

## **ABOUT WALLOON ARMS MONITOR**

The Walloon Arms Monitor is an attempt by civil society to hold the Walloon Region accountable to the obligations it has taken on with respect to the arms trade, with a particular focus on exports to countries involved in the war in Yemen. This is done through extensive collection, analysis and distribution of publicly available information. The Walloon Arms Monitor contains information with respect to arms trade policies, reporting, production, exports and alleged law violations. It is neither a technical verification system nor a formal inspection regime.

The Walloon Arms Monitor's key target audiences are governments, civil society, international and non-governmental organizations, as well as media, academics and the general public. This online document looks in particular at information related to 2018 and the first months of 2019. The Walloon Arms Monitor welcomes comments and clarifications from readers on the information presented.<sup>1</sup>

## **ACKNOWLEDGEMENTS**

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<sup>1</sup> Comments and clarifications should be sent to [sbrabant@amnesty.be](mailto:sbrabant@amnesty.be).

*Key developments since 2018:* The Walloon Region continued to exports large quantities of weapons and military equipment to countries accused of committing war crimes. Walloon parliamentarians asked several parliamentary questions on arms exports to Saudi Arabia, in particular since the assassination of the Saudi journalist Jamal Khashoggi. Two investigations revealed that Walloon arms were used in the war in Yemen. The Council of State canceled several export licenses to Saudi Arabia and stated that the Walloon Region had failed to examine the behavior of the buyer country. Nine NGOs called on the Walloon Region to immediately stop arms sales to countries committing serious violations of international humanitarian law and human rights law.

## Policy

After having signed the Arms Trade Treaty on 3 June 2013, Belgium stated, “This signature also involves the Walloon Region, the Flemish Region and the Brussels-Capital Region.”<sup>2</sup> Although regions have “an exclusive competence to grant export, import and transit licenses,”<sup>3</sup> arms brokering remains a federal matter in Belgium.<sup>4</sup>

The Walloon Region approved the Arms Trade Treaty by decree on 28 November 2013, with the decree taking effect on 5 December 2013.<sup>5</sup> Belgium ratified the treaty on 3 June 2014.<sup>6</sup>

In accordance with Article 12 of the European Union Common Position on arms export controls, the Walloon Region legislated through a decree regulating the import, export, transfer and transit of weapons, which was enacted on 21 June 2012.<sup>7</sup> According to the website of the Walloon Region, “the political decision of granting or refusing all these licenses is an exclusive competence of the Minister-President.”<sup>8</sup>

In response to a parliamentary question, Willy Borsus, the Walloon Minister-President, stated, “The Walloon Region has... entrusted the administrative management of [arms trade]

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<sup>2</sup> Declaration of Belgium, 7 June 2013.

[https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XXVI-8&chapter=26&clang=en#EndDec](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVI-8&chapter=26&clang=en#EndDec) (accessed on 9 July 2019).

<sup>3</sup> ICBL-CMC, *Landmine and Cluster Munition Monitor*, “Belgium Cluster Munition Ban Policy,” 29 July 2015, <http://the-monitor.org/en-gb/reports/2019/belgium/cluster-munition-ban-policy.aspx#ftnref18> (accessed on 9 July 2019).

<sup>4</sup> Région wallonne, “Rapport annuel au Parlement wallon relatif à l’importation, au transfert, à l’exportation et au transit d’armes civiles et de produits liés à la défense, Version 2017,” April 2018, p. 5, [http://gouvernement.wallonie.be/files/Documents/Rapports\\_Armes/Rapport%20annuel%202017vfinalePP.pdf](http://gouvernement.wallonie.be/files/Documents/Rapports_Armes/Rapport%20annuel%202017vfinalePP.pdf) (accessed on 4 July 2019).

<sup>5</sup> “Décret portant assentiment au Traité sur le commerce des armes, fait à New York le 2 avril 2013,” 28 November 2013, <https://wallex.wallonie.be/index.php?doc=26898&rev=28215-18965> (accessed on 9 July 2019).

