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Weaponized storytelling à la française: Demystifying France's narratives around its arms export policies

Defense Industries, Foreign Policy and Armed Conflict

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ABOUT

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EXECUTIVE SUMMARY

Globally, the number of armed conflicts has steadily increased since 2011, many of them in the Middle East and involving some of the world's largest arms importers, such as Saudi Arabia and the UAE. This multiplication of conflicts exposes the inconsistencies in the arms export control regimes of the world's largest arms exporters, including France. Exploring five conflict case studies (Russia/Ukraine 2014-2015, Libya, Syria, Yemen, Philippines), this report highlights discrepancies between France's narrative about its arms export controls and its export practices.

France advertises that its arms exports are done with absolute respect for its international commitments and considerations for conflict situations. It notably applies the European Union (EU) Council Common Position that instructs that Member States shall deny an export license if this would provoke or prolong intrastate or interstate armed conflict (criteria 3 and 4). However, the report shows that France has exported weapons to conflict parties on numerous occasions – and that the disconnect between the French narrative and its arms export policy does not stop there.

Through the five conflict case studies, the report explores other arguments that make up this storytelling *à la française*. Two of its pillars are the idea that French export control processes are already “strict, transparent and responsible” enough as they are, and the proposition that weapons sales are an intrinsically essential support to the country's strategic autonomy and foreign policy interests. This latter priority includes the crucial need to be a reliable long-term supplier and to sustain strategic partnerships often associated with such arms trade.

The report posits that these arguments have been at best incomplete, and at worst erroneous. Furthermore, they preclude any fruitful conversation on how to course correct. Demystifying them and conducting a sober assessment of their validity is critical because the evolving dynamics of armed conflict around the world heighten the need for genuine accountability in the global arms trade. Crucially, if left unchecked, these dynamics also precisely undermine France's strategic autonomy and its foreign policy interests, notably because of the growing reverse influence of client states and the long-term destabilization linked to arms (re)transfers to non-state actors.

Drawing on documentary sources and interviews, the report lays the groundwork for a renewed debate around arms sales in France. It aims to generate discussions about how the export control regime could be revised to align with strategic goals associated with manufacturing and exporting weapons, without jeopardizing compliance with international commitments and the upholding of international security.

Key Findings

1

War or armed conflict is neither a sufficient nor a determining factor in French arms export licensing decisions.

Licensing decisions result from a multifaceted assessment behind closed doors that mostly focuses on **promoting policy objectives and protecting critical security interests**.

2

Considered as *actes de gouvernement*, that is, sovereign acts that are inseparable from French foreign policy, licensing decisions are **subject to no oversight from or accountability to independent parties** outside a circle of need-to-know people.

3

What most actors and practitioners involved in the export control process mean when they say that arms export control processes are “transparent and responsible” **is in fact that they are efficient and reliable** – and therefore do not need more scrutiny

4

5

France emphasizes **abiding by the letter of the law and not necessarily the spirit of the law**, which is visible in the way it navigates the time frame caveat (risk of *immediate* use in armed conflict) and the distinction between defensive and offensive arms.

Policy Recommendations

1

Establish a longer timeframe as a baseline to assess the likelihood that a prospective client will provoke or prolong armed conflict (EU Criterion 3), or will use these arms aggressively against another country (EU Criterion 4).

2

Implement proposals from previous reviews of arms control processes, most notably the Maire and Tabarot report on French arms export control presented at the National Assembly in November 2020.

3

Strengthen accountability mechanisms for client states to limit the risk of arms being used in non-compliance with France’s international commitments.

4

Confer oversight powers to the Parliament to keep arms export licensing processes in check and restore domestic and foreign trust in them.

5

Encourage a different kind of strategic conversation, moving beyond binary positions – either completely for or against the trade – which dominate today’s discussions. This conversation can be pursued through efforts to coordinate and rationalize processes at the European level. It can also be pursued through initiatives to decenter the role of arms in securing the strategic partnerships that are central to French foreign policy.

Introduction

A turning point in armed conflict around the world occurred in 2011. While the mid-1990s and 2000s had seen few new conflicts, this trend changed abruptly in the second decade of the new millennium.² The number of minor conflicts (at least 25 battle-related deaths in a year) and wars (at least 1,000 battle-related deaths)³ witnessed that year began to rise and then skyrocketed after 2013. The world even reached a level of conflict deaths in 2014–2015 that was “unparalleled in the post-Cold War period”⁴, with “a record-high” since the end of World War II of 56 active conflicts in 2020.⁵

France appears to be one of the exporters for which conflict even appears to be associated with a higher probability of transfers.

Another crucial trend is the mounting involvement in these conflicts, many of which take place in the Middle East, of some of the world’s largest arms importers. Looking at the Top 10 arms importing countries from 1991-2020 (Chart 1), more than half were involved in at least one new minor conflict or war since 2011, including India (1st largest importer), China (2nd), Saudi Arabia (3rd), Turkey (5th), Egypt (6th) and the United Arab Emirates (UAE, 7th).

The conjunction of these developments heightens the need for more accountability in the global arms trade and, most crucially, it has exposed the inconsistencies in the arms export control regimes of the world’s largest arms exporters. As Sam Perlo-Freeman

reported in a study of the top 11 major weapons exporting countries since 2000, “*Business As Usual: How major weapons exporters arm the world’s conflicts*,” the world’s largest arms exporters have overwhelmingly not exercised restraint in arms transfers to conflict parties,⁶ regardless of their stated policies. This is notably the case for the United States (US),⁷ the United Kingdom (UK),⁸ as well as France – the focus of this study.

France prides itself on arms exports that are done with “absolute respect [for its] international commitments...and considerations for conflict situations and risks of grave human rights violations.”⁹ It has a comprehensive legal and regulatory framework at the national level, and it is a state party to the EU Council Common Position, that seeks to prevent arms exports likely to provoke or prolong intrastate or interstate armed conflict. However, France has exported weapons to conflict parties on numerous occasions. In fact, France appears to be one of the exporters for which conflict even appears to be associated with a *higher* probability of transfers.¹⁰

How can one explain such a disconnect between France’s narrative about its arms export controls and its export practices? What other factors come into play that supplant and contradict the advertised restraint in the face of armed conflict? Who are the actors and what are the processes involved in French export licensing decisions? These are some of the questions that this report seeks to answer, offering to decipher and demystify France’s arms export policies.

In December 2021, the signature of a \$19 billion contract between Paris and Abu Dhabi for 80 *Rafale* combat aircrafts and 12 military helicopters was celebrated

by Florence Parly, the French Minister of Defense, as “a historic deal...cementing a strategic partnership that is stronger than ever,” “directly contributes to regional stability,” and shows “French industrial excellence at the top.”¹¹ This cheerful rhetoric was worlds away from concerns that such arms sales have fueled conflicts in the region. Civil society organizations have repeatedly denounced arms sales that fan the flames in Yemen and Libya¹² and called for restraint in conventional arms transfers to Saudi Arabia and the UAE. Pushback against existing arms policies has notably led to the establishment of a fact-finding mission on parliamentary oversight.¹³ The mission published a report, which was presented by MPs Maire and Tabarot to the National Assembly in November 2020.¹⁴ It has had little policy impact so far. On the other hand, the cheery speeches by French officials about the *Rafale* deal with the UAE clearly illustrate the French storytelling around its arms exports.

France has been the third largest major arms exporter in the world over 2011-2020 (about 7% of global exports), behind the US (35%) and Russia (23%). The sales underpinning this ranking have been surrounded by a positive narrative of national grandeur (“Cocorico!”),¹⁵ primarily because arms sales have historically helped maintain the national defense technology and industrial base and are seen as a cornerstone of the country’s strategic autonomy. Arguments often mobilized in favor of weapons exports also include the idea that they are good for the domestic economy and an efficient vector of influence in foreign policy.¹⁶ However, both claims have been deconstructed by many scholars and experts working on the global arms trade.¹⁷ This underscores a critical point: the traditional arguments used to justify

French arms exports, including when their compliance with international commitments can in fact be contested, have been at best incomplete, and at worst erroneous. It is therefore crucial to unpack this storytelling.

The first section of this report, after giving an overview of France’s recent arms exports and of its arms export control process, outlines some of its most distinctive traits: the framing of weapons sales as vital support to the country’s strategic autonomy, and the idea that French arms export control processes are sufficiently “strict, transparent and responsible.”

The second section of the report explores how each aspect of the narrative relates to the variations of French arms exports (or lack thereof) in five conflict case studies: Russia/Ukraine 2014-2015, Libya, Syria, Yemen, Philippines. These case studies cover different scenarios, including the clear cessation of weapons exports associated with the imposition of an arms embargo after the eruption of armed conflict (Russia/Ukraine) or one-sided violence (Libya), the continuation of arms sales despite the outbreak and persistence of war (Yemen), and cases of restraint that can either be disputed (Syria) or are misleading because they are in fact occurrences of non-sales (Philippines).

Together, the five case studies allow a thorough examination of the adaptive shapeshifting of France’s storytelling around its arms export decisions. Confirming that war or armed conflict is neither a sufficient nor a determining factor in these decisions, they bring to light other fundamental elements like the need to remain a dependable arms supplier and to sustain strategic partnerships that are central to French foreign policy. On these bases, the final section further analyzes the main hurdles of current practices

and offers constructive ideas on how to overcome them.

This report draws on analysis of more than 50 documentary sources and 12 interviews with policymakers and experts engaged with French arms exports controls. It seeks to lay the groundwork for future conversations about how the French export control regime could be revised to align with strategic goals associated with manufacturing and exporting weapons, without jeopardizing compliance with international commitments and the upholding of international security.

Context, rulebook, and narrative

France's arms exports: recent trends

Over the period 2016-2020, France has been the third largest major arms exporter in the world, accounting for 8.2% of the total global market. It has witnessed the highest increase (44%) in arms exports compared to the period 2011-2015, outperforming the other top-five arms exporters (the US, Russia, Germany, and China).¹⁸ This was despite a slight slump experienced in 2020, when France reduced its arms exports by 41% compared to 2019. This brief decline followed a “spectacular jump”¹⁹ over the previous period (72% from 2015-2019 – the highest level of French arms exports for any five-year period since 1990).

The rhetoric of the Report to Parliament on the Export of French Armaments (2021) about the 2020 drop in sales is interesting. It stresses that a few weeks can make a difference in which year a large contract is counted. Thus, “the results of a single year are not enough

to draw lessons from” and the decrease “does not reflect a fundamental trend.”²⁰ These justifications, absent from previous reports when figures were considered better, hint at the importance allocated to the export performances of the defense industry as a symbol of grandeur.

Most of France's weapons are exported to the Middle East and North Africa (MENA) region. Over the period 2016-2020, it accounted for 48% of French arms exports, while Asia and Oceania accounted for 36%.²¹ Over the past decade, half of the top 10 importers of French arms were from the MENA region, including Egypt (15.5% of total exports from 2011-2020), Qatar (10.8%), Morocco (7.3%), Saudi Arabia (5.8%) and the UAE (5.1%), which together accounted for a total of 44.6% of all French weapons sales in that period. And the relative weight of this region in French arms exports increased in the past decade compared to the previous one. From 2001-2010, only two Middle Eastern countries were in France's top-ten importers: the UAE in the top position (23.9% of total exports) and Saudi Arabia in fourth (7.9%). Together, these two countries accounted for 31.7% of French weapons sales in that period.²²

These recent trends are important because many of the new conflicts since 2011 have precisely happened in the Middle East and involved some of France's largest arms importers. Looking at the top 7 importers of French arms since 1991 (Graph 1), it appears that four of them – the UAE, Egypt, Saudi Arabia, and Qatar – have been belligerents in at least one of the conflict case studies explored in this report. It therefore raises questions about France's arms export controls.

