

BILLION DOLLAR BUSINESS DIRECT TO BATTLEFIELD

Europe’s arms for Yemen’s war

Europe is still an important supplier of arms to Yemen, despite attempts to ban their export after growing unease at the deaths and injuries. And now Saudi Arabia and UAE are producing arms locally with European help.

BY ROMAIN MIELCAREK



French activists demonstrate against arms exports to Yemen in front of Saudi cargo ship Bahri Tabuk, docked in Port-Saint-Louis-du-Rhone this May
Gérard Julien · AFP · Getty

MARSEILLES dockers from France's CGT union this May inspected a shipment intended for the *Bahri Tabuk*, a Saudi cargo ship they suspected of intending to pick up munitions. A few days earlier another Saudi vessel, the *Bahri Yanbu*, had loaded Belgian-made arms in Antwerp, but a legal challenge by protestors deterred it from docking in Le Havre for French-made weapons. On 20 and 21 May, Italian dockers' union members in Genoa announced they would strike unless the *Bahri Yanbu* left the port; again it failed to load. All these dock workers protested in conjunction with a small group of NGO activists and politicians who have condemned the role of the Saudi-led coalition in the war in Yemen.

The current phase of that war began in 2014 when Houthi rebels entered the capital, Sanaa. The Iran-backed Shia movement had been fighting loyalist forces since 2004. In February 2015 the UN Security Council passed resolution 2201 'deploring the unilateral actions taken by the Houthis' and calling for an end to hostilities. It has repeated this condemnation several times, including after 26 March 2015, when the Saudi-led coalition that included the United Arab Emirates (UAE), Egypt, Sudan and Morocco, launched its first military operation (1).

The UN is also concerned about the growing number of Yemenis (24.1 million out of a population of 28.5 million) who needed help; for 14.3 million the need was urgent. By the end of 2018 the fighting had displaced 4.8 million, almost 10,000 were dead (2) and 60,000 were wounded. Some NGOs, including the Armed Conflict Location & Event Data (ACLED) Project, which has created a large database, believe more than 90,000 people have died, 11,700 of them civilians (3). In February 2018 the UN called Yemen's humanitarian crisis the worst in the world.

Many NGOs believe the Saudi-led coalition has little regard for civilian lives: a funeral was bombed in October 2016, killing 140; a wedding was bombed in April 2018, killing 30, 13 of them children; and a bus was hit in August 2018, killing 51, 40 of them children. Saudi Arabia calls these 'unfortunate errors', but a maritime blockade, allegedly imposed to prevent arms movements, has also stopped shipments of food, starving people and leaving little doubt as to the Saudis' true intentions.

European organisations working on arms control — such as Amnesty International; Action, Sécurité, Ethique Républicaines (ASER); Action des Chrétiens pour l'Abolition de la Torture (ACAT); Campaign Against Arms Trade (CAAT) and Human Rights Watch — have highlighted that the US and Europe are supplying arms. Saudi Arabia and the UAE regularly top the table of arms purchases from France, the UK, Germany, Spain, Italy, Bulgaria and Sweden. Several NGOs (4) have unilaterally initiated legal proceedings in national courts and the International Criminal Court, hoping to demonstrate the exporting country's criminal responsibility, but the law remains hard to interpret.

in
law'

In France, ASER's case was rejected by the administrative court this July. In the UK, the Court of Appeal in London found in favour of CAAT this June, stating that the government grant of export licences for arms sales to Saudi Arabia was 'wrong in law'. This judgement is non-binding and the then secretary of state for international trade Liam Fox sought permission to appeal against it. But it was a victory nonetheless.

The Arms Trade Treaty (ATT), which came into force in December 2014 (5), and the EU Common Position on Arms Export Controls of 2008 require arms-producing countries not to export arms where there is a clear risk they will be used in breach of international humanitarian law. But NGOs and governments interpret clear risk differently. NGOs take any civilian deaths as proof, whereas governments class them as collateral damage (which they criticise) but do not condemn the whole military operation. So far, NGOs have failed to convince any court of war crimes or collusion by arms manufacturers.

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Thomas Enders

Most governments had criticised the carnage in Yemen, but it was the murder of Saudi journalist Jamal Khashoggi inside his country's consulate in Istanbul in October 2018 that triggered political action. Austria, Denmark, Norway, the Netherlands and Finland imposed an arms embargo; the Dutch and the Finns also gave up potentially lucrative contracts. There was, though, no concerted action with the market leaders.

In France the publication of classified documents by the journalists' collective Disclose on 15 April this year revealed politicians' responsibility (6) and earned the journalists a summons to appear before the DGSI (General Directorate for Internal Security) as part of an inquiry into a breach of national defence secrecy. The key leaked document was a confidential defence memorandum from the Directorate for Military Intelligence (DRM) to President Emmanuel Macron, prime minister Edouard Philippe, armed forces minister Florence Parly and foreign minister Jean-Yves Le Drian. It listed major military equipment the Saudis and Emiratis had used and the positions of combat tanks (Leclerc, AMX-30, AMX-10P), armoured vehicles (Aravis), warships (Baynunah-class corvettes, Al-

Madinah and Al-Makkah-class frigates), artillery (AUF-1, LG1, Milan, RTF1), supply aircraft (A330 MRTT), helicopters (Cougar, Panther and Dauphin), fighter aircraft (Mirage 2000-9) and Damocles long-range laser designators for precision targeting.

