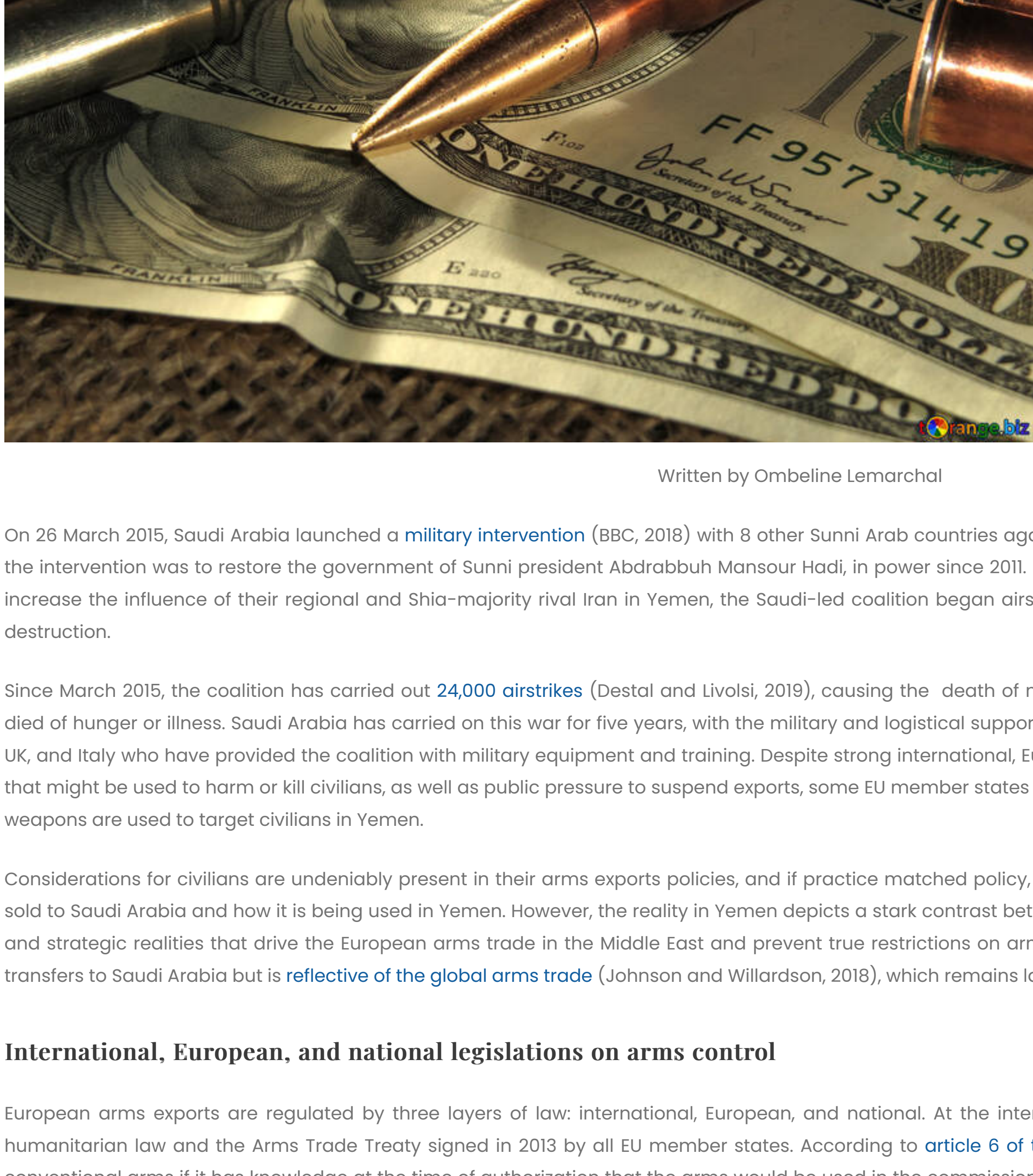


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or civilians.”

(Council of the European Union, 2008), member states should take into account “the respect for human rights in the country of final destination as well as respect by that country of international humanitarian law” and “deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used in the commission of serious violations of international humanitarian law.”

