



# ARMS SALES AND TRANSPARENCY: FRANCE'S OMISSIONS

WHAT WE'RE NOT TOLD, WHAT MUST CHANGE (II)

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*Cover image: flag-raising ceremony during the military exercise "South Lion 3" France/Saudi Arabia, in April 2019. Screenshot from a video published on the official Twitter feed of the Saudi Ministry of Defence on 22nd April 2019*  
<https://twitter.com/modgovksa/status/1120426014331559943>

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# 1. TRANSPARENCY AND THE ARMS TRADE TREATY

The Arms Trade Treaty (ATT), which came into effect on 24 December 2014, stipulates that all State Parties must submit annual reports on their imports and exports of conventional weapons. This obligation is crucial in order to strengthen transparency in international arms sales, which remains still today shrouded in the utmost secrecy. Article 13.3 of the ATT lays down that each State Party should present a mandatory annual report on authorised or completed exports and imports of conventional arms to the ATT Secretariat, at the latest by 31st May of the year in question.<sup>1</sup> In 2019, France, which is party to the ATT, presented its fourth annual report.

The ATT is the fruit of much work on the part of civil society and different key players to ensure that the flow of arms is controlled. It is an international treaty that sets out, for the first time, prohibitions with the goal of stopping international transfers of arms, ammunition and related items when it is known that they will be used to commit or facilitate genocide, crimes against humanity or war crimes. The State Parties must also assess the “major” risk that arms exports contribute to serious violations of international humanitarian and human rights law.<sup>2</sup>

The obligation laid out in the Treaty to provide an annual report on imports and exports of conventional weapons is one of the key mechanisms used to meet the objective of greater transparency in the trade of conventional arms, as set out in the first article of the ATT. This article stipulates that one of the main goals of the Treaty is *“Promoting cooperation, transparency and responsible action by State Parties in the international trade in conventional arms, thereby building confidence among State Parties.”*

Transparency also plays an essential role in demonstrating that the States are adhering to the Treaty and it thus allows an assessment of the practical implementation of the ATT. Furthermore, the State Parties, including France, must ensure that their annual reports contain information that is as complete, exhaustive, and accurate as possible, in accordance with their obligations in the terms of article 13.3 of the ATT. These reports are all the more important since the ATT has no independent control mechanism to guarantee that the regulations regarding international arms transfers are being followed.

They are crucial to allow Parliamentarians, the media and civil society to examine government conduct and ensure that they are fulfilling their international obligations to satisfy the Treaty’s objectives, in particular *“reducing human suffering”* (article 1 of the ATT). Finally, article 5.5 of the ATT stipulates that *“Each State Party shall take measures necessary to implement the provisions of this Treaty and shall designate competent national authorities in order to have an effective and transparent national control system regulating the transfer of conventional arms covered under Article 2 (1) and of items covered under Article 3 and Article 4.”*

According to Amnesty International, this objective can only be achieved in reality if all State Parties report not only publicly, but also exhaustively, on their annual imports and exports of conventional weapons.

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<sup>1</sup> Article 13.3 of the Arms Trade Treaty: *“Each State Party shall submit annually to the Secretariat by 31 May a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under Article 2 (1). Reports shall be made available, and distributed to State Parties by the Secretariat. The report submitted to the Secretariat may contain the same information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms. Reports may exclude commercially sensitive or national security information.”*

<sup>2</sup> The ATT text is available at (see in particular articles 6 and 7) [www.thearmstradetreaty.org/treaty-text.html?templateId=209884#](http://www.thearmstradetreaty.org/treaty-text.html?templateId=209884#)

France declares that it “works for the greatest transparency in the international community and civil society”<sup>3</sup>; it also maintains to give “the utmost importance on the international Arms Trade [...and...] emphasises the opportunities provided by the Treaty” as “increasing transparency in the area of arms transfers”<sup>4</sup>.

However, studying France’s annual reports<sup>5</sup> raises serious questions in terms of both form and content. This analytical document is a follow-up to the document published on 26th July 2019 by Amnesty International France. This document assessed France’s failures in transparency in the context of the Annual Report to French Parliament on Armament Exports<sup>6</sup> published by the French Ministry of Armed Forces, in accordance with its European obligations, and also set out recommendations for improving the report<sup>7</sup>.

## 2. THE ARMS IN QUESTION

The ATT covers different types of conventional arms. In article 2.1, it lists the following seven categories of heavy weapons or main weapons systems: “a) Battle tanks; b) Armoured combat vehicles; c) Large-calibre artillery systems; d) Combat aircraft; e) Attack helicopters; f) Warships; g) Missiles and missile launchers.”

Article 2.1 also lists under h) an eighth category, small arms and light weapons (SALW), without providing a definition. Several United Nations frameworks provide a definition of this term. The United Nations Register of Conventional Arms<sup>8</sup>, whose seven categories of heavy weapons is used in article 2.1 of the ATT, also takes into account the following SALWs:

**“Small arms:** 1) Revolvers and self-loading pistols; 2) Rifles and carbines; 3) Sub-machine guns; 4) Assault rifles; 5) Light machine guns; 6) Others. **Light weapons:** 1) Heavy machine guns; 2) Hand-held under-barrel and mounted grenade launchers; 3) Portable anti-tank guns; 4) Recoilless rifles; 5) Portable anti-tank missile launchers and rocket systems; 6) Mortars of calibres less than 75mm; 7) Others.”

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<sup>3</sup> Initial report, *Mise en œuvre par la France du Traité sur le commerce des armes (France’s implementation of the Arms Trade Treaty)*, 23 December 2015, available in French at: [www.thearmstradetreaty.org/download/4a5af1d9-15cc-3dc0-998a-bd1b0a4b3133](http://www.thearmstradetreaty.org/download/4a5af1d9-15cc-3dc0-998a-bd1b0a4b3133)

<sup>4</sup> “Le Traité sur le commerce des armes, Enjeux et positions de la France” (Arms Trade Treaty, Challenges and France’s Positions), *Mission permanente de la France auprès de la Conférence du désarmement à Genève (Permanent representation of France to the Conference on Disarmament)*, <https://cd-geneve.delegfrance.org/Enjeux-et-position-de-la-France-1635>

<sup>5</sup> The annual reports of each State Party are available on the ATT Secretariat’s website at: [www.thearmstradetreaty.org/annual-reports.html?templatel=209826](http://www.thearmstradetreaty.org/annual-reports.html?templatel=209826)

<sup>6</sup> The Ministry of Armed Forces must submit an annual report on French arms exports for the previous calendar year to French Parliament by 1<sup>st</sup> June at the latest. This is an obligation set out in law n° 2013-1168 of 18th December 2013, which relates to military planning for the years 2014 to 2019, and to various provisions concerning defence and national security. This legal obligation comes from the commitment made by the Member States of the European Union (EU) since 1998 in the context of the EU Code of Conduct in the area of arms exports, which became a Common position in 2008 (Common Position 944/2008/PESC), available at (see article 8.3): <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008E0944&from=EN>