Ignorance no excuse

According to the DRM, Caesar self-propelled howitzers made by French manufacturer Nexter put 436,370 Yemeni civilians within firing range and ‘support loyalist troops and Saudi armed forces in their advance into Yemeni territory’. Although military intelligence referred to weapons being used defensively, the Disclose journalists revealed that 35 civilians were killed in artillery bombardments that must have come from Caesars, as no Chinese or US guns there had sufficient range. Unlike the Leclerc tanks and the Mirage 2000-9s, the Caesars are being delivered in phases between 2010 and 2024, so ignorance at the time of delivery is no excuse.

The military intelligence memo also mentions Italian-made Abu Dhabi-class corvettes, British Typhoon and Tornado fighters, German Al-Murjan minehunters and Murayjib-class corvettes, and Swedish Ghannatha patrol boats and airborne radar systems.

Official export reports make no secret that arms sales have continued throughout the war. In 2017, EU countries granted licences to export to Saudi Arabia worth €17bn and to the UAE worth €5bn (7), among them, the UK (€1.572bn), Germany (€477m) and Belgium (€152m) (8). Gulf arms shipments earned Bulgaria €484m and Spain €174m in the same year. In its report of 4 June 2019 (9) France stated it had supplied arms worth €1.398bn to the Saudis and €237m to the Emiratis in 2018. While big players in France, Germany and the UK supply the major systems, Saudi Arabia and the UAE are now looking to eastern Europe for less sophisticated weapons. Saudi Arabia is Bulgaria’s biggest customer for light arms and munitions.

How are these sales justified? France’s armed forces ministry does not comment, but minister Florence Parly told parliamentarians on the national defence committee this May, ‘It’s vital to our sovereignty ... We need to maintain the viability and independence of our defence industry to have access to military equipment that enables us to intervene to guarantee our fundamental mission of protecting our territory and our citizens as well as nuclear deterrence’ (10).

Her position oscillates between bad faith and untruth. Despite the information from the DRM, she insisted on France Inter on 20 January this year, ‘I have no knowledge of [French] weapons being used directly in this conflict.’ On 7 May (after the Disclose revelations) she told parliamentarians, ‘We have never claimed that no French weapons have been used in Yemen. But to date we have no proof that French-made weapons are used purposely against the civilian population.’ Yet the DRM memo explicitly states that

various weapons, such as Baynunah corvettes, which are equipped with a sophisticated missile-launching system, are ‘participating in the naval blockade and supporting ground operations on the Yemeni coast’.



Yemeni fighters show their support for the Houthis against the Saudi-led coalition this February in Sanaa
Mohammed Huwais · AFP · Getty

Strategic partnership

En Marche! deputy Fabien Gouttefarde, who heads the France-Yemen friendship group and the humanitarian action study group, maintains that on his visit to the coalition command, the Saudis told him that US and British officers had found no fault with their methods. Gouttefarde, a former special legal advisor on armed conflict law at the defence ministry, justified France’s arms sales: ‘There’s a strategic partnership with Saudi Arabia and the United Arab Emirates. We mustn’t forget *Charlie Hebdo*. Al-Qaida in the Arabian Peninsula [AQAP] has carried out deadly terror attacks from support bases in Yemen. There was a genuine terrorist threat that the coalition has contributed to fighting.’

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Angela Merkel

He emphasised that ‘the Houthis commit almost as many war crimes [as the coalition]. They cross the Saudi border daily. When you have such a strategic partnership, it’s also legitimate to supply arms for self-defence.’ But, although the DRM memo praises some UAE efforts against the jihadists, several press investigations have shown this is not a priority for the coalition and that it has even coordinated activities with AQAP against the Houthis ([11](#)).

Faced with the reasons of state cited by European governments, parliaments have trouble accessing reliable information on arms exports. Though public reporting has become mandatory everywhere, its usefulness varies. Few French politicians willingly plough through the pages of tables they receive. In Italy, the reports are 1,400 pages of raw data. In the UK, several MPs examine the data and produce a counter-report which contains questions the government must answer. The debate in Germany is especially heated within the defence committee. A few countries, including the Netherlands, notify politicians every time an export licence over €2m is granted to a country not on an approved list. Only in Sweden is a group of specialist parliamentarians consulted over every risky licence before it is awarded (see *Arms sales: the Swedish model*, in this issue). In the UK, CAAT spokesman Andrew Smith was delighted at the judgment in June, as the UK has temporarily suspended new licences to Saudi Arabia, though not supply and maintenance under existing contracts.

Merkel’s stand

Despite much debate, no major exporting nation took a firm stand until October 2018, when, following the murder of Khashoggi, German Chancellor Angela Merkel said on 22 October, ‘As long as it’s not cleared up, there will be no arms exports to Saudi Arabia. I assure you of that very decidedly.’