These 2 obligations detailed in the EU common position are also present in member states’ domestic legislations, notably the UK and France which are the 2nd and 3rd largest exporters to Saudi Arabia. [France](#) (French Ministry of Europe and Foreign Affairs, 2020) “bases its export decisions on criteria determined within the international treaties, conventions, instruments and forums to which it belongs, including the Common Position defining common rules governing control of exports of military technology and

## Policy in practice, the use of European weapons in Yemen

However, the largest and longest European contribution can be attributed to France. French investigative journalism NGO, “Disclose” released on April 15 2019 what they called [“the Yemen papers”](#) (Destal and Livolsi, 2019) – leaked documents from the French Military Intelligence Directorate (DRM), which detail the use of French weapons in the ongoing war in Yemen. The first weapon on the line is the Caesar gun, an artillery gun mounted on a truck chassis and one of the most powerful weapons sold by France to Saudi Arabia. These guns are produced by Nexter, a leading entirely state-owned arms manufacturer. 132 have been sold from 2010 to 2019, and 129 are due to be delivered from 2019 to 2023 in a contract [denied by French minister of defence Florence Parly](#) (Parly, 2018).

continue selling arms to Saudi Arabia with the now public contract [ARTIS](#) (Destal and Livolsi, 2019) that the French Government signed with Saudi Arabia in December 2018 and which should last until 2023.

### Bridging the gap between policy and practice?

According to Disclose, [30% of the bombing raids](#) (Destal and Livolsi, 2019) conducted by Saudi Arabia partly with the use of European weapons were against civilian targets. The DIRM reports shows that the Saudi coalition has bombed [659 farms in Yemen since 2015](#), and [91 sites supplying drinking water](#) (Destal and Livolsi, 2019), largely contributing to the rampant food and water insecurity in Yemen. From 2015 to 2019, 85,000 Yemeni children have died from hunger or illness caused by the lack of drinking water. While it is impossible to calculate the exact number of civilian deaths that resulted from operations using European weapons, it is undeniable that European weapons have contributed to the suffering of the Yemeni population.

This information puts forward a gap between the commitments taken on by European countries and their implementation. In Yemen, **“the respect for human rights in the country of final destination”** (Council of the European Union, 2008) or evidence that these weapons were **“used in the commission of serious violations of international humanitarian law including endangering protected persons or objects (civilians and civilian infrastructure)”** (ICRC, 2020) have not been taken into account until recently and not by all. In the face of growing condemnation from NGOs over civilian deaths in Yemen, certain EU members including **Germany**, the Netherlands, Belgium, and Denmark have suspended exports to Saudi Arabia. On 24 March 2020 **Germany extended its arms embargo** (Bisaccio, 2020) on Saudi Arabia to 31 December 2020.

In the UK and Italy, NGOs have also attempted to bridge the gap by challenging the lawfulness of these arms exports in court. In 2016, NGO CAAT issued a legal complaint

Amman (UNHCR, 2020), and that the government would need to review any original and future licenses. However, it does not mean that exports to Saudi Arabia will automatically be suspended. On the contrary, this is unlikely to have a significant impact, as the significant exporters to Saudi Arabia, France and Italy have not stopped drawing arms contracts. In Italy and France, the issue was also challenged in court but with little success. [Italian NGOs issued a complaint](#) (SIPRI, 2019) against the Italian public prosecutor's office and the Italian export licensing authority, and against Italian arms manufacturers UAMA and RWM Italia in April 2018 after parts of its MK80 bombs were found in a destroyed village in Yemen. [French NGO "ASER" brought the matter to court in May 2018 but its appeal was immediately rejected](#) (ASER, 2019).

## Conclusion

EU member states have struggled to find a common approach to the growing evidence that European weapons sold to Saudi Arabia have been used to target civilians in the ongoing war in Yemen. Some countries have suspended exports after NGOs called for more restrictive export policies on the basis of international humanitarian law and the EU

On **6 February 2020** (ASER, 2020), a Saudi court charge with French arms left the Cherbourg port in France. So if not entirely the rule of law, what drives the European arms trade in the Middle East? The arms market is a large and profitable market that generates jobs and tax revenues. Since 2015, EU governments have collectively sold **95bn euros worth of arms** (SIPRI, 2019) to Saudi Arabia and to the UAE. **France has sold 6bn euros worth of arms to Saudi Arabia** (Guibert, 2019) and BAE systems, the UK 's leading arms company has made **more than £15bn since 2015** (Sabbagh, 2020).

Many strategic defence companies are dependent on access to foreign markets for survival. Exporting to third countries allows them to have a **sufficient customer base** (Besch

employs a lot of people and whose costs the domestic or European arms market does not cover. Suspending exports would have important economic and strategic implications, such as increased unemployment or *incapacity for a country to protect its domestic defence industry* (Besch and Oppenheim, 2019).

The arms trade and the question of holding governments and corporate actors accountable is a multidimensional problem that does not only involve understanding the legal

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