<sup>6</sup> <https://www.un.org/disarmament/fr/convarms/sur-des-commerces-des-armes/> (accessed on 9 July 2019).

<sup>7</sup> “Décret relatif à l’importation, à l’exportation, au transit et au transfert d’armes civiles et de produits liés à la défense,” 21 June 2012. <https://wallex.wallonie.be/index.php?mod=results&de=themes&idtheme=10887&rtheme=Armes> (accessed on 9 July 2019).

<sup>8</sup> [http://economie.wallonie.be/Licences\\_armes/Accueil.html](http://economie.wallonie.be/Licences_armes/Accueil.html) (accessed on 9 July 2019).

to two specific and distinct services: the arms licensing department, within the Economic, Employment and Research Operational Directorate-General and the... Licensing Control, Foreign Policy Analysis department within Wallonia-Brussels International (WBI). In addition, the Walloon Government has decided to create... an ad hoc commission whose role would be to examine the criteria for granting licenses and to deliver opinions.”<sup>9</sup> The Weapons Advisory Commission provides its advice “only to the competent Minister.” Advisory Commission members “are exempted to refer and to report to their hierarchy of the work carried out” within the Commission.<sup>10</sup>

On 8 June 2017, the Belgian House of Representatives adopted a resolution calling on the Belgian government “to ask the federated entities to put an end to import, export and transit with the Kingdom of Saudi Arabia of Military Technology and Equipment...; to move, on the basis of an agreement between Regions, towards an embargo at EU and United Nations levels on import, export and transit with Saudi Arabia of technologies and military equipment...; to put an end to commercial contacts between the Belgian Defense Attaché and the Saudi authorities concerning contracts with the Belgian defense industry.” In addition, the resolution calls on the Belgian government to order Credendo, a credit insurance group owned by the Belgian state, “not to offer any insurance products for Belgium’s export cases to the Kingdom of Saudi Arabia of military technologies and equipment...as long as the Kingdom of Saudi Arabia fails to make progress in respect of international law, in particular human rights.”<sup>11</sup> GRIP, a research group, commented, “Although the scope of the resolution passed by the House is primarily symbolic, it contains an element whose effect is concrete and immediate... This decision [to terminate export insurance services] is expected to have an impact on the risk and cost for Belgian arms companies trading with Riyadh.”<sup>12</sup>

On 26 June 2017, Pascale Delcominette, the head of WBI and the Wallonia Export-Investment Agency (AWEX), declared to Amnesty International that license requests for arms exports to the Saudi Royal Guard received a positive opinion following an analysis of all criteria of the European Union Common Position on arms export controls.<sup>13</sup> In February

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<sup>9</sup> The members of the Weapons Advisory Commission are: Pascale Delcominette (Executive Director of WBI, chair), André Querton (appointed by the Foreign Minister), Jean-Claude Henrotin (Inspector General in charge of Multilateral Affairs within WBI), David Royaux (Delegate for Human Rights, Wallonia-Brussels in Geneva), Olivier Gillet (Director of the “Licensing Control, Foreign Policy Analysis” department of WBI), Michel Moreels (Director of the Weapons Licensing Directorate of the Walloon Public Service). Parlement de Wallonie, “La composition de la Commission d’avis sur les licences d’exportations d’armes,” Reply of Minister-President Borsus to a written question of Stéphane Hazée, 2 April 2019, <https://www.parlement-wallonie.be/pwpages?p=interp-questions-voir&type=28&iddoc=91599> (accessed on 25 June 2019).

<sup>10</sup> Conseil d’Etat, “Arrêt no 244.804,” 14 June 2019, <http://www.raadvst-consetat.be/arr.php?nr=244804> (accessed on 9 July 2019).