<sup>7</sup> Amnesty International, *La ministre des Armées auditionnée sur les ventes d’armes françaises (actualité) (The Minister of Armed Forces questioned on French arms sales – News)*, 10 July 2019, available in French at: [www.amnesty.fr/contrôle-des-armes/actualités/la-ministre-des-armees-auditionnee-sur-les-ventes-darmes](http://www.amnesty.fr/contrôle-des-armes/actualités/la-ministre-des-armees-auditionnee-sur-les-ventes-darmes)

<sup>8</sup> After the 1991 Gulf War with Iraq, the General Assembly of the United Nations adopted a resolution to introduce the United Nations Register of Conventional Arms, with the particular aim of stopping the dangerous multiplication of the main conventional arms. All Member States are encouraged, on a voluntary basis, to supply generic information about their arms transfers to the United Nations register. These are compiled and published each year. However, the United Nations Register is only concerned with transfers of several types of conventional arms with a military offensive capacity (such as war planes, warships, assault vehicles and missiles). This mechanism has become one of the main ways in which States report their arms imports and exports. Since 2003, States have also been invited to supply information about their SALW transfers. See the United Nations Register website in English at: [www.un.org/disarmament/convarms/register/](http://www.un.org/disarmament/convarms/register/)

But the list of arms chosen by the United Nations Register is much more limited than those in other mechanisms approved by the United Nations, such as the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (2005)<sup>9</sup> and The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organised Crime [or the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms (2005) ]<sup>10</sup>. Thus, the United Nations Register only applies to arms “*manufactured or modified according to military specifications and destined for military use*”. This implies, for example, that only rifles corresponding to this description are currently included in the report template, while other types of rifle fall under the definition of the International Instrument for Tracing Light Weapons and the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms. However, article 5.3 of the ATT states that the definitions “*shall not cover less than the descriptions used in relevant United Nations instruments at the time of entry into force of this Treaty*”.

In the specific area of SALWs, France must not limit itself to the “*military*” description given by the United Nations Register. It must also supply information on SALW imports and exports that come under the definitions set out in the International Instrument for Tracing Light Weapons and the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms. Article 1 of the ATT stipulates that the Treaty also has the objective of establishing “*the highest possible common international standards*” in order to regulate international trade in conventional weapons.

France supplies information on the eight categories of arms mentioned above, strictly using the declaration it makes to the United Nations Register, since article 13.3 of the ATT allows for the following: “*A copy of the report is submitted annually to the Arms Trade Treaty Permanent Secretariat, in accordance with Article 13 of the Treaty’s provisions*”<sup>11</sup>. France has chosen not to use the report template that the ATT State Parties<sup>12</sup> agreed on. By using its United Nations Register annual report, France has chosen to supply information within the framework of the ATT about the quantity and type of arms that have indeed been exported (actual flows).

By comparing France’s annual reports as presented to the ATT Secretariat between 2015 and 2018 with those presented by all the other State Parties, many inconsistencies become apparent in the French practice. They reveal that France keeps silent about the real flow of arms. This observation is underlined by statements made by the Minister of Armed Forces, Florence Parly, in July 2019: “*Some of our clients require that the precise quantities or type of equipment is not made public. This is why, without breaching our obligations, we do not necessarily provide the greatest amount of detail.*”<sup>13</sup>

The figures (see below) are inevitably lower than the reality. In fact, not all States are part of the ATT; not all State Parties produce annual reports or, if they do produce them, do not always make them public or do not release useful data. Indeed, concerning this last point,

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<sup>9</sup> *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* is available at: [www.poa-iss.org/InternationalTracing/ITI\\_English.pdf](http://www.poa-iss.org/InternationalTracing/ITI_English.pdf) (see section II. Definitions)

<sup>10</sup> The UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, p.72, article 3, is available at: [www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf](http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf)

<sup>11</sup> Annual Report to Parliament on French Armament Exports 2019, *French Ministry of Armed Forces*, p.27, available at: [www.defense.gouv.fr/actualites/articles/exportations-d-armement-le-rapport-au-parlement-2019](http://www.defense.gouv.fr/actualites/articles/exportations-d-armement-le-rapport-au-parlement-2019)

<sup>12</sup> See [www.thearmstradetreaty.org/hyper-images/file/Annual\\_Reporting\\_Template\\_French/Annual\\_Reporting\\_Template\\_French.pdf?templateId=117874](http://www.thearmstradetreaty.org/hyper-images/file/Annual_Reporting_Template_French/Annual_Reporting_Template_French.pdf?templateId=117874)

<sup>13</sup> Speech by Florence Parly, Minister of Armed Forces, talking about the annual report to Parliament on French arms exports 2019, Commission de la Défense Nationale et des Forces Armées (Commission for National Defence and Armed Forces), French National Assembly, 10 July 2019, minutes recorded n° 47, p. 13, available in French at: [www.assemblee-nationale.fr/15/pdf/cr-cdef/18-19/c1819047.pdf](http://www.assemblee-nationale.fr/15/pdf/cr-cdef/18-19/c1819047.pdf)

France is not the only State Party to have a practice that is deficient<sup>14</sup>. It must also be noted that the following imports and exports have not been included in this analysis: sporting, hunting, collection, exhibitions, film, civilian usage, “*restricted air guns*”.

### 3. ABSENCE OF PUBLICITY TO PARLIAMENT ABOUT THE ATT ANNUAL REPORTS

The government’s communication on the ATT annual reports is insufficient. It is true that France has chosen to make them public, but they are not sent out by the Ministry of European and Foreign affairs<sup>15</sup> to government representatives in the relevant commissions, that is, to those in the Commission for Foreign Affairs, the Commission for Defence and the Commission for Armed Forces. They are also not communicated to the senators in the Commission for Foreign Affairs, for Defence and for Armed Forces. Amnesty International regularly lobbies for the ATT Annual Report to be sent to elected officials in the Commissions mentioned at the very least, at the same time as the annual report on arms exports published by the Ministry of Armed Forces, which is addressed to all parliamentarians.

Historically, the Ministry of European and Foreign Affairs has justified its delay in sending the annual report to the ATT Secretariat due to “*the commitment made by the French government, with respect to the highest democratic requirements, to first inform the national representation through the submission of the report to Parliament*”<sup>16</sup>. Furthermore, to follow the government’s logic, the two reports should be submitted to Parliament. It would be even more understandable for the annual report to Parliament on arms exports to include the information that France supplies in its annual report to the ATT concerning SALWs.