France's arms export control process

The French arms export control system is based on a self-declared “precise and comprehensive legal and regulatory framework”²³ at the national level, that relies on a “principle of prohibition.” This means that weapons sales are illegal unless they are specifically authorized by and under the control of the government, “which means subjecting the entire sector of defense and its flows to state control.”²⁴ While the fact that all arms exports need to be authorized by the state might seem logical and ordinary, this general principle of prohibition is often put forth as an illustration of France’s rigorous control regime. Added to this, is the principle of implicit refusal introduced by Article R2335-46 of the French Code of Defense, ruling that “if the Administration did not respond within a nine-month period, the application is rejected.”²⁵

Under the French Code of Defense,²⁶ all military exports are subject to a license granted by the Prime Minister based on a recommendation provided by the Interministerial Commission for the Study of War Material Exports (the *Commission interministérielle pour l'étude des exportations de matériels de guerre*, CIEEMG). This commission is composed of officials from several ministries (defense, foreign affairs, economy, and finance). It reports to the Prime Minister and is chaired by the General Secretariat for Defense and National Security (SGDSN). Crucially, and based on the CIEEMG’s advice, the Prime Minister can – at any time – suspend, amend, cancel, or revoke licenses that were previously granted, for instance, to allow France to respect its international commitments or to protect its critical security interests. Export control procedures are enforced

according to “detailed and approved governmental policy” and France’s arms export policy notably “complies with the 2019-2025 Military Planning Law (MPL) and implements the associate export guidelines.”²⁷

These guidelines, as presented in the Report to Parliament, can be broken down into three axes. Two axes support arms exports, to address the legitimate defense needs of partners (first axis) and to “provide our industry and the European industry with the means needed to have capabilities consistent with our strategic ambitions and armed forces model”²⁸ (third axis). The second axis, on the other hand, reinforces compliance with international commitments regarding arms control, disarmament, and non-proliferation. In this respect, France specifically applies the European Union (EU) Council Common Position, amended in 2019, and the Arms Trade Treaty (ATT), the negotiation of which France played an active role in and which it was one of the first states to ratify in 2014.

The EU Council Common Position was established in 2008 to define common rules governing control of exports of military technology and equipment. It identifies eight criteria that Member States ought to consider when assessing an arms export license request. Following these, EU Member States shall deny an export license:

- if this would be inconsistent with their own international obligations and commitments (Criterion 1),
- if there is a clear risk that the military technology or equipment to be exported might be used in internal repression or in violation of international humanitarian law (IHL) (Criterion 2),

- if this would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination (Criterion 3), and
- if there is a clear risk that the recipient would use it aggressively against another country or to assert by force a territorial claim (Criterion 4).²⁹

EU Member States are also urged to consider issues related to “the national security of the Member States and of the friendly and allied countries” (Criterion 5), the recipient country’s behavior towards the international community, in particular “its attitude to terrorism, the nature of its alliances and respect for international law” (Criterion 6), the risk of diversion or re-export of the military technology or equipment under undesirable conditions (Criterion 7) and the compatibility of the intended exports with “the technical and economic capacity of the recipient country” (Criterion 8).³⁰

As for the ATT, it is described by the Report to Parliament as “the first legally binding international instrument aimed at better regulating transfers of conventional arms and reinforcing the fight against illicit trafficking.”³¹ This set of regulations is comprehensive and coherent, as reiterated by the EU statement delivered at the ATT Seventh Conference of State Parties in Geneva in 2021: “Since the adoption of the 2008/944 EU Common Position on arms exports, EU Member States are legally bound to assess license applications for the export of conventional arms against eight criteria. These criteria are in line with the ATT.”³²

According to the French administration, France has “one of the most comprehensive [export control regimes] in

the world,”³³ because the country bases its export decisions on criteria determined by all the international instruments to which it belongs that organize cooperation on arms export issues. However, it has also been noted that the French Code of Defense “does not explicitly incorporate the ATT or the EU Common Position, nor does it clarify whether they can be invoked in court.”³⁴

As the Ministry of Foreign Affairs emphasizes, export controls are based on considerations for these regulatory frameworks, as well as “the national imperatives of sovereignty and security.”³⁵ In its 2016 report on France and arms trade controls, the Ministry of Defense referred to the issue of authorizations as “a sovereign act” exercised in the framework of France’s foreign, defense and security policy.³⁶ Taken together, these aspects have been at the heart of France’s core narrative when it comes to its weapons sales.

France’s arms export policy narrative

Historically, France’s arms exports have been closely associated with the essential principles of its foreign policy and the nurturing of its distinctive status in the global arena. This points to an independent decision-making process, which shall not be dictated by any outside power – particularly the world’s two superpowers, the US and the Soviet Union, during the Cold War. As described by Lucie Béraud-Sudreau,³⁷ since the presidency of the General Charles de Gaulle, France has seen arms exports as a way to achieve its own strategic autonomy, helping to maintain its national defense and technology and industrial base and guaranteeing that it would not have to fully bow down to

American hegemony. Equally significant is that it has also marketed its arms as a guarantee of non-alignment for importing countries. Starting in the 1960s, when France notably imposed an embargo on Israel before the beginning of the Six-Day War,³⁸ French arms exports were considered central to both its strategic independence³⁹ as well as that of its clients. François Mitterrand's Minister of Defense even declared in 1982 that, through its arms exports, France could be "a leader of non-aligned countries."⁴⁰ This third way narrative shows an approach mainly driven by an objective of promoting rather than restricting arms sales, with the processing of exports licenses even falling under the responsibility of the support department at the French ministry of Defense. The end of the Cold War dismissed this argument and had a temporary depleting effect on demand (Graph 2). In the meantime, the French storytelling around its arms export controls evolved. It is neatly summed up today by the French administration as follows: "France conducts strict, transparent and responsible control of its exports of war materials."⁴¹

Most people associated with the decision-making processes around France's arms exports uphold the rigor claim. They defend the idea that it is in fact very difficult to export French material and that rules are strictly applied. When asked why there is not more political oversight of arms exports, as has been called for by a press release issued by fourteen NGOs in November 2020, who urged France to "end its opacity on arms sales" and "establish real parliamentary control,"⁴² many people interviewed for this research retorted that there was no need because of how efficient the control system already was. The rhetorical shift from *transparency* to *efficiency* tied to the unchallenged idea

that the control regime is sufficiently "strict" shows a certain elasticity of discourses that is very common around these topics.

In interviews with professionals who work in arms production industry, this malleability of definitions was illustrated in a revealing manner. They mentioned the importance of informal exchanges between the administration and the industry in maintaining the strictness and efficiency of controls. For example, a company applies for an export license, only to be contacted by someone within the ministry asking that the application be retracted so that they do not have to refuse it officially. This is done because "it could otherwise create political tensions with a partner."⁴³ The scale and impact of these unofficial and unverifiable communications are, in fact, unquantifiable, but the remark is valuable for how much it speaks both to the political dimension of decisions made in arms exports control and to the close relations between the state and defense industry.

The rigor claim is however disputed by scholars and experts. For example, a 2015 paper examining variations among European states in the strictness of their arms exports controls found that France's were somewhat weaker or less systematic than other countries'.⁴⁴ The study, authored by Lucie Béraud-Sudreau, Samuel Faure and Michael Sladeczek, posits that neither the structure of institutional relations between the state and the industry⁴⁵ nor the decision-making margins available to government decision-makers⁴⁶ or even the dependence of the national defense industry on exports⁴⁷ explain these variations. Instead, the level of arms transfers control precisely seems to be mainly linked to the decision-making position of the Parliament, and

to the salience of the arms sales issue in public opinion.⁴⁸

The transparency claim is notably⁴⁹ illustrated by the publication of the annual Report to Parliament on the Export of French Armaments since 2000, giving detailed data on the value and category of

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licenses granted and weapons exported to each country. The introduction of this regular reporting was one facet of a larger attempt to reinforce French control procedures on arms exports. The Socialist government that had come to power in 1997 and initiated this reform also considered it a nonsense to ask the arms export support division to process the licenses, given the vulnerability to conflicts of interests.⁵⁰ For what Lucie Béraud-Sudreau called a “short-lived parenthesis,” the responsibility of arms exports control was moved to the political division of the Ministry of Defense, but the reform was canceled and reversed in 2008.⁵¹ The overturn of this reform demonstrates a continued priority given to promoting rather than restricting arms exports, and, as policymakers and civil society actors have noted over the past few years, it undermines the transparency claim itself.

In 2017, communist senators submitted a law aimed at strengthening control over the arms trade that underlined that “some essential data is missing [from these

reports], such as the number of refusals and the reasons for these refusals to issue licenses, as well as the final recipients of the materials.”⁵² For example, the Report to Parliament 2021 notes that the “implicit refusal” provision applied to 28 applications in 2020,⁵³ but it does not specify which ones or why, thus rendering an outside appreciation of licensing decisions impossible. It is also unclear how this principle is implemented, as it was officially annulled by Article 15 of the Decree 2018-1195 from December 20, 2018. In June 2020, Aymeric Elluin, Arms Advocacy Officer at Amnesty International France, that launched a “Silence, we’re arming!” campaign, underlines that there had been some progress (for the first time, the Report to Parliament included data from the annual report to the ATT), but that there was “still much to be done, and urgently, to improve the transparency of France.”⁵⁴ This includes breaking down deliveries by categories of weapons in addition to doing so by country and giving more detailed information about the specifics of granted licenses and delivered systems.

The responsibility claim points to the idea that France is a world power with clear rules when it comes to arms export controls and that it plays by the rules in a reliable way. The linguistic twist from *responsibility* to *reliability* is worth noting because many civil society actors and NGOs understand the term in a sense of *accountability* that the French arms export control regime precisely escape, in the name of processes being trustworthy enough. To illustrate this point, French stakeholders in the current controls system often take Germany as a comparison: “we do what we say, unlike others who pretend that they are suspending arms exports to a certain country, while continuing to transfer them

through a third country”⁵⁵ (in reference to an Italy-based arms manufacturer owned by Rheinmetall having sold bombs to Saudi Arabia while Berlin had imposed a ban on German arms sales to Riyadh).⁵⁶ The tension between the two countries on these topics is also fueled by the fact that some French arms exports were blocked because they had German components subject to the ban – although this does not prevent them from seeking more convergence.⁵⁷ Similarly, the possibility for the US to block French arms sales when the material has components ruled by the US International Traffic in Arms Regulations (ITAR) is at the heart of tensions between Washington and Paris that often translate into French calls for clearer U.S. export policies. This was notably visible in October 2021, amidst a spat over the AUKUS security pact and the associated cancellation of the submarines deal with Australia, when U.S. President Joe Biden and French President Emmanuel Macron declared their intention to “launch a U.S.-France defense trade strategic dialogue to foster a shared view on defense market access and export issues.”⁵⁸

It is perhaps ironic that French stakeholders notably defend how reliable they are through the assertion of their sovereign right to export without being hindered by a third party – and there is certainly something to be said about the strategic use of these obstructions by competitors in the global arms trade who continued to export themselves directly or indirectly. But this all ties into what appears to be an unchanged narrative: for France, arms sales remain a “by-product of strategic autonomy”⁵⁹ – for itself, but also possibly for its clients. In a context of renewed tensions between the US and Russia, as well as the strategic competition between the US and China,

France seems keen on reactivating its self-appointed status as a third way, including in its weapons sales. As will now be explored, this narrative is key in the way France approaches arms exports licenses, including in its justifications in cases where it could be argued that a sale goes against its commitments to abstain from exports that could provoke or prolong armed conflict.