<sup>11</sup> Chambre des représentants de Belgique, “Résolution visant à reconsidérer la politique étrangère de la Belgique à l’égard du Royaume d’Arabie saoudite,” 8 June 2017, <https://www.lachambre.be/doc/flwb/pdf/54/2055/54k2055011.pdf#search=%22doc> (accessed on 14 August 2019).

<sup>12</sup> GRIP, “Faut-il arrêter de vendre des armes à l’Arabie saoudite?,” 20 September 2017, <https://www.grip.org/fr/node/2423> (accessed on 14 August 2019)

<sup>13</sup> Notes of a meeting between Amnesty International and AWEX-WBI, Brussels, 26 June 2017.

2019, H el ene Ryckmans, a Walloon parliamentarian, asked, "Is there agreement between the two pillars, Awex and WBI, or does one of the two pillars take precedence over the other?" "This can be a question when we talk about arms sales," commented *Le Soir*, a newspaper.<sup>14</sup> When requested to comment on the current document, a representative of WBI wrote, "The WBI Administration is not able to respond favorably to your request. It communicates only through the report of the Walloon Region, approved by the parliament and the political authority."<sup>15</sup>

On 12 January 2018, in response to a parliamentary question about military cooperation with Saudi Arabia, the Walloon Minister-President expressed his "...will and determination to really move the lines... based on a scrupulous respect for the positions of the European Union and the United Nations... With regard to the alleged risk that the weapons will turn against the populations in Yemen,... the Walloon Region no longer grants licenses to the Ministry of Defense of Saudi Arabia since the year 2017. The recipients of the licenses ... are the National Guard and the Royal Guard of that State... The National Guard and the Royal Guard are ... in no way intended to conduct military operations outside of Saudi Arabia... I urged Wallonia's arms-producing companies to develop and implement, as soon as possible, a plan to diversify their clientele and their markets by a maximum of five years."<sup>16</sup> On 17 April 2018 though, the Walloon Minister-President stated, "In the immediate future,... it seems to me inappropriate to stop issuing licenses to export arms to Saudi Arabia, as long as we comply with all the legal provisions in force."<sup>17</sup>

On 14 March 2018, the head of the Walloon Business Union declared, "The Walloon government ... has done a lot to promote the CMI<sup>18</sup> contract with the Canadians for the sale of tank turrets [to Saudi Arabia]. There have been many interventions to promote arms exports, an important sector for Wallonia."<sup>19</sup>

On 4 April 2019, in response to Amnesty International's report "Des armes belges aux mains d'une milice au Y emen" (see below), the Walloon Minister-President wrote, "...I asked my administration, in February, to open an investigation and to examine whether arms exports could possibly have been misappropriated. As part of this survey, all the information you kindly sent to me was sent to [my administration] for further analysis and verification."<sup>20</sup> On

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<sup>14</sup> *Le Soir*, "La diplomatie francophone est-elle en danger?," 4 February 2019, <https://plus.lesoir.be/204593/article/2019-02-04/la-diplomatie-francophone-est-elle-en-danger> (accessed on 23 July 2019).

<sup>15</sup> Email from Olivier Gillet, Director of the "Licensing Control, Foreign Policy Analysis" department, WBI, 23 July 2019.

<sup>16</sup> "La coop eration militaire de la Wallonie avec l'Arabie saoudite," Reply of Minister-President Borsus to a written question of Maurice Mottard, 12 January 2018, <https://www.parlement-wallonie.be/pwpages?p=interp-questions-voir&type=28&iddoc=83919> (accessed on 25 June 2019).

<sup>17</sup> "La vente d'armes   l'Arabie saoudite," Reply of Minister-President Borsus to a written question of V eronique Waroux, 7 May 2018, sent to Amnesty International by V eronique Waroux.

<sup>18</sup> Cockerill Maintenance & Ing enierie, renamed John Cockerill in May 2019. For the sake of clarity, this report refers to the company as CMI.