The two reports are complementary in understanding France’s arms transfers. While the annual report to Parliament on arms exports provides essentially financial data organised by country, the ATT annual report provides the quantities of arms exported by country. As for the fact that France submits its annual report late to the ATT, it is necessary to stress here that the deadline of 31 May fixed by the ATT for reports to be submitted to the ATT Secretariat is a legally binding obligation that must be met. **Submitting it late as France did in 2018<sup>17</sup> and 2019<sup>18</sup> is a breach of the Treaty’s obligations and compromises the efforts made to build trust between the State Parties.**

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<sup>14</sup> Amnesty International, *Geneva: As global arms trade surges, states greenlight reckless, harmful deals* (news), 11 September 2017, available at:

[www.amnesty.org/en/latest/news/2017/09/geneva-as-global-arms-trade-surges-states-greenlight-reckless-harmful-deals/](http://www.amnesty.org/en/latest/news/2017/09/geneva-as-global-arms-trade-surges-states-greenlight-reckless-harmful-deals/)  
Amnesty International, *Recommandations aux États en vue de la conférence des États parties au Traité sur le commerce des armes* (Recommendations to States in the light of the conference for State Parties on the Arms Trade Treaty), September 2017, available at: [https://amnestyfr.cdn.prismic.io/amnestyfr%2F6486e04f-4a6a-4d70-ad17-bc1d88b0873b\\_recommandations+tca+septembre+2017.pdf](https://amnestyfr.cdn.prismic.io/amnestyfr%2F6486e04f-4a6a-4d70-ad17-bc1d88b0873b_recommandations+tca+septembre+2017.pdf)

Control Arms, *ATT Monitor Report 2019+*, available at: [https://attmonitor.org/en/wp-content/uploads/2019/07/EN\\_ATT\\_Monitor-Report-2019-Online.pdf](https://attmonitor.org/en/wp-content/uploads/2019/07/EN_ATT_Monitor-Report-2019-Online.pdf)

<sup>15</sup> The Ministry of European and Foreign Affairs is France’s national point of contact to the ATT Secretariat. Its role is, in particular, to submit France’s annual report prepared by the Ministry of Armed Forces.

<sup>16</sup> Written response of the Ministry of European and Foreign Affairs, on 22 January 2019, to written question n°9910 asked by Fabien Gouttefarde on 26 June 2018, French National Assembly, available at: <http://questions.assemblee-nationale.fr/q15/15-9910QE.htm>

<sup>17</sup> Amnesty International, *Ventes d’armes: la France manque à ses engagements* (actualité) (Arms Sales: France fails in its commitments – news), 18 June 2018, available in French at: [www.amnesty.fr/controle-des-armes/actualites/ventes-darmes-la-france-manque-a-ses-engagements](http://www.amnesty.fr/controle-des-armes/actualites/ventes-darmes-la-france-manque-a-ses-engagements)

<sup>18</sup> Amnesty International, *Exportations d’armes: dialogue de sourds et jeu de dupes* (actualité) (Arms Exports: Turning a Deaf Ear and a Fool’s Game – news), 12 June 2019, available in French at: [www.amnesty.fr/controle-des-armes/actualites/exportations-armes-rapport-au-parlement](http://www.amnesty.fr/controle-des-armes/actualites/exportations-armes-rapport-au-parlement)

**Update:** The Ministry of Armed Forces published its annual report to Parliament on French arms exports on 2 June 2020. For the first time, it included the annual report to the ATT<sup>19</sup>.

## 4. THE DATA ILLUSTRATING THE PROBLEM

The exports that France declares do not in any way represent an exhaustive and precise map of the real flow of French arms. **In other words, France has wilfully omitted to submit information.** This is true both for SALWs and heavy weapons. The following data is almost completely from the annual reports France has published in the context of the ATT.

### 4.1 EXPORTS OF CONVENTIONAL WEAPONS

#### SMALL ARMS AND LIGHT WEAPONS EXPORTS

From 2015 to 2018, France did not declare the export of 4,305 SALWs, which were declared by the relevant importing States. France only declared the export of 9,005 SALWs, whereas in reality they exported 13,310:

- In 2015, France did not declare the export of 416 SALWs to be added to 1,787 SALWs declared as exported;
- In 2016, France did not declare the export of 216 SALWs to be added to 2 778 SALWs declared as exported;
- In 2017, France did not declare the export of 3,237 SALWs to be added to 935 SALWs declared as exported;
- In 2018, France did not declare the export of 436 SALWs to be added to 3,505 SALWs declared as exported.

**State Parties who declared the import of SALWs from France:** South Africa, Albania, Germany, Belgium, Bulgaria, Lithuania, Mali, Moldavia, Netherlands, Portugal, New-Zealand (France including New-Caledonia and French Polynesia), Republic of North Macedonia, Slovakia, Switzerland.

**Type of SALWs declared (non-exhaustive list):** Revolvers and self-loading pistols; rifles and carbines (including hunting guns), assault rifles, hand-held under-barrel and mounted grenade launchers; portable anti-tank rocket and missile launchers; machine pistols; light machine guns; sub-machine guns (“20mm Weapon System gun/Ship canons for MoD purposes”); others (not specified).

#### HEAVY WEAPONS EXPORTS

The data relating to France’s heavy weapons exports is equally patchy. **In 2015, France did not declare the export of 73 heavy weapons.** It is data provided by the importer States that reveal that France did not declare the export of this equipment.

- Fourteen Bastion armoured combat vehicles to Mali. These are armoured vehicles produced by the company Acmat, which belongs to the company Renault Trucks Defense (RTD/became Arquus in May 2018). Mali declared France to be the State of origin of

<sup>19</sup> Rapport annuel au Parlement 2020 sur les exportations d’armement de la France (Annual Report to Parliament on French arms exports 2020), Ministry of Armed Forces, p.7 and pp. 103-105, available at: [www.defense.gouv.fr/actualites/articles/exportations-d-armement-le-rapport-au-parlement-2020](http://www.defense.gouv.fr/actualites/articles/exportations-d-armement-le-rapport-au-parlement-2020)



this material and not the State exporter. Answering a written question in 2019, the Minister of European and Foreign Affairs indicated, among other things, that in Mali: “the main contracts recorded for the period in question (2014 to 2016) were as follows: 1) 2014: 14 Bastion vehicles”.<sup>20</sup> In February 2016, the Italian Ministry of Defence announced that they had completed a training course for Malian soldiers in the use of armoured vehicles of the Bastion type recently acquired.<sup>21</sup>

- Six PVP 4x4 Panhard armoured combat vehicles to Romania. The Panhard brand belongs to the company RTD. According to public information, the vehicles were delivered in May 2015.<sup>22</sup>
- A warship to Belgium.
- Three 105mm guns to the Netherlands.

**In 2015, France also did not declare the export** of an attack helicopter to Sweden. It did not appear in the ATT annual report made by France, nor in that made by Sweden, whose report data is not useable in a precise way. However, the manufacturer, Airbus Helicopters, announced in December 2015 via a press release the delivery of the first NH90 helicopter configured for anti-submarine warfare to Sweden<sup>23</sup>.

**Still in 2015, France did not declare the export** of 48 missiles to Lebanon. These did not appear in France’s annual report, nor that of Lebanon, for the simple good reason that Lebanon is not part of the ATT, so there is no annual report made by Lebanon. However, according to public information, reported in particular by the French embassy in Lebanon, on 20 April 2015, in the presence of the Minister of Defence, Jean-Yves Le Drian, France delivered 48 Milan (MBDA) anti-tank missiles with their firing posts, to Beirut’s airbase<sup>24</sup>, equipment that had been taken

from French army stocks. **Note that France declared the export of 48 missiles to Lebanon in 2016, but not their firing posts.**



General Jean Kahwaji, Commander-in-Chief of the Lebanese army, Samir Moqbel, Lebanese Minister of Defence, Ali Awad Asiri, Saudi ambassador to Lebanon, and Jean-Yves Le Drian, French Minister of Defence (left to right) during the delivery of arms to the Lebanese army, Beirut international airport, 20 April 2015. ©Joseph Eid/AFP The photo shows the Milan missiles and their firing posts.