Testing the narrative: five conflict case studies

Russia/Ukraine: armed conflict is neither a sufficient nor a determining factor for restraint

The suspension of the sale of *Mistral* warships to Russia in 2015 against the backdrop of the conflict in Ukraine is the only clear recent example of restraint in French weapons sales in relation to a situation of armed conflict when the contract had already been signed. At first glance, what happened can seem rather straightforward: a contract for two *Mistral* amphibious assault ships was signed in 2011 when there was “no reason to think that the situation could deteriorate” in Georgia and certainly not in Ukraine⁶⁰ – and then it did. After Russian troops took control of Ukraine’s Crimean region in March 2014 and shot down a Malaysian Airlines flight over Ukrainian airspace in July 2014, the EU put an embargo on any new exports of arms or dual-use items to Russia, and France canceled its \$1.3 billion deal. These measures were in direct compliance with the EU Council Common Position, particularly Criteria 3 and 4, and came as the ATT was entering into force, in December 2014, which made them that much more relevant. However, the way these events unfolded and the rationale underpinning them were more convoluted.

From the moment it was signed, the contract for these warships made waves in Europe and beyond: it was particularly opposed by Baltic EU Member States and Poland as well as the US because it “would enhance [Russia’s] ability to potentially wage aggression against its neighbors.”⁶¹ Interestingly, as underlined by Roy Isbister and Yannick Quéau, while EU Member States were “almost universally opposed to the Mistral deal... they have virtually without fail avoided discussing the sale in the context of their legal obligation to apply the EU Common Position to all proposed arms exports”⁶² – a fact that the authors attribute to either ignorance or cynical pragmatism. This nevertheless begs the question of why France went through with the deal in the first place. Once it became clear that the contract should be cancelled, this enterprise was also particularly lengthy: the delivery was merely put on hold in September 2014, and officially suspended in November 2014. The contract was canceled only in the summer of 2015, when a deal was struck between France and Russia whereby Moscow would be refunded for the two ships. As it were, the reluctance of François Hollande’s government (2012-2017) to cancel the deal right away is widely believed to be the reason why the EU embargo did not apply to existing contracts.⁶³ In fact, each step of this contract, from its signature to the aftermath of its cancellation, provides much information about the French approach to arms exports – and their control.

In 2011, then Prime Minister François Fillon reportedly argued that selling arms to Russia was needed for peace and stability in Europe because “it would be impossible to call for continental stability in partnership with Russia if we refuse to sell armaments to Russia.”⁶⁴

People familiar with the decision-making processes surrounding this contract also explain that “there was a genuine belief shared by Fillon and [then President] Sarkozy that this could be part of a political reopening towards Moscow helped by Dmitri Medvedev being President”⁶⁵ – which was in line with the “Russian reset” called for by the Obama administration in 2009.

For France, as for other major arms exporting countries, weapons sales are generally seen through the lens of the political opportunities they bring, to reaffirm an established strategic partnership or open the door to a new one. This can often supersede other factors such as the possible outbreak of conflict or war, including when these risks have been identified. In the case of the *Mistral*, an interview subject associated with the preliminary study around the feasibility of the sale shared that it was flagged as having about a 50/50 chance of raising issues with regards to Criteria 3, 4 and 5 of the EU Common Position down the road, but “it was worth the risk, since we are in a system where everything that is not strictly forbidden is technically feasible anyway.”⁶⁶ The idea that the applicability of the rule is flexible because the letter of the law remains open to interpretation is frequently invoked around these matters, in France like elsewhere.

The French disinclination to cancel the contract right away in 2014 shines additional light onto the country’s rationale and processes. The main considerations were economic, surrounding the desire to avoid financial penalties for not delivering on a contract that had been signed, but also the risk of a potential impact on France’s reliability as an arm supplier if it backtracked on it. This could indeed have longer

term commercial consequences by jeopardizing other arms deals (such as the *Rafale* sale to India). The need to safeguard its reputation as a dependable partner in the global arms trade is a critical key in understanding France's decisions. What is interesting is that decisionmakers clearly consider "the effect of proposed exports on their economic, social, commercial and industrial interests," which Article 10 of the Common Position invites them to do, in a very broad sense. However, their application of this article stops there, despite guidance that "these factors shall [however] not affect the application of the...criteria."⁶⁷

The argument was also made that canceling the contract in October 2014 would have amounted to "qualifying Russia as an enemy, which was a subjective view, and that only the resolution of the Ukrainian crisis in satisfactory conditions should be the criterion determining whether the delivery of the ship was possible."⁶⁸ According to Jean-Pierre Maulny, this approach explains that France opposed, in parallel, a decision from the September 2014 NATO summit in Newport to deliver arms to Ukraine, to avoid an escalation of the situation. SIPRI trade registers show that while Canada, Czechia, the UK, Poland, the US, and the UAE started transferring weapons to Ukraine in 2014-2015, the first time France signed a deal with Ukraine was in 2018 (12 transport helicopters), followed by 20 patrol crafts in 2020. There was still a clear prioritization of remaining a trusted arms exporter over preventing the use of French arms in conflict. It was indeed revealed in March 2022 that the application of the rule whereby contracts signed before the embargo are considered exempted ("grandfather clause") led the CIEMMG to authorize deliveries

of equipment to Russia through 2020. Today, these systems (thermal image cameras, navigation systems and infrared detectors) aimed at modernizing Russian tanks, combat aircrafts and helicopters, could be used in the Ukrainian conflict.⁶⁹

In the end, this case study demonstrates how little conflict plays out in arms export licensing decisions compared to considerations on the need to be regarded as a reliable supplier in the global arms trade. It is worth adding that *Mistral* warships originally meant for Russia were sold to Egypt, as per a contract announced in September 2015. While it is unclear whether the Hollande government already knew that the ships would be redirected to Cairo when the cancelation with Moscow was decided,⁷⁰ three other points should be mentioned. One is that the sale to Egypt was linked to another conflict: a diplomatic source stated that Cairo intended to base one of the two ships in the Red Sea, "making it available for future operations in Yemen"⁷¹ – although this is debatable.⁷² The second point is that Russia and France have since 2015 become Egypt's two main weapons suppliers (Graphs 3 and 4), amidst tense relations between Cairo and Washington,⁷³ and with the *Mistral* sale possibly playing a role in Russia's increasing presence in Egypt arms market.⁷⁴ The last point is that the *Mistral* deal with Cairo, like the \$5.6 billion deal for 24 *Rafale*, a FREMM frigate and cruise missiles signed between France and Egypt in 2015, was partly financed by Saudi Arabia and the UAE.⁷⁵

Libya: licensing decisions chiefly focus on the potential impact on national interests

Libya is a multifaceted case study. The level of restraint (or lack thereof) in arms transfers in the face of armed

conflict(s) on the part of France and other manufacturers (particularly the US, Russia, and Germany) depends on who is considered as a belligerent. While the Uppsala Conflict Data Project (UCDP) identifies the Libyan government as the only state actor involved in state-based violence and one-sided violence (against civilians) since 2000,⁷⁶ it can indeed be argued that Libya has also been the theater of many more external actors' proxy wars, which significantly changes the overall findings. When broadening the study to these other parties, it appears that France's licensing decisions relied on calculi of whether and how exports could affect its political and strategic objectives rather than its sole impact on armed conflict.

The Libyan crisis started in 2011, when security forces opened fire on protesters in Benghazi in February and violence quickly escalated into a countrywide rebellion. As groups seeking to oust Colonel Muammar Gaddafi from power formed an interim body, the National Transitional Council (NTC), and Gaddafi refused to step down, the United Nation Security Council (UNSC) passed Resolution 1973, "demanding an immediate ceasefire in Libya, including an end to the current attacks against civilians, which it said might constitute "crimes against humanity"... [and imposing] a ban on all flights in the country's airspace – a no-fly zone,"⁷⁷ and a multi-state coalition intervened in the country to implement it. The coalition, in addition to NATO members Canada, France, Italy, Spain, the UK and the US, included Jordan, Qatar, Sweden, and the UAE. Interestingly, because the UN mandate only mentioned the protection of civilians, the UCDP does not consider the members of this coalition as parties to the conflict in 2011.⁷⁸ That year, casualties in Libya reached the level of "war" (at least 1,000 in a year).

France finished delivering Milan anti-tank missiles, bought in 2007 by the Libyan government, a mere couple of weeks before the war broke out. When the deal was signed, France was also trying to sell 14-28 *Rafales* to Gaddafi, in vain. While 2011 appears as a year when Paris exported arms to a war zone, it was not the case because the war erupted only after the delivery, and there were no subsequent arms deals to Tripoli. To be sure, an arms embargo was imposed by the UN on the government once the war began, and soon after many of its traditional weapon suppliers joined the coalition against it. The military action itself was cynically described as "advertisement" for the Dassault combat aircraft⁷⁹ – and it did later prompt several countries to purchase it. In the meantime, Libya appears as a clear case of a suspension of arms exports as a direct result of the outbreak of conflict.⁸⁰ But there is more than meets the eye to this case study.

A crucial caveat is that the Libyan government was *not* the only conflict party: in addition to the members of the coalition themselves, one should also mention the Libyan rebels, who received air-dropped weapons supplies from France, slammed at the time by Russia as "crude violation of the arms embargo."⁸¹ In 2011, rebels also received Qatari shipments of "what were described as defensive weapons, but which included Milan anti-tank missiles."⁸² A year later, in a context that had evolved, these deliveries, approved by the Obama administration, were at the heart of news stories about how U.S.-approved arms for "Libyan rebels" had fallen into "Jihadis' hands."⁸³

This environment only became more complex over time. After the First Libyan

Civil War ended in October 2011, some militias refused to disarm and integrate into the Libyan forces and the situation spiraled into the Second Libyan Civil War, from May 2014 to October 2020. From then on, many more external actors began to pursue their own interests on the ground, starting with the UAE and Egypt. Both countries had been part of the coalition and kept special forces in Libya, and then became involved in support of the Libya National Army (LNA) led by Khalifa Haftar. A turning point happened in the summer of 2014, when Abu Dhabi and Cairo conducted their first airstrikes against Libyan militias.⁸⁴ From 2018 onwards, the LNA was also supported by Russia, with the U.S. Africa Command stating that as many as 2,000 mercenaries from the Wagner Group were believed to have fought alongside the LNA.⁸⁵ On the other side, Turkey intervened militarily in 2020 in support of the UN-recognized Government of National Accord (GNA) also backed by Qatar.

If each of these countries (the UAE, Egypt, Russia, Qatar, Turkey) is considered as a conflict party, then France's lack of restraint in arms exports related to this conflict appears more substantive. Graphs of arms deliveries to the UAE (Graphs 6, 7 and 8), Egypt (Graphs 3, 4 and 5) and Qatar (Graphs 9, 10 and 11) show that there was no halt of French exports to the former, and a peak in exports to the latter two. Doha's support to the GNA was mostly political and financial after 2014, which makes these exports a non-compelling case in connection to the conflict in Libya⁸⁶ – contrary to Egypt and the UAE. As revealed by a 2019 investigation, Haftar received air support from the *Rafales* that France had sold to Egypt.⁸⁷ Another investigation exposed in 2020 that the UAE used a French Mirage 2000-9 in an

airstrike on a migrant detention center in 2019 that the UN Panel of Expert deemed a serious violation of IHL. Only a couple of months later, French companies Dassault, Thales and MBDA signed a contract to service the UAE's *Mirages*.⁸⁸

In its response to the 2020 investigation, the French government stated that it was respecting the UN embargo, that applied "to arms supplies, training and assistance to or from Libya," and not to such exports intended to benefit other states, and provided for exemptions, "subject as appropriate to approval or notification by the Libya Sanctions Committee, for certain activities."⁸⁹ While the examiner proceeds to note that there is no clear basis for France's position, its dedication to prove that it is abiding by the law is in itself important.

