, a 2015 parliamentary inquiry accused the British government of allowing domestic suppliers to export “in secret.”⁸³ Exporters were asked to apply for so-called “open” licenses for which less information needed be made public, including the value of the items. These unclear formulations meant to mask the real volume of the country’s arms sales, would be used to supply allied regimes or partners that do not meet the European and international criteria (especially those relating to human rights). In 2014-2015, for example, the question came up of equipping Israeli tanks, even though Israel, heavily criticised by the international community, was carrying out operations in the Gaza Strip.

3.2 Recommendations

Creation of a permanent parliamentary commission

It is our point of view that any democratic control that merits the name calls for the creation in France of a permanent parliamentary commission whose job it will be to hold regular debates on the policies overseeing the export of armament systems and security and surveillance material. This parliamentary committee would also be responsible for examining requests to export arms to sensitive destinations or according to their value. Similarly, strategic partnerships – which the Defense Minister wants to develop with different states to strengthen exports – need to be debated and approved by parliament before being approved and monitored at regular intervals throughout their implementation. The purpose of this control is not to replace the CIEEMG (Interministerial Commission for the Study of the Export of War Material), but to play an alerting role prior to any authorisation issued by the Prime Minister for all transfers to sensitive destinations.

In this manner, the list of sensitive destinations will be subject to regular discussion between the Ministries of Defense and Foreign Affairs, parliamentarians and NGOs. Of course, this list will be drawn up on the basis of the respect of the eight criteria of the Common Position of the European Union adopted in 2008 and the obligations of the Arms Trade Treaty ratified by France on April 2, 2014. By “sensitive destinations” we mean “risk areas” that are undergoing either strong internal or regional tensions or are subject to significant human rights violations including the lack of political freedom. The risk of diversion of the delivered equipment and the economic capacity of the receiving State must also be taken into account. The discussions regarding the establishment of a list of “green countries” in Germany, or criteria of democracy in Sweden, in order to clarify to which countries it is possible to sell weapons, shall play an important role in this dynamic.

Of course, for Parliament to fully play its role, it is important that not only representatives of the military and the defense industry, but also independent experts and representatives of civil society organisations, be interviewed. These hearings must be held regularly so that a climate of trust and follow-up of the files can be put into place.

83. Cahal Milmo, “Government accused of allowing arms manufacturers to export in secret,” *The Independent*, 20 March 2015. <https://www.independent.co.uk/news/uk/politics/government-accused-of-allowing-arms-manufacturers-to-export-in-secret-10120718.htm>

The goal is also to get the government to provide justification for any arms exports when there is “the slightest risk” that they violate international commitments or when there is a significant risk that this will happen in the future. The principles of precaution must be applied, as well as the logic of conflict prevention over and above the economic interests brought on by exports. International security and the protection of populations depend on it.

Introduction of transparency measures

In view of the practices in place in other European countries, allowing the emergence of a public debate on the issue of arms sales – necessary in any democratic society – the detailed and timely publication of data concerning orders, deliveries, refusals, payments, type of equipment, etc., is crucial.

A commission of enquiry on the sale of arms in Yemen

In order to shed full light on the present situation, and in order to establish the legal responsibilities of both companies and the French State, it is essential to establish a commission to investigate weapons and surveillance equipment potentially used in Yemen.

Conclusion

And so it seems that the many *indications of presence*, which this memorandum does not allow itself to qualify as “proof,” in the same way that the legal opinion raised by Amnesty International, and ACAT considering a high legal risk that the transfers of weapons are unlawful in the light of France’s international commitments, concur in seriously examining and challenging France’s responsibility in the serious human rights violations observed in Yemen since the beginning of the war in March 2015. The ten or so types of French equipment identified in the field, the continuation of deliveries and orders to Saudi Arabia and the United Arab Emirates before and during the conflict, the deliberate opacity of the elaboration of contracts, the lack of transparency and of parliamentary control, raise serious concerns about the legality of these transactions.

France has a dual responsibility towards the Yemeni people: first, as a permanent member of the UN Security Council, France has the obligation to respect and make respect international legality, peace and security. Instead of supporting one party to the conflict, France should work towards a settlement of this conflict, through the adoption of a new resolution denouncing the grave violations of humanitarian law and human rights committed by all parties to the conflict. Then, as evidenced by the humanitarian crisis and the critical situation of Yemen, Saudi Arabia’s and the United Arab Emirates’ leading partners in arms sales, have an obligation to ensure that these operations are carried out in accordance with international commitments, and therefore, stop them.

At present, the government in response remains in denial; the Elysée declared again on April 5th a few days before the visit of Saudi Crown Prince Mohamed Bin Salman: “There is a very strict control of arms exports (...) which obeys very precise criteria, including concern for situations where civilians may be endangered.” FIDH, LDH, SAF and Obsarms, in light of the elements highlighted in this note, request that the involvement of France in this conflict be interrupted immediately, and that all the light be shed on these sales through the establishment of *a commission of inquiry*. Moreover, this precedent must be recognised as a wake-up call to France, and strong democratic measures in terms of transparency and parliamentary control must be established in order to restore international legality at the heart of French foreign policy.

Keep your eyes open

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Informing and reporting - Mobilising public opinion

For FIDH, transforming societies relies on the work of local actors.

The Worldwide movement for human rights acts at national, regional and international levels in support of its member and partner organisations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations.

Its primary beneficiaries are national human rights organisations who are members of the Movement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organisations and actors of change.

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FIDH is an international
human rights NGO federating
184 organizations
from 112 countries.

fidh

ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

A broad mandate

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

A universal movement

FIDH was established in 1922, and today unites 184 member organisations in 112 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

An independent organisation

Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.

www.fidh.org