This was a major shock to the European industry, especially France and the UK. As German companies supply components for a range of defence systems, the biggest arms manufacturers were effectively blocked from fulfilling contracts. Many tried to pressure the Germans behind the scenes, but Thomas Enders, executive president of Airbus (which is keen to supply 48 Eurofighter aircraft to the Saudis), said publicly on 16 February, ‘It has been driving us crazy at Airbus for years that when there is even just a

tiny German part involved in, for example, helicopters, the German side gives itself the right to ... block the sale of a French helicopter.’ For historical reasons, German components are widely used. Researcher Otfried Nassauer said, ‘After the second world war, the German arms industry was very limited. So for decades it specialised in developing components for other countries. That’s why you find them today in Eurofighters destined for Saudi Arabia, even if the UK is the exporter.’

Saudi Arabia is the world's second-largest arms importer. So every seller is there

French executive

Since 1972, Germany’s partners have been able to circumvent such an obstruction under the Debré-Schmidt accord, which allows companies to switch subcontractor if the original one is unable to fulfil its contract. But while this works in theory, in practice it is often difficult to find alternative suppliers quickly. With the Eurofighter, there are few other contractors who can supply the software updates blocked by Berlin; alternative suppliers are often in the US, and European manufacturers fear nothing more than relying on American goodwill. So France and the UK did all they could to persuade Germany to soften its stance. On 29 March 2019 the German government reduced its restriction to products entirely made in Germany. Components could once again be supplied, even if destined for problematic countries.

German manufacturers had already found ways around the embargo. Rheinmetall continued its munitions shipments via Italian and South African subsidiaries. Industry giants are setting up local facilities in Saudi Arabia and the UAE. Both countries (under the aegis of Saudi Arabian Military Industries (SAMI) and Emirates Defence Industries Company (EDIC)) have in recent months announced new joint ventures and plants in partnership with European groups, including Thales, Naval Group, Leonardo, CMI, Navantia, Airbus and MBDA. The aim is to be able to build and maintain equipment locally, meaning governments and parliaments in partner countries will have less say.

No industry figure was willing to speak officially, but a French executive said off the record, ‘[Working with] SAMI is now a prerequisite for Saudi Arabia. It’s a recent invention that comes from the need to coordinate the industry locally. Saudi Arabia is the world’s second-largest arms importer. So every seller is there.’

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(1) See Laurent Bonnefoy, ‘[Yemen’s dangerous war](#)’, *Le Monde diplomatique*, English edition, December 2017.

(2) ‘[Yemen: 2019 Humanitarian Needs Overview 2019 \[https://reliefweb.int/report/yemen/yemen-2019-humanitarian-needs-overview-enar\]](#)’, Office for the Coordination of Humanitarian Affairs, December 2018.

(3) ‘[Yemen Snapshots: 2015-2019 \[https://reliefweb.int/report/yemen/yemen-snapshots-2015-2019-0\]](#)’, Armed Conflict Location & Event Data Project (ACLED), June 2019.

(4) In France (ASER, ACAT); Belgium (Coordination Nationale d’Action pour la Paix et la Démocratie (CNAPD) and Ligue des Droits de l’Homme; the UK (CAAT); Italy (European Centre for Constitutional and Human Rights (ECCHR), Rete Disarmo); Yemen (Mwatana for Human Rights); and the Netherlands (Public Interest Litigation Project-Nederlands Juristen Comité voor de Mensenrechten (PILP-NJCM), PAX, Stop Wapenhandel).

(5) In 2019, 101 states ratified it, including European nations, but not the US, China or Russia.

(6) [Disclose \[https://made-in-france.disclose.ngo/fr/\]](#).

(7) According to the 2017 report from the European External Action Service, responsible for compiling data from member states, it is not possible to provide figures on arms supplies as not all countries share data with Brussels.

(8) ‘20th Annual Report on Arms Exports’, European External Action Service, 14 December 2018.

(9) ‘[Rapport au Parlement sur les exportations d’armements de la France 2019 \[https://www.ladocumentationfrancaise.fr/rapports-publics/194000491-rapport-au-parlement-2019-sur-les-exportations-d-armement-de-la-france\]](#)’ (2019 Parliamentary report on French arms exports), Ministry of the Armies, France, 4 June 2019.

(10) Report on hearing no 32 of the Commission for National Defence and the Armed Forces (in French), Assemblée Nationale, Paris, 7 May 2019.

(11) Maggie Michael, Trish Wilson and Lee Keath, ‘[AP Investigation: US allies, al-Qaida battle rebels in Yemen \[https://www.apnews.com/f38788a561d74ca78c77cb43612d50da\]](#)’, Associated Press, 7 August 2018.

TRANSLATIONS >>

- [FRANÇAIS Impuissance ou cynisme face aux ventes d'armes européennes \(fr\)](#)
- [ESPAÑOL Impotencia o cinismo ante la venta de armas europeas \(es\)](#)
- [DEUTSCH Europäische Waffen für einen schmutzigen Krieg \(de\)](#)