Besides confirming that armed conflict is not a determining factor in licensing decisions and showing that France emphasizes abiding by the letter of the law and not necessarily its spirit, this case again demonstrates that political factors seem to trump legal considerations. Here, it is indeed worth recalling that both Egypt and the UAE support Haftar, the offensive of which France supported "largely because of his anti-terrorism narrative."⁹⁰ The embarrassing discovery of French missiles at a base used by forces loyal to Haftar in June 2019 even raised questions about the extent of France's direct role in the conflict – although it denied supplying them.⁹¹ This centrality of political factors is in any case illustrated by the French reaction to another country's involvement on the Libyan theater: Turkey, that intervened at a later stage in the conflict against the goals and interests of Abu Dhabi and Cairo. Paris criticized Ankara's "dangerous game" and "historical and criminal responsibility" in Libya and calling

for an “end to foreign interference.” As was underlined by Bruno Stagno Ugarte, Chief Advocacy Officer at Human Rights Watch, President Macron’s indignation was very selective and in singling out Turkey, he was keeping “complicit silence over the repeated interference of Egypt and the United Arab Emirates.”⁹² Crucially, not long before, Paris and Berlin had banned arms exports to Turkey for another military offensive: against Kurds in Syria,⁹³ a decision that an interviewee explained as due to the “armed conflict that was directly affecting French national interest.”⁹⁴

Syria: pouring weapons into a conflict to help protect populations can be “the right thing to do”

At first glance, Syria appears to be a case study of genuine restraint in French arms exports, with some caveats. First, it is more an example of non-sales than a flow of arms coming to a halt in response to armed conflict. Second, decisions made in relation to this conflict confirmed that arms transfers approvals or suspension are eminently linked to political rather than legal concerns. France, like the US, had minor exports to conflict parties during war years.⁹⁵ It is important to understand the way this conflict unfolded before examining whether and how French arms became part of the equation.

The Syrian crisis began in March 2011 with popular demonstrations demanding more freedoms. These were harshly repressed by the security forces of Bashar al-Assad. Events quickly escalated, with the militarization of the opposition eventually leading to a full-blown civil war in which the multiplicity of actors involved greatly complicated the situation. External interferences include Iran and Russia, who joined the conflict on the side of the Syrian government in 2015. Opposing

the regime and its allies, non-state Syrian actors received direct or indirect support from the US, Turkey, and some Gulf countries, particularly Qatar. Some of these factions grouped together to become the Free Syrian Army (FSA). After 2016, Turkey’s involvement in the Syrian conflict escalated to military operations against ISIS in 2016-2017 with the support of the US, the UK and Russia, then in support of the Syrian National Army (SNA, also known as the Turkish-backed FSA, another coalition of armed groups) against the Syrian government, but also – above all – against Kurds in 2018, 2019 and 2020. Syria has been in a constant state of war (at least 1,000 BRD a year) since 2011.

Contrary to what happened in the Libyan case, Paris did not sell weapons to state actors involved in the Syrian conflict – although this was mostly in continuity of a previous absence of sales and not in reaction to the conflict itself. France has sold no arms to Syria since the late 1970s/early 1980s, when it exported light helicopters and anti-tank missiles to Damascus. It has also not sold any arms to Iran since the mid-1970s.⁹⁶ As for the third state actor involved on this side of the conflict, Russia, it did buy arms from France, in particular light helicopters ordered in 2012 and delivered in 2013, but the contracts were signed before Moscow’s involvement in Syria. As underlined in relation to Ukraine, French licensing decisions were in any case also not explained by armed conflict.

An interesting case of restraint that may be more clearly linked to armed conflict, however, is Turkey. France banned arms exports to Ankara for its offensive against the Kurds in 2019. Criterion 3 or Criterion 4 of the EU Council Common Position might have been considered in the decision.

However, it was certainly not a sufficient – or even the determining – factor. Referring to the ban, called for by France and Germany, one interviewee notes that this case illustrates how “the risk assessment prior to arms exports focuses mainly on the risk of the military equipment being used against French armed forces or interests, in addition to considerations for our international commitments, and the needs of our defense technological and industrial base.”⁹⁷

France’s “minor exports to conflict parties” concern the armed non-state actors: as confirmed in 2015 by French President François Hollande, France (like the US) transferred weapons (including 20mm guns, rocket launchers, and anti-tank missiles) to Syrian rebels in 2012, despite the European arms embargo (declared in June 2011 and annulled in May 2013). President Hollande argued that the decision was made “once they were sure that [the weapons] would fall into the right hands.”⁹⁸ However, there are three important limitations to this claim.

First, it is often extremely difficult to make sure these weapons stay in the “right hands.” Years of free flows of weapons into Iraq from the 1970s through the 1990s allowed the Islamic State to access a huge and lethal arsenal.⁹⁹ Later, al-Qaeda in Iraq had a major role in founding the al-Nusra Front in Syria, that it provided with money, expertise, and fighters.¹⁰⁰ Second, a UN report published in June 2013 detailed war crimes and abuses by Syrian opposition forces themselves, although the extent of these were less appalling than those committed by government forces and allied militia.¹⁰¹ The report called for restraint in arms transfers “given the clear risk that arms will be used to commit serious violations of international human rights or international

law.”¹⁰² Third, it is also established that the external arming of rebel groups tends to “prolong civil wars, making them bloodier and harder to resolve...[and] that’s exactly what happened in Syria.”¹⁰³

When asked about the supply of weapons to Syrian actors despite (or because of) armed conflict, French arms export professionals interviewed for this research repeatedly argued that it was “the right thing to do to protect the populations”¹⁰⁴ against the violent crackdown of Bashar al-Assad’s regime, and that it was “perfectly coherent with France’s foreign policy,”¹⁰⁵ having taken one clear side in the conflict. Such good sentiments, also brought forth for Libya, did not lead to a similar stance in the face of other violent repressions such as “the systematic and widespread killing of at least 1,150 demonstrators by Egyptian security forces in July and August 2013 [that probably amounted] to crimes against humanity,”¹⁰⁶ or the bloody crackdown of the Bahraini opposition in 2011, with Manama receiving military support from Saudi Arabia and the UAE. Then again, this silence was indeed also “perfectly coherent with France’s foreign policy.”

The second line of argument interviewees offered was that the contentious arms transfers were, in the Syrian case, very limited. It would thus be “ludicrous to put France on a same footing as Russia, Iran or Turkey given their massive involvement on this theater.”¹⁰⁷ This reasoning was also applied to other powers who provided weapons to rebels, such as the US. While the point is well taken, it is crucial to note how much of a hot topic in terms of long-term regional stability the issue of arms (re)transfers to non-state actors has become, and how urgently states need to address it, across conflict grounds such as Libya and Syria, but also Yemen today. This latter conflict case

certainly also serves as an example where the quantity of weapons supplied was far more significant.

Yemen: arms sales are ultimately inseparable from French foreign policy, therefore indisputable

Yemen is a case where France, like the US and the UK, among many arms exporters, showed little to no restraint when faced with the eruption and continuation of armed conflict. In fact, even when French weapons exports dropped 41% in 2020, its overall arms export performance was kept afloat by the main party to the war in Yemen, Saudi Arabia,¹⁰⁸ despite public outcry. The 2020 call by 14 civil society organizations for the establishment of parliamentary oversight on arms sales cited the war in Yemen as an urgent reason for change: “French arms sales have been shown to be responsible for certain serious violations of humanitarian law, particularly in Yemen...where those violations have dramatic consequences for the civilian population.”¹⁰⁹ More broadly, the French public did more to challenge and demand accountability for the government’s choice to continue exports related to the war in Yemen than any other case discussed in this paper. And because public outcry led to legal action, notably by the associations Action Sécurité Éthique Républicaine (ASER) and Action des chrétiens pour l’abolition de la torture (ACAT), it is also the case for which government’s line of reasoning has been the most clearly spelled out.

The conflict in Yemen started in 2014, when the Houthis¹¹⁰ took control of country’s capital Sana’a and proceeded to march on the presidential palace in January 2015. This led to the resignation of President Abd Rabbu Mansour Hadi, who later called on¹¹¹ the UN to impose a no-fly

zone from the airports seized by the rebels and requested an intervention “by the Gulf Shield forces to stop this Iranian-backed Houthi expansion.”¹¹² In March 2015, a “Saudi-led coalition” launched a military campaign against the Houthis. War has raged ever since, with the conflict including other armed groups on the ground beyond the Houthis, most notably the Southern Transitional Council (STC) supported by the UAE, and the *al-Islah* movement, part of the Muslim Brotherhood, in addition to government loyalists. The UN resolution 2216, passed on April 14, 2015, affirmed international support “for the legitimacy of the President of Yemen, Abdo Rabbo Mansour Hadi.” The resolution explicitly put the responsibility for ending violence in the country on the Houthis, while also demanding that they “refrain from any provocation or threats to neighbouring States.”¹¹³ Remarkably, Resolution 2216 serves to provide legal cover for the coalition’s operations to this day – although not for breaches of IHL, of course.

While “the Saudi-led coalition” was officially composed of Bahrain, Egypt, Jordan, Kuwait, Morocco, Qatar, Saudi Arabia, Sudan, and the UAE, this report focuses mainly on Saudi Arabia and the UAE, who were the main international belligerents from the start.¹¹⁴ This study thus most markedly leaves out Egypt, for its minimal participation in the war (largely explained by its history with the Yemeni quagmire in the 1960s), and Qatar. This second exclusion is because Doha was a relatively minor player and left the coalition when the diplomatic crisis with its neighbors erupted in 2017. Most importantly, political tensions with Saudi Arabia and the UAE in 2014 (when the two countries withdrew their ambassadors from Qatar) were the primary explanation for the peak in the arms deals signed with France in 2015 (Graph 11), not the war

in Yemen. Qatar felt the need to secure its strategic partnership with France and others amidst growing pressures from its Gulf neighbors, as a second batch of arms deals signed in 2018 confirmed.¹¹⁵ These deals thus had nothing to do with Yemen – although it again illustrates that a country’s participation in a war is not an obstacle to French arms sales, even if it is not the reason for them.

Graphs of arms deliveries to the UAE (Graphs 6, 7, and 8) and Saudi Arabia (Graphs 12 and 13) show that there was no clear halt to French exports to either country, although there was a clear drop in orders from Riyadh after the war began (Graph 14). And while French deliveries to Saudi Arabia increased marginally, they remained more modest than those from the UK and significantly smaller than the deliveries from the US. This could explain why France remained relatively shielded from criticism for its arms exports to the coalition for longer than the other two countries – and how lightly politicians took and addressed criticism when it arrived.

In February 2018, pressed during an interview about French bombs being dropped by Saudi Arabia in Yemen, Florence Parly presented the most peculiar answer: these weapons were “not supposed to be used.”¹¹⁶ A certain disdain towards calls for more accountability was also perceptible in President Macron’s reaction to advocates of halting arms sales to Saudi Arabia including the Khashoggi murder in their case, calling this “pure demagoguery” in October 2018: “What’s the link between arms sales and Mr Khashoggi’s murder? I understand the connection with what’s happening in Yemen, but there is no link with Mister Khashoggi.”¹¹⁷ In truth, the murder was never put forth to the exclusion of all other reasons to halt these exports – and arms

sales can be opposed on this ground alone as it related to Criterion 6 of the EU Common Position.¹¹⁸

Of course, such non-replies and scornful dodges did nothing to quench public and journalists’ thirst for answers. Public opinion and NGO mobilization against arms sales to Saudi Arabia and the UAE “likely to be used illegally against civilians in Yemen”¹¹⁹ grew. It notably led to the creation of a parliamentary fact-finding mission on arms export control in November 2018. As was exposed by secret military documents written in September-October 2018 and published by Disclose in April 2019 in their “Made in France” report,¹²⁰ French arms were, in fact, used in Yemen, and involved in the death of civilians.