<sup>20</sup> Written reply from the Ministry of Armed Forces, 17 December 2019, to written question n°21709 asked by François Cornut-Gentille on 23 July 2019, French National Assembly, available in French at: <http://questions.assemblee-nationale.fr/q15/15-21709QE.htm>

<sup>21</sup> “Addestramento all'utilizzo del veicolo blindato "Bastion" per la FAMA”, *Italian Ministry of Defence*, 22 February 2016, available in Italian at <https://bit.ly/33xkXZw>

<sup>22</sup> “Renault Trucks Defense to deliver 6 PVP LAORV 4x4 Light Protected Vehicles to Romania”, *Army Recognition*, 2 June 2015, available at: <https://bit.ly/2UqjJLs>. N.Grain, “La Roumanie reçoit ses derniers PVP mais pense à l'avenir” (*Romania receives its latest PVP, but thinks of the future*), *Forces Operations Blog*, 2 June 2015, available at: <https://forcesoperations.com/derniere-livraison-des-pvp-a-la-roumanie/> “Dernière livraison de PVP pour la Roumanie” (*Latest delivery of PVP for Romania*), *Strategic Bureau on Information on Defense Systems*, 10 June 2015, available at: [www.strategic-bureau.com/derniere-livraison-de-pvp-pour-la-roumanie/](http://www.strategic-bureau.com/derniere-livraison-de-pvp-pour-la-roumanie/)

<sup>23</sup> “Airbus Helicopters livre à la Suède son premier NH90 configuré pour la lutte anti-sous-marine” (*Airbus helicopters deliver their first NH90 configured for anti-submarine combat to Sweden*), 17 December 2015, available at: <https://bit.ly/21Zwv7> See the SIPRI arms transfers database, available at [http://armstrade.sipri.org/armstrade/page/trade\\_register.php](http://armstrade.sipri.org/armstrade/page/trade_register.php)

<sup>24</sup> “Visite du ministre de la Défense et première livraison d'armes dans le cadre du DONAS” (*Visit of the Minister of Defence and first delivery of arms in the context of DONAS*), *French Embassy to Lebanon*, last modification 24 August 2015, available at: <https://lb.ambafrance.org/Visite-du-ministre-de-la-Defense-et-premiere-livraison-d-armes-dans-le-cadre-du>

**In 2017, Senegal declared the import of 39 armoured combat vehicles, while France declared no export of this type.** Senegal details the imports. There were seven Bastion APC vehicles equipped with a 12.7mm machine gun; two Bastion Patsas vehicles; thirteen Dagger Panhard vehicles equipped with a 7.62mm machine gun; seven heavy armoured combat vehicles and ten Cobra heavy vehicles. The Dagger vehicles branded Panhard are produced by Arquus which holds rights to this trade name. Concerning the other vehicles mentioned, there is no specific details to identify them with certainty. According to public information, the French material was for the armoured squadron of the Senegalese national police force, which is an arm of the Ministry of Defence<sup>25</sup>. The S2IE (the Service for Industrial Affairs and Economic Intelligence), part of the DGA (the Directorate General of Armaments) of the Ministry of Armed Forces, indicated publicly that the company Arquus “won” a contract in 2017 to supply thirteen PVP (another name for the Dagger vehicles) and nine Bastions<sup>26</sup>. This was the material that Senegal declared as being delivered in 2017. For the year 2018, France declared the export of thirty-eight armoured tactical combat vehicles. These deliveries were a new batch of Bastion armoured combat vehicles for the Senegalese land army<sup>27</sup>.

*Screenshot of a video uploaded to YouTube on 6 April 2019, showing a APC Bastion armoured combat vehicle from the Senegalese national police force (see note 25)*



**Still in 2017,** France did not declare the export of two Centigon armoured combat vehicles<sup>28</sup> for fighting terrorism, sent to Hungary, which were declared by Hungary as an import.

**Finally, in 2017-2018, data relating to exports to Lebanon raised questions again.** France made no declaration of the export of heavy weapons to Lebanon in 2017, whereas for 2018 there was a declaration of the export (cession) of twenty armoured tactical combat vehicles as well as

<sup>25</sup> YouTube, “À la découverte de l'escadron blindé de la Gendarmerie nationale” (An exploration of the armoured squadron of the national police force), uploaded on 6 April 2019, available at: [www.youtube.com/watch?v=6zCo8hPxxQ](http://www.youtube.com/watch?v=6zCo8hPxxQ) YouTube, “[ REPLAY- Défilé du 04 Avril 2018 ] : 58 ÈME ANNIVERSAIRE DE L'INDÉPENDANCE DU SENEGAL : Revivez sur Dakaractu, le défilé civil et militaire...” (“[ REPLAY- Parade of 04 April 2018 ] : 58<sup>th</sup> Anniversary of Senegalese independence: Relive the civilian and military parade in Dakaractu”), available at: [www.youtube.com/watch?v=40jnx7KMVIQ](http://www.youtube.com/watch?v=40jnx7KMVIQ) (sequence 3'02''27 to 3'05''16)

<sup>26</sup> “Notebook on International Defence Companies 2020”, French Ministry of Armed Forces, p. 19, available at: [www.defense.gouv.fr/dga/actualite/l-edition-2020-du-calepin-des-entreprises-internationales-de-defense-est-en-ligne](http://www.defense.gouv.fr/dga/actualite/l-edition-2020-du-calepin-des-entreprises-internationales-de-defense-est-en-ligne)

<sup>27</sup> See the SIPRI arms transfers database, available at: [www.sipri.org/databases/armstransfers](http://www.sipri.org/databases/armstransfers) “Équipement de nos armées : l'Arabie Saoudite «offre» 29 voitures blindées de type Bastion au Sénégal” (Equipping our armies: Saudi Arabia “offers” 29 Bastion armoured vehicles to Senegal), *KLInfos*, 28 April 2019, available at: <https://kinfos.com/2019/04/28/equipement-de-nos-armees-larabie-saoudite-offre-29-voitures-blindees-de-type-bastion-au-senegal/> E.De Cherisey, “Senegal military parade reveals new acquisitions”, *Jane's Defence Weekly*, 11 April 2019, available at: [www.janes.com/article/87837/senegal-military-parade-reveals-new-acquisitions](http://www.janes.com/article/87837/senegal-military-parade-reveals-new-acquisitions) YouTube, “Suivez le défilé du 4 avril 2019 fête de l'indépendance du Sénégal”, *RTS1 Sénégal*, uploaded on 4 April 2019, available at [www.youtube.com/watch?v=AYdYtl1IM-w&t=3594s](http://www.youtube.com/watch?v=AYdYtl1IM-w&t=3594s) (sequence 1'00''55 à 1'02''23)

<sup>28</sup> See trade site at: [www.centigon.com/fr/](http://www.centigon.com/fr/)

forty-eight missiles, without any other useful details. However, according to the French embassy in Lebanon, France delivered twenty-five MEPHISTO armoured combat vehicles to the Lebanese armed forces in 2017 and in 2018, as well as 96 HOT long-range anti-tank missiles (and two firing simulation systems).<sup>29</sup>

#### **Invisible conventional weapons, the export of war material to Chad.**

The manufacturer Acmat declared a delivery of the first ten Bastion Patsas vehicles to Chad in 2013<sup>30</sup>, following an order of twenty-two of these vehicles in 2012<sup>31</sup>. Only, France did not make a declaration of any armoured combat vehicles to Chad from 2013<sup>32</sup> to 2014<sup>33</sup>, neither on the UN Register nor in the ATT reports between 2015 and 2017. However, there was a declaration in its ATT annual report for 2018, of a delivery of twenty-five armoured tactical combat vehicles to Chad. It is not possible to make a link between the two.