So how does the government explain this? For the most part, it does not – or tries to avoid the matter altogether. Officials’ usual answer has been that French equipment is only used defensively. Even after the “Made in France” report noted that tanks and laser-guided missiles, among other systems sold to Saudi Arabia and the UAE, had been used offensively, the CIEMMG’s answer was that, “Exports did not stop altogether after 2015, but their authorization on a case-by-case basis [was] naturally subject to increased vigilance” and that “to [their] knowledge, French weapons available to the members of the coalition [were] mainly placed in a defensive position.”¹²¹ President Macron also stood by these exports decisions based on two other grounds: the “war on terrorism,” and the guarantee that these weapons were “not used on civilians” – two claims that Aymeric Elluin, from Amnesty International, asked proofs for,¹²² in vain. As noted by Saferworld, “For many established arms-producing countries, supplying the conflict in Yemen

highlights the contradictions between legal obligations, political commitments and rhetorical statements on the one side, and actual decision-making and conduct on the other.”¹²³

As Jean Guisnel reported in 2017, while exports licenses for Saudi Arabia were considered, the package was divided into three parts. The first one was deemed compliant with France’s international commitments because it was intended for the Saudi Arabia National Guard, which does not intervene outside the borders. The second one was approved because “the armaments were not directly usable in Yemen because of the implementation delays.” As for the third one, concerning ammunition for Yemen, it was originally refused by the CIEMMG. Then, the decision was pushed to the highest level: President Hollande approved it. “Should we be surprised? Not really...,” the journalist concludes.¹²⁴ This is because, as is often stated by French officials,¹²⁵ Saudi Arabia and the UAE are France’s “strategic partners,” and arms sales are considered a key dimension of bilateral relations with them. Because weapon exports are deemed an “*acte de gouvernement*,” a sovereign act inseparable from the French foreign policy, they can ultimately be shielded from any pushback coming from outside of a circle of need-to-know people...and even from inside it when the President decides it.

Unequivocally, the Yemen case is the clearest illustration of the huge gap that can exist between France’s narrative around arms export control and policy implementation. The government’s reaction to attempts by civil society to obtain answers has done nothing to alleviate concerns. The journalists who leaked the classified documents, known as the Yemen Papers (and

published in “Made in France”) were summoned by French intelligence to explain themselves.¹²⁶ The government also summoned Jean-Claude Alt et Benoît Muracciole of ASER,¹²⁷ one of the two associations that filed lawsuits against the government’s arms sales to Saudi Arabia and the UAE, with the goal of forcing the government to “disclose records over war equipment exports.”¹²⁸ These can be read as attempts to intimidate the media and critics at large in a way that certainly, at the very least, further contradicts claims of transparency.

Philippines: new market opportunities are worth considering, even amidst continued conflict

At first glance, the Philippines seems to be a rare case where France supplied arms during years of minor conflict (at least 25 BRD in a year) but not during war (at least 1,000 BRD), and while both the US and the UK provided arms supplies during war years. This begs the question, what made the Philippines a special case of French restraint? Looking at it in more detail, however, it appears that it was a case of non-sales rather than restraint. Further, despite the continued conflict, France has increasingly sought to export arms to the country.

According to the UCDP, the Philippines have been in constant state of at least minor conflict since 2000 and witnessed an upsurge to a level of war in the years 2000 and 2017. Deaths have been linked to various armed conflicts and situations of one-sided violence. There are multiple conflicts in the Philippines: First, was conflict between the government and the New People’s Army, the armed wing of the Communist Party of the Philippines, from the 1970s onward. Another was between

the government and Moro separatist movements, such as the Moro Islamic Liberation Front, that ended through a peace agreement in 2014. There has also been internal armed conflict with local Jihadi groups, such as Abu Sayyaf, since the 1980s.¹²⁹ Lastly, many recent civilian casualties were linked to the “war on drugs” carried out by President Rodrigo Duterte since taking office on June 30, 2016 – which led to the deaths of over 12,000 Filipinos in its first 14 months,¹³⁰ more than 2,500 of which were attributed to the Philippine National Police.

Looking at the SIPRI trade registers, it appears that 2019 was the only year in the past two decades when French arms were delivered to the Philippines. This transfer was the first since 1996 and included two antisubmarine sonars to equip helicopters sold by the UK.¹³¹ France exported no major weapons to the Philippines that could have provoked or prolonged its armed conflicts. At the same time, an absence of exports is not necessarily a sign of restraint. It might be indication of a lack of market opportunity. There was no instituted bilateral bond with France. Moreover, the Philippines has historically been a relatively small military spender and arms importers, and the country’s main supplier has traditionally been the US, with South Korea, Indonesia and Israel taking an increasing number of its market’s shares since 2014.

However, this situation could change and, despite continued conflict in the Philippines, France could become a bigger security partner and a more significant arms supplier to the country in the future. In 2016, two days after the election of President Duterte, Paris and Manilla signed a defense agreement to increase cooperation between the French and Philippine armed forces, “as well

as the promotion of bilateral defense cooperation in relations to defense equipment, logistics and the defense industry.”¹³² The agreement was signed primarily in reaction to concerns over China’s activity in the South China Sea. The priority of maritime security in these developing ties was confirmed by the 2019 deal between the two countries for the purchase of 40 French Mistral portable surface-to-air missiles to equip frigates. Meanwhile, it has clearly opened the door to much more than this dimension. Since the defense agreement, France has licensed a rising number of exports to the Philippines: from 80M€ and 167M€ in 2014 and 2015, the annual value of these licenses has exceeded 500M€ since 2016 (1,741M€), culminating in 2019 (4,439M€) and 2020 (2,524M€).¹³³

This new partnership could pick up even more speed. In February 2021, the new French Ambassador to Manilla, Michèle Boccoz, underscored that France was committed to “continue to step up the growing cooperation in defense and strategic matters between the Philippines and France” and President Duterte welcomed Paris’s active participation in the Philippines’ defense modernization and “Build, Build, Build” programs.¹³⁴ An acceleration of these dynamics could become a mirror to the US approach to its military relation with Manilla, described by Miles Ashton and Bill Hartung as a dangerous replay of the Cold War.¹³⁵ Alternatively, the growing tensions between the US and China could lead France to go back to a third way narrative, especially if the relationship between the US and the Philippines grows more strained during the Biden administration.¹³⁶ The Philippines will be a testing ground for whether France stays away when a new arms export opportunity opens that is partly made possible or

fueled by tensions and full-on armed conflict, or if it tries to seize it.

If France sought to fill a vacuum left by the US, or to fill a spot open in this market by Manilla's drive to diversify its arms suppliers,¹³⁷ it would be a certain *déjà-vu* of what happened in Egypt in 2014.¹³⁸ In such case, the narrative to justify the choice to export is often a variation of "if we don't sell, others will," which is problematic when the decision ends up infringing its international commitments. This is also telling of how dispensable arms exporters have become amidst a proliferation of suppliers and the consolidation of a buyers' market – which is key to understanding the French emphasis on being a dependable partner observed in other case studies.

Identifying current hurdles and potential room for improvement

One of the takeaways from the interviews conducted for this research is the continued salience of the argument that France is, in fact, overall abiding by the law. Most interlocutors argued that the controls were efficient and the processes reliable. However, interviewees also provided crucial caveats: "having efficient controls does not mean that you have a good policy,"¹³⁹ and "France, like many other exporters, puts an emphasis on abiding by the *letter* of the law – which begs the question of whether the *spirit* of the law itself is respected."¹⁴⁰ The way French officials have used discourses to their advantage to shield themselves from criticism is visible in the way they navigate conundrums around exports timeframes and the distinction between defensive and offensive arms. These rhetorical and

legal ambiguities not only exempt but also prevent French officials from considering and implementing policy revisions. At the heart of the matter is the indiscriminate belief that weapons sales are an essential support to the country's strategic autonomy, driving most of the discussions around the validity of any given export license today – even when some precisely undermine France's strategic autonomy and its foreign policy interests. It is thus time to demystify these narratives and open a renewed debate about arms sales.

The time lapse conundrum

Debates about whether an arms export license should be granted often hinge on whether there is a risk of *immediate* use in armed conflict. This notably appeared in discussions around potential sales to Russia and Saudi Arabia at times when there was a high probability of an equipment being *directly* used to support their military efforts in Ukraine and Yemen. Conversely, the non-immediacy of potential use by a prospective client in armed conflict is often brought forth as justification to grant licenses. Off the record, officials acknowledge that it was fortunate that Qatar was no longer engaged in the Yemen war at the time of the first Rafale delivery in early 2019 (the contract was signed in May 2015). The same time lapse argument is floated around for the UAE, regarding a contract signed in 2021, with the first deliveries expected no earlier than 2026. These examples raise several issues. First, they highlight the necessity to reconsider the temporality of risk, as it is in fact difficult to predict with certainty that there is no probability of direct use in armed conflict at the time of delivery. Second, they draw attention to the fact that these questions are more topical today because of the direct or indirect participation of

France's main arms recipients (Graph 1) in armed conflicts, which is relatively new.¹⁴¹ In hindsight, the occasional Saudi campaigns in Yemen in 2009 can perhaps be seen as a preliminary sign of these shifting dynamics. Besides this, the UAE and Saudi Arabia had otherwise not waged their own wars anywhere before the summer of 2014. When they did, however, they already had many of the weapons they used in the conflict.

Based on these remarks, some adjustments to license approvals could be made. Shouldering the responsibility that arms exporting countries all have

to prevent future conflict, France and others could collectively decide to **establish a longer timeframe as**

a baseline to assess the likelihood of a prospective client to provoke or prolong armed conflict (Criterion 3) or use it aggressively against another country (Criterion 4). This would close loopholes that allow exports to happen as soon as participation in war ends – even when it is very likely to resume at some point in the near future. **Better coordination at the European level**, and perhaps down the road with the US, would also prevent situations where others that “will sell if we don’t” are allies.

The defensive vs. offensive weapons conundrum

Another frequent justification for granting export licenses is that the weapons are deemed defensive. This is usually the case when an export takes place as part of a strategic partnership between

France and the recipient. A clear example is sales to Saudi Arabia during its intervention in Yemen, and particularly the Caesar cannons meant to be stationed at its southern border to protect the Saudi territory against potential Houthi incursions. “To my knowledge, French weapons are not being used in an offensive capacity in the war in Yemen,” Florence Parly, Minister of Defense stated as late as May 2019.¹⁴² The Yemen Papers revealed by Disclose proved that some of these cannons were used in an offensive capacity, to “back up loyalist troops and Saudi armed forces in their progression into Yemeni territory.”¹⁴³ And the French

government knew about it: the 2018 classified documents were intended for President Macron, the PM as well as the

foreign and defense ministers.

The defensive argument around the Caesar cannons, like the time lapse argument, confirms that policymakers in France, like elsewhere (the same line was put forth by the Biden administration), try to abide by the letter of the law – and they might want to believe they respect the spirit of the law. As underlined by Pieter Wezeman at the time, “What is interesting is that French intelligence were given the assignment to compile this [classified report, which] suggests there is enough concern within government circles for them to want to know more about what is going on in Yemen.”¹⁴⁴

Building on these legitimate concerns, policymakers could take one step further and **strengthen accountability mechanisms for clients**, to limit the risk of arms being used in non-compliance with

At the heart of the matter is the indiscriminate belief that weapons sales are an essential support to the country's strategic autonomy...

France's international commitments. This was one recommendation from the Maire and Tabarot report on French arms export control.¹⁴⁵

One interviewee underlined another difficulty: "The text itself [of the EU Common Position and the ATT] is not enough. What we have today is a law without regulatory decrees, so of course each party interprets it as is most convenient."¹⁴⁶ It is worth underlining the existence of a "User's Guide" to Council Common Position 2008/944/CFSP, established by the COARM.¹⁴⁷ However, the interpretability and applicability of texts, left to the individualized – and often pragmatic – appreciation of actors, remains an issue. This is precisely why, as importantly stated in the Maire and Tabarot report, there is a need to **confer oversight powers to the Parliament** to keep licensing decisions in check. Otherwise, governmental accountability is a moving target, especially when the letter of the law is bent to match political decisions.