## **4.2 IMPORTS OF CONVENTIONAL WEAPONS**

From 2015 to 2018, la France did not declare the import of 30,536 SALWs, which were declared by the relevant importing State Parties. France only declared the import of 32,831 SALWs whereas in reality it imported 63,367:

- In 2015, while France declared the import of 3,936 SALWs, in reality it imported 10,938: 7,002 were not declared as imported.
- In 2016, while France declared the import of 2,504 SALWs, in reality it imported 11,298: 8,794 were not declared as imported.
- In 2017, while France declared the import of 7,755 SALWs, in reality it imported 17,609: 9,854 were not declared as imported.
- In 2018, while France declared the import of 18,636 ALPC, in reality it imported 23,522: 4,886 were not declared as imported.

<sup>29</sup> "Remise d'équipements à l'armée libanaise (30 May 2017)" (Giving equipment to the Lebanese army), *French Embassy in Lebanon*, available at: <https://lb.ambafrance.org/Remise-d-equipements-a-l-armee-libanaise-30-mai-2017> "Démonstration de tirs de l'armée libanaise sur les VAB HOT français (26 September 2017)" (Shooting demonstration by the Lebanese army), *Ambassade de France au Liban*, available at: <https://lb.ambafrance.org/Demonstration-de-tirs-de-l-armee-libanaise-sur-les-VAB-HOT-francais-26-sep-2017> "La France poursuit son programme de livraison du système antichar HOT à l'armée libanaise (27 November 2018)" (France pursues its delivery plan for HOT anti-tank system to the Lebanese army), *French Embassy in Lebanon*, available at: <https://lb.ambafrance.org/La-France-poursuit-son-programme-de-livraison-du-systeme-antichar-HOT-a-l-armee> See also [twitter.com/ambafranceliban/status/1067354922612600832](https://twitter.com/ambafranceliban/status/1067354922612600832)

<sup>30</sup> "Chad Takes Delivery of the First Bastion Patsas", *Defence Aerospace*, 17 February 2013, available at: [www.defence-aerospace.com/article-view/release/142742/renault-trucks-defense-details-recent-deliveries.html](http://www.defence-aerospace.com/article-view/release/142742/renault-trucks-defense-details-recent-deliveries.html) L. Lagneau, "Les forces armées tchadiennes ont reçu leurs premiers véhicules blindés Bastion Patsas" (The Chadian armed forces take delivery of their first Bastion Patsas armoured vehicles), *Zone Militaire*, 19 February 2013, available at: <https://bit.ly/33Bt6fn> "RTD livre son Sherpa à l'Arabie Saoudite et au Qatar" (RTD delivers its Sherpa to Saudi Arabia and Qatar), *Forces Opérations Blog*, 21 February 2013, available at: <https://forcesoperations.com/rt-d-livre-son-sherpa-a-l-arabie-saoudite-au-qatar/> Speech, open to the press, by Mr Gérard Amiel, CEO of Renault Trucks Defense, about the military programming bill 2, *Commission de la Défense Nationale et des Forces Armées*, 17 September 2013, available at: [www.assemblee-nationale.fr/14/cr-cdef/12-13/c1213093.asp](http://www.assemblee-nationale.fr/14/cr-cdef/12-13/c1213093.asp) L. Lagneau "Tchad : Les véhicules de la force Epervier sont « souvent inadaptés au terrain »" (Chad: The Operation Epervier vehicles are 'often unsuitable for the terrain'), *Zone militaire*, 29 January 2014, available at: [www.opex360.com/2014/01/29/tchad-les-vehicules-de-la-force-epervier-sont-souvent-inadaptes-au-terrain/](http://www.opex360.com/2014/01/29/tchad-les-vehicules-de-la-force-epervier-sont-souvent-inadaptes-au-terrain/) C.Foss, "France markets special forces vehicle in Gulf [IDX15D4]", *Jane's*, 26 February 2015, available at: [www.janes.com/article/49508/france-markets-special-forces-vehicle-in-gulf-idx15d4](http://www.janes.com/article/49508/france-markets-special-forces-vehicle-in-gulf-idx15d4)

<sup>31</sup> "Série de commandes pour Renault Truck Defense (groupe Volvo) en Egypte" (Series of orders for Renault Truck Defense (Volvo group) in Egypt), *Journal de l'Automobile*, 18 October 2012, available at: [www.journalauto.com/lja/depeche/-/id/9537](http://www.journalauto.com/lja/depeche/-/id/9537) "First order Acmat Bastion Patsas Special Forces protected vehicle for Tchad presidential guard", *Army Recognition*, 17 October 2002, available at: [www.armyrecognition.com/october\\_2012\\_new\\_army\\_military\\_defence\\_industry\\_uk/first\\_order\\_acmat\\_bastion\\_patsas\\_special\\_forces\\_protected\\_vehicle\\_tchad\\_presidential\\_guard\\_1710125.html](http://www.armyrecognition.com/october_2012_new_army_military_defence_industry_uk/first_order_acmat_bastion_patsas_special_forces_protected_vehicle_tchad_presidential_guard_1710125.html) *Op.cit.*, See the SIPRI arms transfers database.

<sup>32</sup> Data supplied by the Ministry of European and Foreign Affairs; email dated 13 February 2020.

<sup>33</sup> See France's 2014 Annual Report, available at: [www.unroca.org/france/report/2014/](http://www.unroca.org/france/report/2014/)

**Countries about whom France regularly omits to declare the import of SALWs:** Germany, Bulgaria, Netherlands, New-Zealand (France including New-Caledonia and French Polynesia), Poland, Portugal, the Czech Republic and Switzerland.

**Other countries about whom France did not declare the import of SALWs:** South Africa, Argentina, Australia, Austria, Finland, Hungary, Italia, Lithuania, Romania, the United Kingdom, Serbia, Slovakia, Slovenia.

**Types of SALWs undeclared (non-exhaustive list):** self-loading pistols and revolvers; rifles and carbines (including hunting guns), assault rifles, Hand-held under-barrel and mounted grenade launchers; portable anti-tank rocket and missile-launchers; machine pistols, light machine guns; sub-machine guns; other (not specified); 60mm mortars; tank guns; recoilless rifles; mobile anti-tank guns.