The moving target of accountability helped by a carefully calibrated rhetoric

Mid-2021, the official website *vie-publique.fr* published an article on 2020 French military exports that was a perfect illustration of the way the terms of the debate around arms sales are subtly shaped: "French arms sales fell by 41% (...). As in 2019, Europe remains France's leading customer."¹⁴⁸ This is interesting because while 25% of orders in 2020 indeed came from European countries, the first unique client was Saudi Arabia, for a total (€703.9 million) that supplanted the consolidated total of EU countries (€697.7 million). The article adds €493.2 million from "other European countries"

to reach the conclusion that Europe was the "leading customer," which conveniently pushes Saudi Arabia out of the picture, or at least out of the headline. Of course, this reflects a genuine interest in a sustainable European market. As stated in the *Report on Arms export: implementation of Common Position 2008/944/CFSP* from the European Parliament in July 2020, "a viable European market would reduce dependency on arms exports to third countries."¹⁴⁹ Additionally, this can be seen as implicit validation of the weight of public opinion in policymaking processes, "if only to avoid reputational or image risks."¹⁵⁰

Another rhetorical shield that policymakers deploy to deflect potential public disapproval is the "war on terror." In 2019, President Macron responded to criticism of announced arms sales to Saudi Arabia and the UAE by stating that they were "allies of France and allies in the fight against terrorism."¹⁵¹ Meanwhile, civil society organizations have repeatedly shown how the rhetoric of the "war on terrorism" is used by various client regimes to justify many abuses.¹⁵² It remains a question whether policymakers' intention when they push such a narrative is to appease public opinion or safeguard their own belief that they are possibly bending, but not breaking, the rules. Any attempt to objectively assess the decision-making processes, however, is suspended by the fact that licensing decisions are "*actes de gouvernement*" and thus escape scrutiny, as underlined around the Yemen case. This is particularly the case when a deal involves a bilateral relationship that is deemed a "strategic partnership." This conundrum could be resolved through **initiatives to decenter the role of arms in securing these strategic partnerships** that are central to French foreign policy. However, more generally, debates on arms

sales, including to conflict parties, are often thwarted by the idea that weapons exports are, at the end of the day, good for France's strategic autonomy, and therefore untouchable.

If everything is strategic, then nothing is – demystifying the “strategic autonomy” argument

In France today, a persistent story around arms trade is that it contributes to upholding the country's strategic autonomy. One interviewee defended the idea that there is already wide public indifference to arms sales to Saudi Arabia, the UAE and Egypt regardless of their implication in Yemen and Libya, for instance, and that this would probably turn into actual support if people were asked: “would you jeopardize France's strategic autonomy for a few Yemeni lives?”¹⁵³ Beyond the inaccuracy of this claim (a 2018 YouGov poll showed that 75% of French people wanted to suspend arms' exports to countries involved in the Yemeni war),¹⁵⁴ the point is interesting in that it demonstrates a belief that *all* arms sales, almost *by definition*, support the country's strategic autonomy – whatever this may mean. In reality, this is precisely not clearly defined, and thus escapes any potential scrutiny.

There is room for improvement in the arms exports control processes in France not only through challenging the idea that decisions are aligned with the letter – if not the spirit – of national and international laws, but also through measuring whether and how these decisions indeed contribute to French strategic autonomy. To be sure, many exports that are approved in the name of this pursuit end up jeopardizing France's strategic autonomy and strategic interests¹⁵⁵ at large. The combination of

a self-declared “existential need to export arms” that is well integrated in the psyche of many policymakers in France and of the increased determination of recipient states to leverage their attractiveness in a consolidated buyers' market to get more, in terms of both technical specificities of weapon systems and political concessions of partners means that the autonomy of France's foreign policy can in fact be called into question.¹⁵⁶

Other challenges are the risk of sensitive technology being diverted to third parties which could use it against French armed forces or interests down the road, as well as the risk of a “friendly regime” of today becoming an enemy tomorrow, for instance. While these crucial issues are probably considered in the case-by-case licensing decision-making processes, the continued opacity surrounding these not only fuels general distrust, but it also contributes to a situation where over-simplified and largely imagined communities (completely in favor of arms sales or absolutely opposed to them), are constantly pitted against each other. This is particularly harmful, as it prevents any real constructive debate that could help find new solutions to better support the country's interests in the long run, at individual and collective levels (within the EU, for example).

Conclusion: the need for a renewed debate around arms sales




A sober assessment of the fundamental and non-negotiable goals supported by the manufacturing and exporting of arms (such as skills maintenance, investments in R&D, etc.) would open a space to evaluate each deal as it relates to identified national and regional interests – and whether it is the best way to sustain these interests. Such exchanges would move the debate away from worn-out myths around the arms trade¹⁵⁷ and towards actual concerns, thereby allowing a renewed appraisal of how France, in coordination with others, could meet these challenges without infringing on its international commitments and its own strategic interests down the road.

However, such productive conversations are rendered difficult if not impossible by the constant noise of a streamlined narrative pushed by many politicians and media that is at best incomplete and at worst erroneous, as observed throughout

this report. This weaponized storytelling and lack of transparency on these topics in France are counterproductive because they ignite a general distrust of all things arms related. Faced with issues that remain extremely compartmentalized, people mobilized for better policies sometimes forget that arms export control processes exist so that arms sales are *permitted*, within the purview of fixed boundaries, not prohibited. It does not help that the French arms export control system is said to rely on a “principle of prohibition” – a discursive illusion that says nothing of the permissiveness of the licensing process observed in this study.

At present, discussions are largely dominated by groups that mix like water and oil and tend to talk at and over, rather than to each other because they seem to disagree at their core about whether arms sales can be good in some cases or bad in some cases. There is thus a need to renew the debate and nurture a broader and inclusive community of people with keys to assess and prioritize objectives and solutions related to arms sales and exports control.

Arms sales from France are:

| | |
|--|---|
|  War | ➤ More frequent when the recipient is involved in a minor armed conflict |
|  Money | ➤ More frequent as the military expenditure of the recipient increases ➤ More frequent as the total military acquisition of the recipient from all other suppliers increases |
|  Relationships | ➤ More frequent if the recipient is already a recent customer |

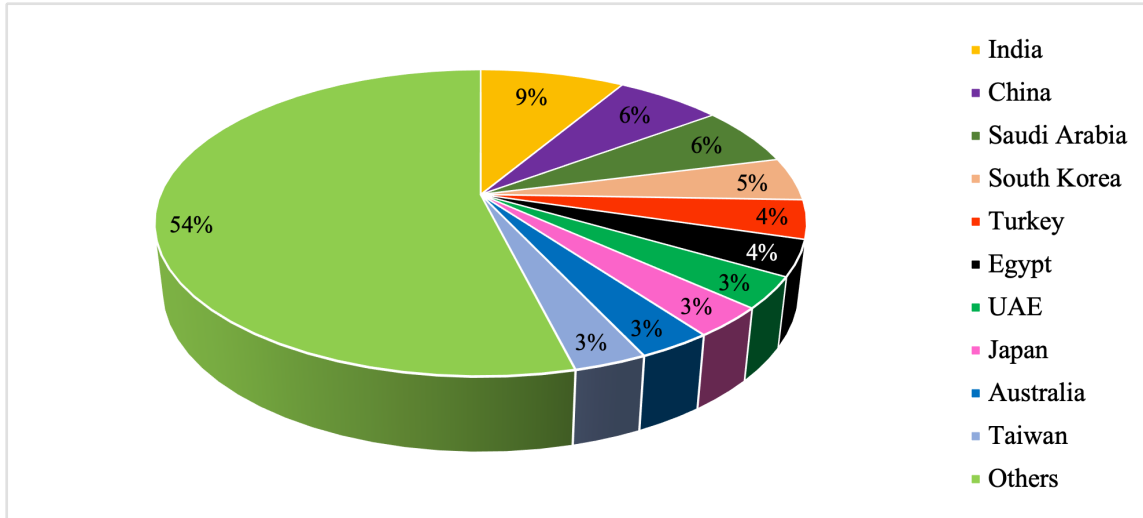
WORLD PEACE FOUNDATION

Many people interviewed for this research conceded that processes could or should be improved. While there are careful deliberations surrounding licensing decisions, they cannot be fully trusted because of their opacity and the risk of collusion between interested parties, notably between policymakers and defense industrials. To be sure, this issue arises in many arms exporting countries. In the US, Jodi Vittori underlines a “cycle of perverse outcomes” between the defense industry and key politicians including in the executive branch that “reinforces the position of the predatory governments in the Middle East [continuing] to breed violence and instability.”¹⁵⁸

More oversight is thus needed in many countries, including France. And when it comes, it will be paramount that those who shoulder the task take it seriously. Many interviewees pointed to a telling example of a deficiency in this respect that is found in Anne Poiret’s documentary “My country makes weapons” (2018). Meeting a member of the Parliamentary Defense committee to ask questions about the Report to Parliament on the Export of French Armaments, she receives a stunning response: the policymaker has not even read it.¹⁵⁹ While one can hope this was circumstantial, it confirms the need to reinvigorate conversations about the arms trade that continues to have massive impact on the ground.

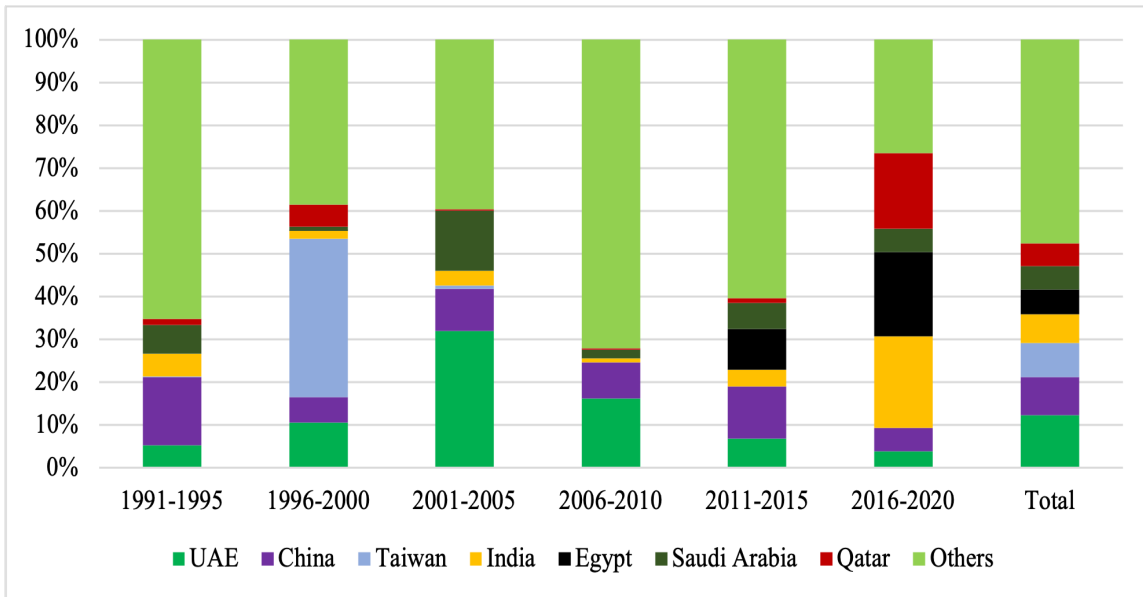
ANNEX 1: CHARTS AND GRAPHS

Chart 1 – Top 10 largest global arms importers expressed in % (1991-2020)