In the area of major weapons systems:

- In 2015, France did not declare the import of 13 heavy weapons (Italy, Poland);
- In 2016, it did not declare the import of two major artillery systems (Bulgaria);
- In 2018, France did not declare the import of 8 weapons systems (South Africa, Czech Republic).

**Types of heavy weapons:** armoured combat vehicles, attack helicopters, missiles and missile launchers, 82mm mortars, large calibre artillery systems.

## 5. BLATANT OMISSIONS

### PATCHY DATA CONCERNING HEAVY WEAPONS

In the area of heavy weapons, **firstly, France declared no import while a certain number of countries declared the export of heavy weapons to France.** It is therefore thanks to them that we can see that France is an importer of heavy weapons, contrary to that which its practice of transparency would lead us to believe. **France must declare imports just as it declares exports in order to meet the ATT requirements,** as the Minister of Armed Forces, Florence Parly, said in July 2019: *“France is obliged to submit a report on exports and imports of conventional weapons that fall within the Treaty’s scope”*.<sup>34</sup>

**Secondly, France does not declare all its exports of heavy weapons, which are, in the end, revealed by the importing countries, such as Mali or Senegal (see above) who declared the import of armoured combat vehicles in their 2015 and 2016 ATT annual reports.** These are not isolated cases. There are other examples from before the existence of the ATT.

Before the ATT came into force, the United Nations Register was the main instrument for international transparency in arms sales for UN Member States. Thus, France does not seem to have declared the export of Sherpa Light Scout armoured combat vehicles produced by the company Arquus (formerly RTD) to Kosovo to equip the special police forces (ROSU/Regional Operational support Unit), in the United Nations Register report<sup>35</sup> (see photo below). In fact,

<sup>34</sup> *Op.cit.*, Speech by Florence Parly, Minister of Armed Forces, on the 2019 report to Parliament on arms exports.

<sup>35</sup> During the parade organised on 17 February 2013, in Pristina, the capital city of Kosovo, to celebrate the 5<sup>th</sup> anniversary of Kosovan independence, the police marched with Sherpa Light Scout armoured combat vehicles. The police force also marched with MIDS law enforcement armoured vehicles. It is these vehicles that Amnesty International documented being used in Egypt

this report has no information at all for the period 2010-2013<sup>36</sup>. However, the 2013 annual report to Parliament on arms exports indicates that in 2012 France granted an export licence for war material in the armoured combat vehicle category (category ML6) for a value of €4,368,040<sup>37</sup>.



*Screenshot from a video uploaded to YouTube on 17 February 2013 showing Sherpa Light Scout armoured combat vehicles in the hands of the Kosovo police force (see note 35).*



In addition, it appears that France does declare the export of armoured combat vehicles, whether they are for national police force use or whether these armoured vehicles are armed or not. France thus declared the export of unarmed Sherpa Light Station Wagon armoured combat vehicles to the Egyptian army (2012-2014)<sup>38</sup> as well as the export of Sherpa Light Scout armoured combat vehicles with an armed configuration to the Lebanese Interior Security Forces (ISF) (2013)<sup>39</sup>.



*Screenshot of a video uploaded to YouTube on 9 June 2014, showing the ISF in Lebanon on parade with Sherpa Light Scout armoured combat vehicles (see note 39).*

during the repression and which, in 2013, were not controlled for export. See YouTube, video of the 17 February 2013 parade, available at: [www.youtube.com/watch?v=vUpVMP\\_yDxl](http://www.youtube.com/watch?v=vUpVMP_yDxl) (sequence between 9'27" and 10'13") Also see YouTube, video of the 17 February 2013 parade, available at: [www.youtube.com/watch?v=vT8w7dBOa38](http://www.youtube.com/watch?v=vT8w7dBOa38) (sequence between 7'55" and 8'28")

<sup>36</sup> See for 2010 <https://undocs.org/fr/A/66/127/Add.1> See for 2011 [www.unroca.org/france/report/2011/](http://www.unroca.org/france/report/2011/) See for 2012 [www.unroca.org/france/report/2012/](http://www.unroca.org/france/report/2012/) For 2013, data supplied by the Ministry of European and Foreign Affairs, email dated 13 February 2020.

<sup>37</sup> French Annual Report to Parliament on Armament Exports 2012, Ministry of Defence, p. 60, available at: [www.sipri.org/sites/default/files/research/armaments/transfers/transparency/national\\_reports/france/France-report-2013.pdf](http://www.sipri.org/sites/default/files/research/armaments/transfers/transparency/national_reports/france/France-report-2013.pdf)

<sup>38</sup> Amnesty International, *Egypt: How French arms were used to crush dissent (report)*, 16 October 2018, available at: [www.amnesty.org/en/documents/eur21/9038/2018/en/](http://www.amnesty.org/en/documents/eur21/9038/2018/en/)

<sup>39</sup> Data supplied by the Ministry of European and Foreign Affairs; email dated 13 February 2020. See also YouTube, "The Internal Security Forces Celebrate 153rd Anniversary 09/06/2014", video uploaded on 9 June 2014, available at: [www.youtube.com/watch?v=BOySY-ehWTM](http://www.youtube.com/watch?v=BOySY-ehWTM) (sequence from 51'24" to 52'36"). In the video, the ISF are parading with 5 Sherpa Light Scout armoured combat vehicles, one of which is equipped with the multiple grenade launcher called "land cougar 12", produced by the French company Alsetex and presented for the first time at the Milipol salon (Paris) in 2011, see "Article MILIPOL 2011", Ministry of Armed Forces, available at: [www.defense.gouv.fr/ema/sitta/les-salons-precedents/milipol-2011/article-milipol-2011](http://www.defense.gouv.fr/ema/sitta/les-salons-precedents/milipol-2011/article-milipol-2011)

**Thirdly, France does not seem to have declared all its exports of heavy weapons at the time (year) when they occurred, as is the case with Lebanon (see above).** It seems that they are carried forward to the following year. Playing with years like this has major consequences. Declaring real-time flows in the wrong year negates the very foundation of the ATT, which aims to control the flow of arms from year to year and ensure that they conform to the obligations set out in the ATT, in articles 6 (Prohibitions) and 7 (Export and export assessment). From this point of view, France is failing its international obligations.