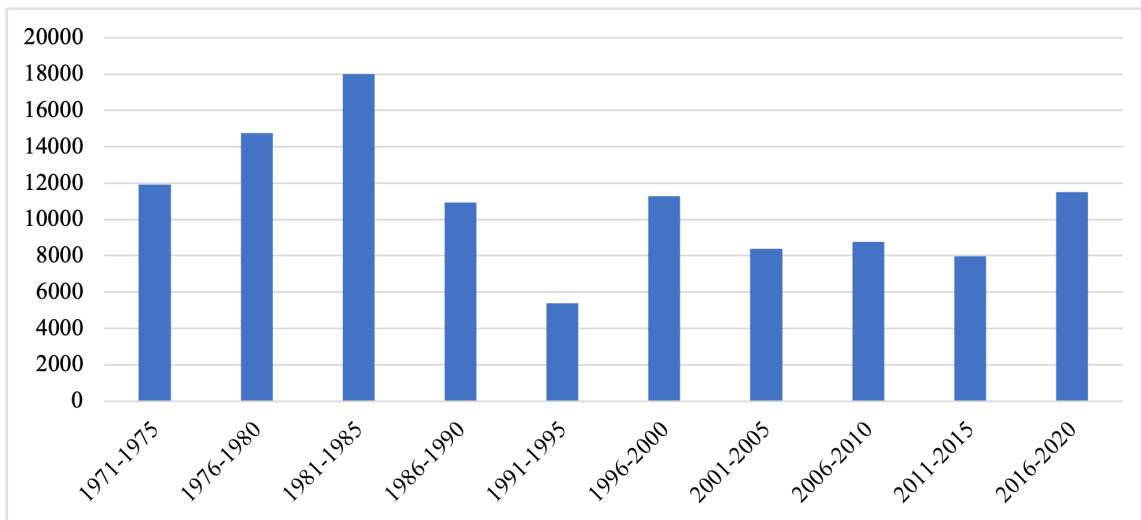
Source: SIPRI Arms Transfers Database, Top List TIV Import Table, Generated on February 25, 2022

Graph 1 – Top 7 largest clients of French arms exports expressed in % (1991-2020)



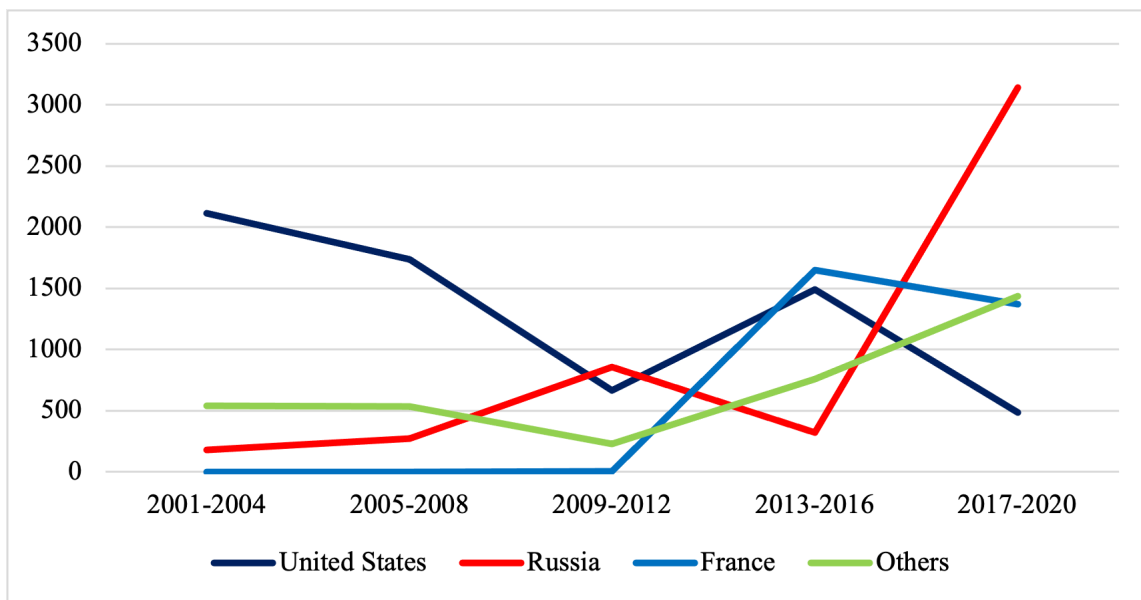
Source: SIPRI Arms Transfers Database, Importer/Exporter TIV Table, Generated on February 25, 2022.

Graph 2 – French arms exports expressed in TIV (1971-2020)



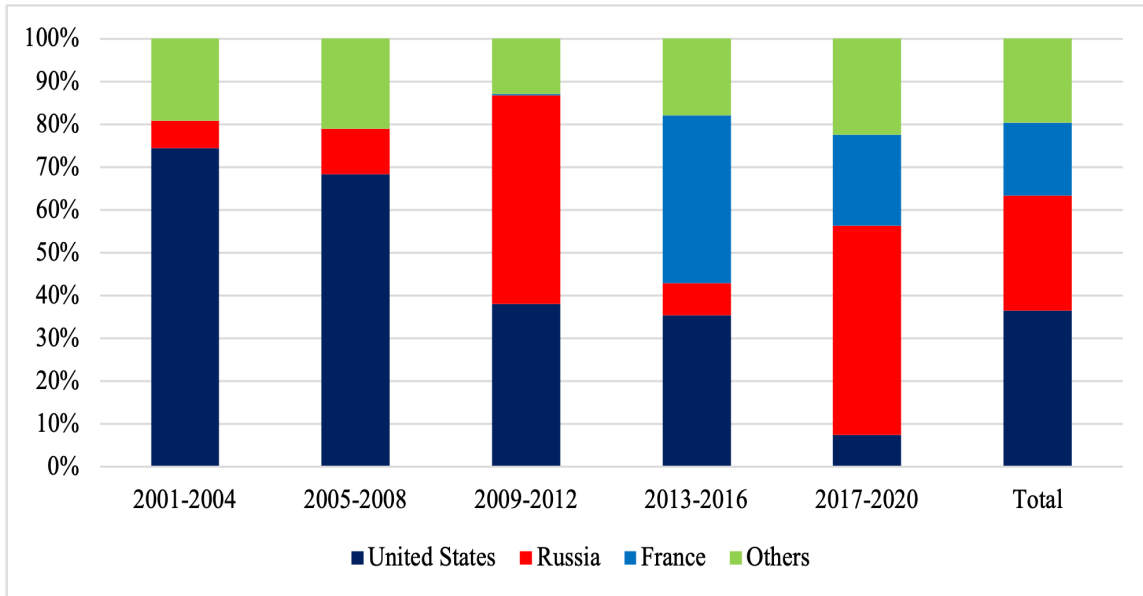
Source: SIPRI Arms Transfers Database, Importer/Exporter TIV Table, Generated on February 15, 2022.

Graph 3 – Egypt arms imports expressed in TIV (2001-2020)



Source: SIPRI Arms Transfers Database, Importer/Exporter TIV Table, Generated on February 10, 2022.

Graph 4 – Egypt arms imports expressed in % (2001-2020)



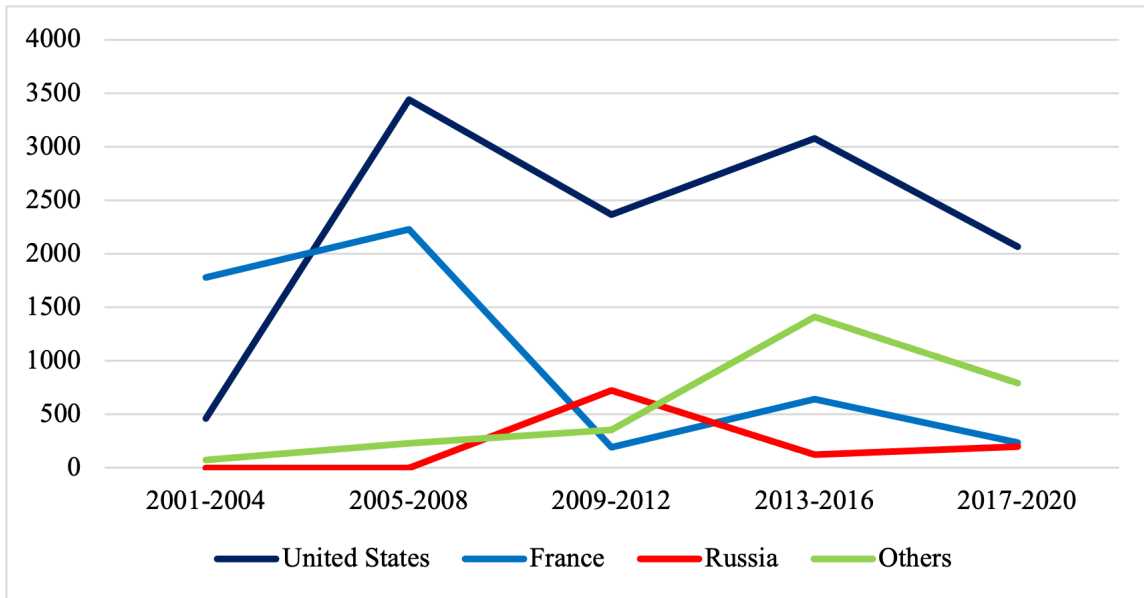
Source: SIPRI Arms Transfers Database, Importer/Exporter TIV Table, Generated on February 10, 2022.

Graph 5 – France-Egypt arms relations expressed in M€2020 (2001-2020)



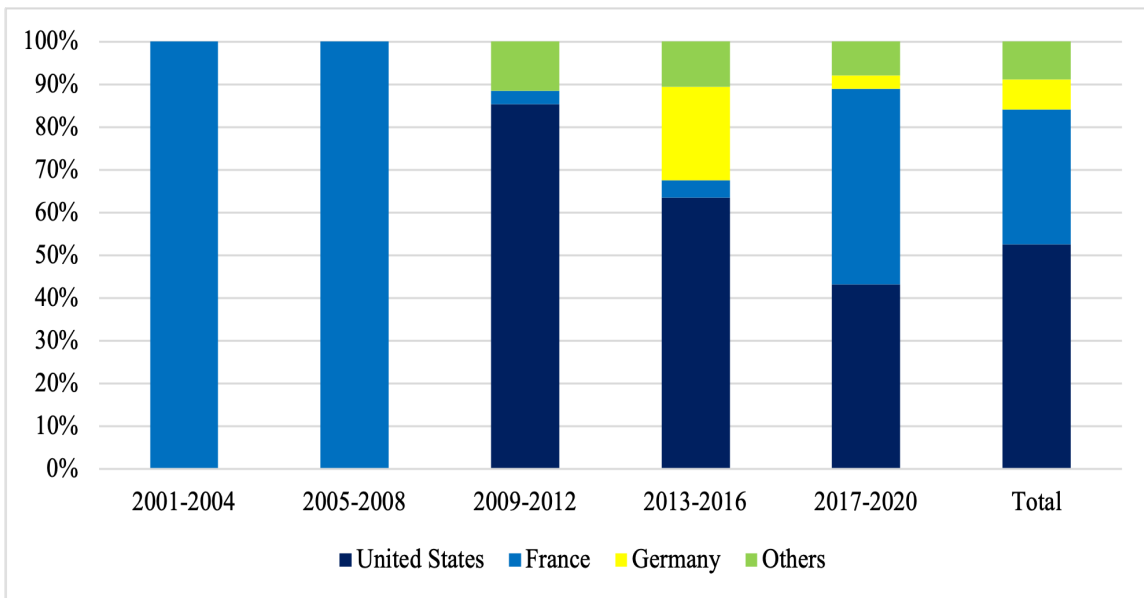
Source: Reports to Parliament on the Export of French Armaments 2000; 2006; 2010; 2020.

Graph 6 – UAE arms imports expressed in TIV (2001-2020)



Source: SIPRI Arms Transfers Database, Importer/Exporter TIV Table, Generated on February 10, 2022.