#### **ABSENCE OF INFORMATION ON THE TYPES OF CONVENTIONAL WEAPONS AND THEIR END USE / END USER**

France has chosen to indicate the quantity of heavy weapons exported by category without systematically giving detailed information about the types/trade names involved, nor about their declared end use / end user. In fact, article 13.3 of the ATT does not specify the information that State Parties must provide. However, France can and must indicate, as well as the number of arms exported (and also imported), what their objective is (for example: arms for the Ministry of Interior, the police, border guards, navy, air force or land army, peace-keeping mission, etc.). Indeed, this information is essential if France wants to show that it is really respecting the ATT provisions, especially articles 6, 7 and 11 (Diversion). The fact that certain State Parties have included this information in their annual report on the import or export (notably Albania, Germany, Hungary, Ireland, Moldova, South Africa and the United Kingdom) should serve as encouragement for France<sup>40</sup> to do the same. The same logic can be used in the case of indicating the trade name of exported and imported arms. The information given by France for the year 2015 should be given each year: the type of weapon and its trade name for each category. In reality, the amount of detail in French declarations varies year on year. France varies the information on exports to Saudi Arabia in the category of armoured combat vehicles thus:

- in 2015, 115 multi-mission vehicles with their trade name Aravis (without specifying if they were armed);
- in 2016, 270 tactical vehicles and six combat vehicles (without specifying their trade name nor if they were armed) ;
- in 2017, 468 tactical vehicles, specifying that they were armoured combat vehicles to transport four infantrymen equipped with 12.5mm calibre weapons or missile launcher (no detail on the trade name);
- in 2018, 463 troop transport vehicles and 67 tactical vehicles (without specifying their trade name nor if they were armed).

Indicating the quantity, the type and exact trade name of the material that has been exported enables a legal analysis in order to check the lawfulness of the arms sales with regard to the obligations laid out in the ATT.

#### **The example of armoured vehicle transfers to Saudi Arabia**

Between 2015 and 2017, France reported the delivery of 859 armoured combat vehicles to Saudi Arabia. For 115 of them, the type/exact trade name is specified. These are Aravis vehicles (produced by the company Nexter). A search of open source documents also allowed the identification of Bastion Patsas vehicles<sup>41</sup>, produced by the brand Acmat (belonging to

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<sup>40</sup> *Op.cit*, Amnesty International, *Recommandations aux États en vue de la conférence des États parties au Traité sur le commerce des armes (Recommendations to States in the light of the conference for Arms Trade Treaty State Parties)*, September 2017, p. 13.

<sup>41</sup> According to the SIPRI arms transfers database, in 2016 France delivered 71 Bastion Patsas armoured combat vehicles to Saudi Arabia, available at: [www.sipri.org/databases/armstransfers](http://www.sipri.org/databases/armstransfers)

the company Arquus), delivered to Saudi armed forces, and in particular the Royal Saudi Naval Forces, who are imposing a blockade on Yemen<sup>42</sup>.

The presence of some of these vehicles on Yemeni soil was documented in January 2018, in the Al-Mahra governorate (northern Yemen)<sup>43</sup>, at the port of Nishtun<sup>44</sup>, bringing to light the French government's concealment<sup>45</sup>. At the same time, the report published on 26 January 2018 by the United Nations group of experts on Yemen indicated that in 2017 *“there have been widespread violations of international humanitarian law and international human rights law by all parties to the conflict.”*<sup>46</sup> Saudi Arabia began to deploy armed forces in the Al-Mahra governorate at the end of 2017, where HRW denounced the practices of enforced disappearance and torture<sup>47</sup>, on 2020.

Since 2015, all parties in the Yemen conflict have committed repeated and serious violations of international human rights law. Civilians are trapped in the middle of the conflict and are paying the price of the violence. To date, more than 233,000 people have been killed or injured. The humanitarian crisis, which is only getting worse, has taken 14 million people to the verge of starvation. Inevitably, given that the conflict is persisting and that all the warring parties are resorting to illegal methods, the civilian population's coping mechanisms are at breaking point. It is estimated that 22 million Yemeni people currently need humanitarian aid to survive.



Screenshot of a video from the Saudi Ministry of Defence uploaded to YouTube on 4 December 2019, showing a Bastion Patsas armoured combat vehicle during an exercise by the Royal Saudi Naval Forces (see 43).

<sup>42</sup> Amnesty International, *Yemen: Restrictions to life-saving supplies putting millions of civilians at risk* – news, 22 June 2018, available at: [www.amnesty.org/en/latest/news/2018/06/yemen-restrictions-to-life-saving-supplies-putting-millions-of-civilians-at-risk/](http://www.amnesty.org/en/latest/news/2018/06/yemen-restrictions-to-life-saving-supplies-putting-millions-of-civilians-at-risk/)

<sup>43</sup> YouTube, *Royal Saudi Naval Forces conclude the Blue Sword 2019 training exercise with their counterparts from the Chinese Naval Forces* (translation of the original Arabic title), video uploaded on 4 December 2019, on the official YouTube account of the Saudi Ministry of Defence, available at: [www.youtube.com/watch?v=8i6KHoa6hAU](http://www.youtube.com/watch?v=8i6KHoa6hAU) “Large Saudi force arrives in the Al-Mahra governorate in Yemen” (translation of the original Arabic title), *Al Alman TV*, 18 January 2018, available at: <http://bit.ly/2U3kSIX> “Saudi forces arrive in Al-Mahra-Photos” (translation of the original Arabic title), *Mandab Press*, 18 January 2018, available at: [www.mandabpress.com/news47098.html](http://www.mandabpress.com/news47098.html) “Arrival of Saudi forces in Al-Mahra, Saudi ambassador in Yemen” (translation of the original Arabic title), *AdenAlyoum*, 19 January 2018, available at: <http://bit.ly/2PYvs2A> Dr S. Shay, “Saudi, Jordan Conclude Joint Exercise”, *Israel Defense*, 4 May 2017, available at: [www.israeldefense.co.il/en/node/29466](http://www.israeldefense.co.il/en/node/29466)

<sup>44</sup> La localisation des véhicules a été confirmée par le média d’investigation néerlandais Lighthouse Reports, dans le cadre de son projet #EUarms, voir sur le lien suivant : <https://euarms.com/weapon/4PwnCHINljEazJ3FRo4Igt>

<sup>45</sup> Amnesty International, *Armes françaises au Yémen : trois mensonges d’État (actualité)* (*French arms in Yemen: three lies told by the State – news*), 19 April 2019, available at: [www.amnesty.fr/contrôle-des-armes/actualites/armes-francaises-au-yemen--un-mensonge-detat](http://www.amnesty.fr/contrôle-des-armes/actualites/armes-francaises-au-yemen--un-mensonge-detat)

<sup>46</sup> Final report by the United Nations Panel of Experts on Yemen, *reference S/2018/594*, 26 January 2018, available at: <https://undocs.org/en/S/2018/594>

<sup>47</sup> Human Rights Watch, *Yemen: Saudi Forces Torture, ‘Disappear’ Yemenis*, 25 March 2020, available at [www.hrw.org/news/2020/03/25/yemen-saudi-forces-torture-disappear-yemenis](http://www.hrw.org/news/2020/03/25/yemen-saudi-forces-torture-disappear-yemenis)

## FORGOTTEN SMALL ARMS AND LIGHT WEAPONS

Finally, France does not declare all its SALW exports and above all, in comparison, only partially declares the import of SALWs. Furthermore, as with heavy weapons, France decided to reproduce the information they submit for the United Nations Register. In other words, in the case of SALWs, French data necessarily has a limited scope since, as we have seen, the United Nations Register has a narrower approach than other United Nations frameworks relating to SALWs. Since the proliferation, misuse and overuse of SALWs is a major concern all over the world, transparency in imports and exports of this type of weapons is crucial. Finally, although France submits the quantities of SALWs by categories and sub-categories, by generic type and calibre, the trade name of the arms and their end user/use is missing.

## 6. RECOMMENDATIONS

One of the main objectives of the ATT is to make the arms trade more transparent. However, some State Parties, including France, continue to conceal crucial information: for example, who the arms are sold to or the quantity and type of arms imported<sup>48</sup>. Even worse, it is tragic to note that the number of State Parties satisfying their obligation for transparency has been falling since the ATT came into force. In 2015, 21% of the State Parties that were due to submit their annual report failed to do so. In 2018, the percentage reached 40%.<sup>49</sup>

France is among these States whose transparency does not meet the highest standards. Yet, the need to establish norms that are more progressive rather than regressive comes out clearly in the wording of article 1 of the ATT, which posits that the treaty's purpose is to “*establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms*”. The annual report to Parliament on arms exports from the Ministry of Armed Forces has the same transparency issues. These shortcomings have been underlined again recently.<sup>50</sup>

The fact that some State Parties, like France, choose to overlook much information raises concerns as to their motivations. The consequences are serious. Indeed, the control of France's arms transfers using the ATT annual reports is not possible when the exports are not declared or are declared in a subsequent year. This lack of clarity misleads commentators and observers such as NGOs, making it much more complicated to evaluate the legality of arms sales. Information provided to the media, civil society or Parliamentarians is therefore inaccurate. This observation is even more concerning since the French administration has *a priori* the necessary means to control the flow of goods:

*“The Ministry of Defence holds data relating to export licences and transfers made. The Ministry in charge of customs itself holds data relating to import licences for war material (AIMG) as well as authorisations for the transit of war materials (ATMG). Furthermore, since 30 June 2012, the companies have also been required to keep registers relating to the operations completed (exports, imports, inter-community transfers). These registers are to be kept for ten years to the end of the calendar year when the operation took place. Based on these registers, companies are also required to send half-yearly updates to the authorities summarising their*

<sup>48</sup> *Op.cit.*, Amnesty International, Geneva: *As global arms trade surges, states greenlight reckless, harmful deals* (news).

<sup>49</sup> “Overview of the Status of ATT Reporting”, ATT Secretariat (28 August 2019), available at <https://bit.ly/3dufrLG>

<sup>50</sup> Amnesty International, *Rapport annuel 2019 sur les exportations d'armement : ce que l'on ne nous dit pas, ce qui doit changer (actualités)* (2019 Annual Report on Armaments Export: What we are not told, what must change – news), 26 July 2019 [https://amnestyfr.cdn.prismic.io/amnestyfr%2Fb3720617-862c-4fad-8fd6-c6dddffda6b9\\_26+juillet+2019+note+rapport+parlement+ventes+d%27armes..pdf](https://amnestyfr.cdn.prismic.io/amnestyfr%2Fb3720617-862c-4fad-8fd6-c6dddffda6b9_26+juillet+2019+note+rapport+parlement+ventes+d%27armes..pdf)



*shipments of material (exports and inter-community transfers), their imports and inter-community transfers received.*<sup>51</sup>”

The primary aim of the ATT is to promote transparency. It is therefore logical that information relating to quantities of arms, their type and exact trade name, but also their financial value, is communicated, as well as their end use and end user. Countries, parliamentarians, media outlets and members of civil society who have knowledge of this data will be able to check more easily if there are any breaches and inconsistencies and monitor decisions taken by governments pursuant to the ATT, as well as the consequences on violence and crime, making the treaty a lot more effective. Note that for the year 2018, France combined its ATT annual report with its annual report to Parliament on armaments exports. This initiative is not without interest, since it allows other State Parties to see France’s financial data relating to orders, licences and deliveries<sup>52</sup>.

It is imperative that France ceases to conceal information and improves transparency, whether in the context of the Arms Trade Treaty<sup>53</sup> or in that of the Annual Report to French Parliament on Armament Exports.<sup>54</sup> This recommendation may involve an increase in human, technical and financial resources, so that the French government is able to report in an exhaustive, clear and detailed way on the real flow of arms and war materials, both exports and imports, and to respect the legal deadline of 31 May fixed by the ATT. In addition, the Ministry of Armed Forces should respect the following recommendations and promote them to other State Parties.

#### **Recommendations relating to the data to be supplied on exports and imports**

- France must report each year on the number of conventional weapons, their type and trade name, as well as their financial value, for all categories of weapons covered by the ATT in a consolidated document.
- France must indicate if some data of a sensitive commercial nature and / or relating to national security is not divulged.

#### **Recommendations on information relating to the end use / end user**

- France must communicate information on the end use and end user in the column “Observations relating to transfer” in its annual report.

#### **Recommendations on exports and imports of SALWs**

- France must report on its imports and exports of SALWs in all sub-categories described in relevant UN instruments, in compliance with article 5 of the ATT.

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<sup>51</sup> *Op.cit.*, France’s initial report to the ATT.

<sup>52</sup> With the limitations underlined by S. Garau, “Comparaison des données internationales sur les exportations d’armements” (Comparison of international data on armament exports), *Observatoire économique de la Défense*, Bulletin #78, April 2016, available in French at: [www.defense.gouv.fr/sga/le-sga-en-action/economie-et-statistiques/publications-ecodef/ecodef-etudes](http://www.defense.gouv.fr/sga/le-sga-en-action/economie-et-statistiques/publications-ecodef/ecodef-etudes)

<sup>53</sup> *Op.cit.*, Amnesty International, *Recommandations d’Amnesty International aux États en vue de la conférence des États parties au Traité sur le commerce des armes 2017*. (Amnesty International’s recommendations to States in the light of the Conference of the State Parties on the Arms Trade Treaty 2017.)

<sup>54</sup> *Op.cit.*, Amnesty International France, *La ministre des Armées auditionnée sur les ventes d’armes françaises* (The Minister of Armed Forces interviewed about French Arms Sales).

# **ARMS SALES AND TRANSPARENCY: A NATIONAL CAMPAIGN**

## **“SILENCE, ON ARME!” FRENCH OMERTA ON ARMS SALES**

**France is the third largest arms exporter in the world.** The French arms sector is considered to be one of the jewels in France’s manufacturing industry. An object of national pride, French expertise in this area is exported abroad, but we know very little about the trade of which it is a part. In fact, the authorities cultivate the greatest opacity possible on French arms sales. This lack of transparency is a major obstacle to the control of a dangerous, deadly trade. At this moment, it is impossible to guarantee that French arms are not and will not be used to commit and facilitate serious violations of human rights and international humanitarian law.

However, France has made international commitments, in particular by ratifying the international Arms Trade Treaty (ATT): France must not sell arms whenever there is a risk that they can be used to commit violations of human rights and international humanitarian law, in particular against civilians or civilian property.

**To denounce the serious failure of the French authorities in the area of transparency and control, Amnesty International France decided to launch the campaign, “Silence, on arme!”**

We demand that:

- the government submits reports that are transparent about its arms sales;
- the French Parliament plays its role to guarantee a democratic debate and to ensure effective and efficient control of French arms sales.

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