Graph 7 – UAE arms imports expressed in % (2001-2020)



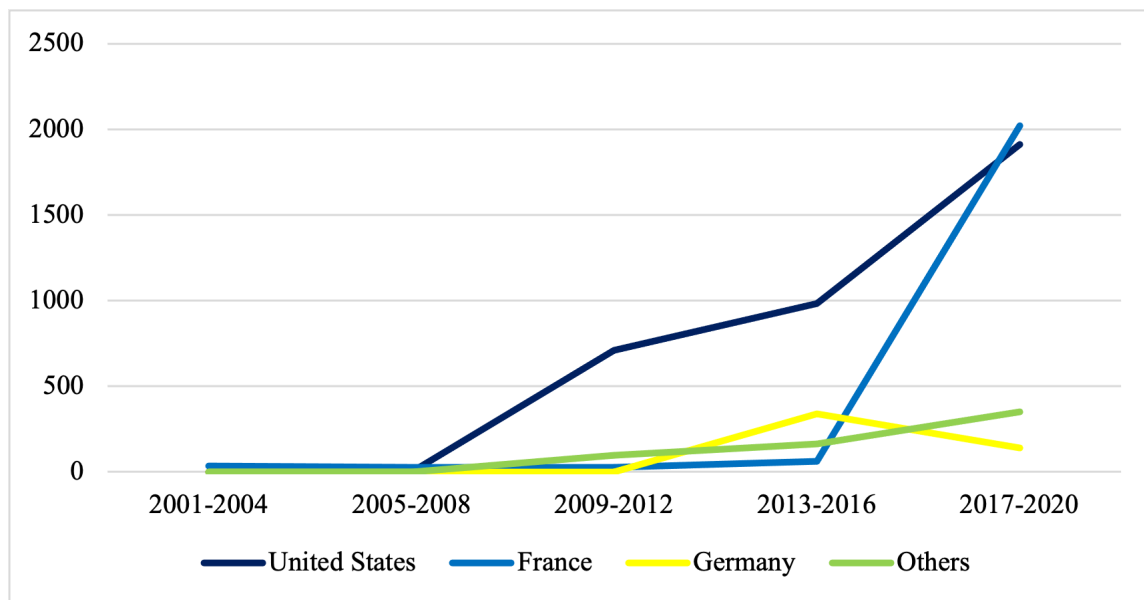
Source: SIPRI Arms Transfers Database, Importer/Exporter TIV Table, Generated on February 10, 2022.

Graph 8 – France-UAE arms relations expressed in M€2020 (2001-2020)



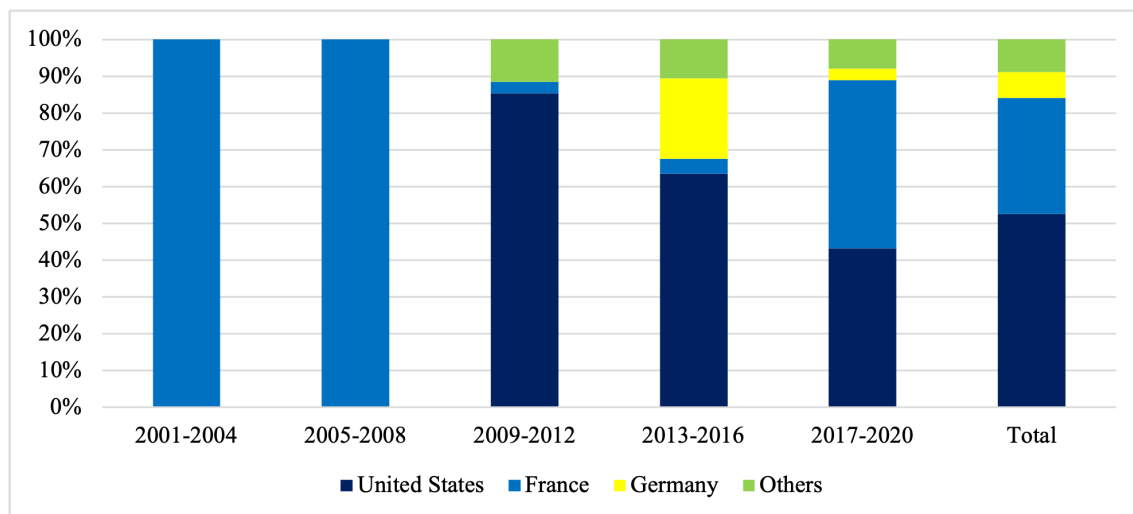
Source: Reports to Parliament on the Export of French Armaments 2000; 2006; 2010; 2020.

Graph 9 – Qatar arms imports expressed in TIV (2001-2020)



Source: SIPRI Arms Transfers Database, Importer/Exporter TIV Table, Generated on February 10, 2022.

Graph 10 – Qatar arms imports expressed in % (2001-2020)



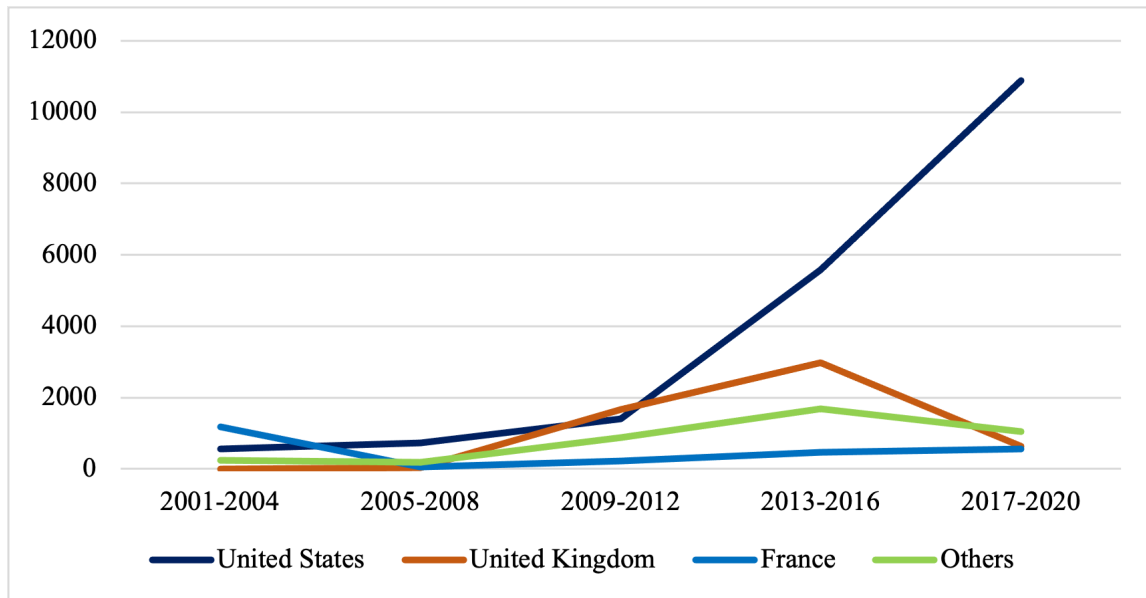
Source: SIPRI Arms Transfers Database, Importer/Exporter TIV Table, Generated on February 10, 2022.

Graph 11 – France-Qatar arms relations expressed in M€2020 (2001-2020)



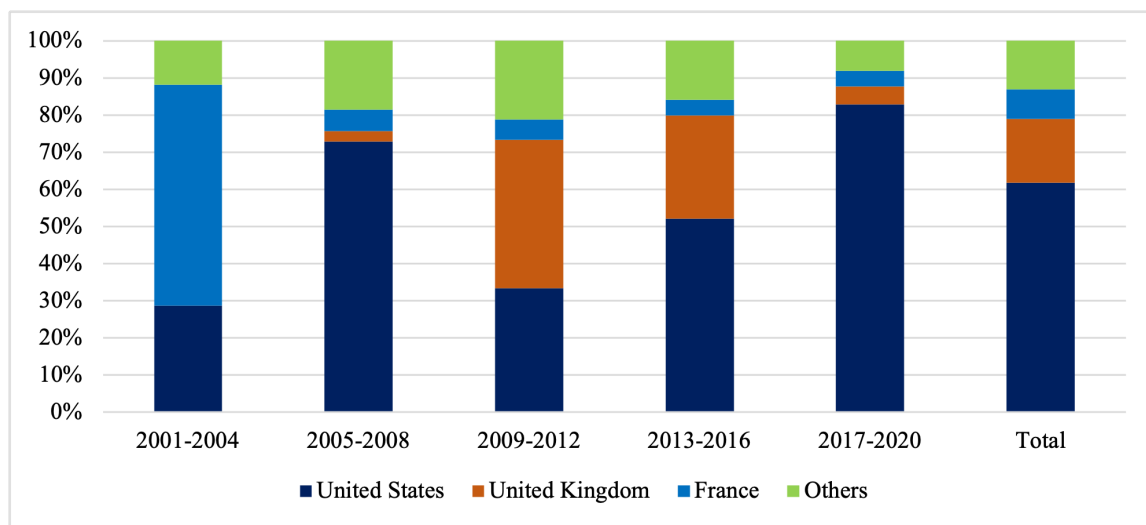
Source: Reports to Parliament on the Export of French Armaments 2000; 2006; 2010; 2020.

Graph 12 – Saudi Arabia arms imports expressed in TIV (2001-2020)



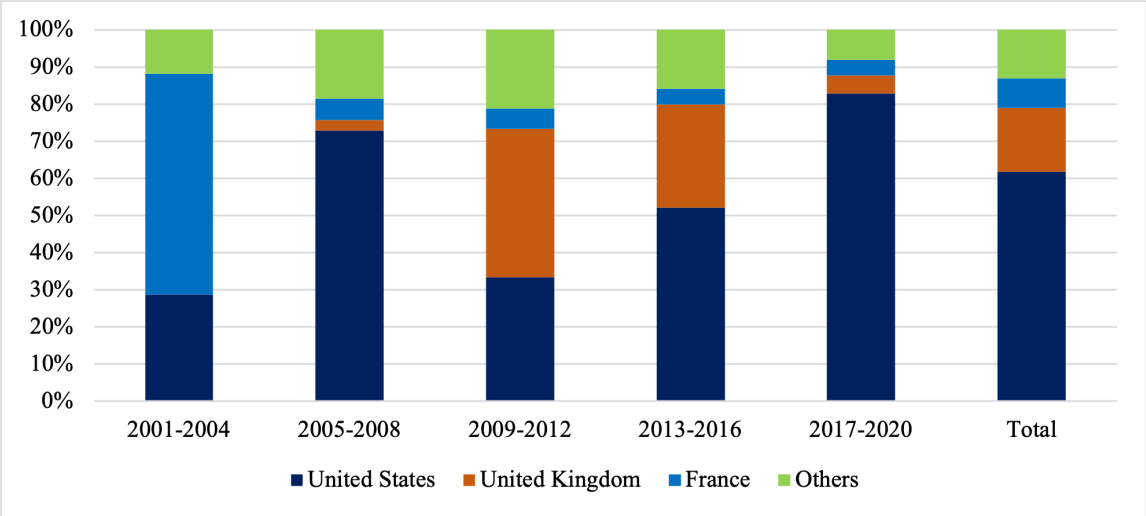
Source: SIPRI Arms Transfers Database, Importer/Exporter TIV Table, Generated on February 10, 2022.

Graph 13 – Saudi Arabia arms imports expressed in % (2001-2020)



Source: SIPRI Arms Transfers Database, Importer/Exporter TIV Table, Generated on February 10, 2022.

Graph 14 – France- Saudi Arabia arms relations expressed in M€2020 (2001-2020)



Source: Reports to Parliament on the Export of French Armaments 2000; 2006; 2010; 2020.

ENDNOTES

- 1 The author would like to thank Lucie Béraud-Sudreau, Bridget Conley, Jennifer Erickson, Aude-Emmanuelle Fleurant, Sam Perlo-Freeman, Yannick Quéau, and Anna Stavrianakis for their helpful comments along the way.
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