<sup>19</sup> *La Libre Belgique*, "Le CETA, une opportunit  pour redorer l'image de la Wallonie au Canada," 14 March 2018, p.6.

<sup>20</sup> Letter from Willy Borsus, Minister-President of the Walloon Region, to Amnesty International, 4 April 2019.

16 April 2019, responding to a tweet of Amnesty International, the Walloon Minister President, wrote that the investigation was “currently in progress.”<sup>21</sup> On 23 May 2019, Amnesty International requested an update on the investigation.<sup>22</sup> As of 30 August 2019, the Minister-President had not responded.

On 10 May 2019, in response to the #BelgianArms investigation, the Belgian Foreign Minister said in a radio interview, “It is true that there is a debate in Liège between the jobs of 15,000 employees<sup>23</sup> of the FN and the difficulties encountered with some customers like Saudi Arabia in terms of human rights. Personally, I have always advised the regions to go for an embargo. I also pleaded for a European embargo and supported the moves in that direction.”<sup>24</sup> A few hours later, the Minister-President of the Walloon Region said, “As soon as it appears that weapons have not, in fine, been used in the place or in the country for which they were intended, there will indeed be a reaction from the Walloon Region. It can go as far as suspending licenses for weapons already granted because that’s what we are talking about.”<sup>25</sup>

On 16 May 2019, the Minister-President said in a radio interview, “The question first of the creation, or not, of new licenses to sell weapons, there is clear: with Saudi Arabia, this suspension has already been decided on October 1, the decision is made.”<sup>26</sup> On 23 May 2019, Amnesty International asked the Minister-President to confirm in writing what he had declared on 11 and 16 May 2019.<sup>27</sup> As of 30 August 2019, the Minister-President had not responded.

## Reporting

Belgium submitted Annual Reports for 2015, 2016, 2017 and 2018 in accordance with its obligations under Article 13 of the Arms Trade Treaty. The ATT Monitor notes that Belgium used “excessive aggregation.”<sup>28</sup> Belgium aggregates all categories of small arms and light

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<sup>21</sup> <https://twitter.com/wborsus/status/1118179890447233025> (accessed on 9 July 2019).

<sup>22</sup> Letter from Amnesty International to Willy Borsus, Minister-President of the Walloon Region, 23 May 2019.

<sup>23</sup> According to an August 2018 report by GRIP, FN Herstal employs 1,389 people. GRIP, “L’effet multiplicateur d’emploi du secteur de l’armement en Belgique,” 24 August 2018, [https://www.grip.org/sites/grip.org/files/NOTES\\_ANALYSE/2018/NA\\_2018-08-24\\_FR\\_L-MAMPAEY.pdf](https://www.grip.org/sites/grip.org/files/NOTES_ANALYSE/2018/NA_2018-08-24_FR_L-MAMPAEY.pdf) (accessed on 14 August 2019).

<sup>24</sup> RTBF, “Didier Reynders demande au gouvernement wallon d’arrêter les ventes d’armes vers l’Arabie Saoudite,” 10 May 2019, [https://www.rtbf.be/info/dossier/la-prem1ere-soir-prem1ere/detail\\_si-vous-etes-ministre-didier-reynder-s-tete-de-liste-a-la-chambre-pour-bruxelles?id=10217593](https://www.rtbf.be/info/dossier/la-prem1ere-soir-prem1ere/detail_si-vous-etes-ministre-didier-reynder-s-tete-de-liste-a-la-chambre-pour-bruxelles?id=10217593) (accessed on 14 August 2019).

<sup>25</sup> RTBF, “Armes belges livrées à l’Arabie saoudite: « La Wallonie respectera les règles internationales »,” 11 May 2019, [https://www.rtbf.be/info/belgique/detail\\_armes-belges-livrees-a-l-arabie-saoudite-la-wallonie-respectera-les-regle-s-internationales?id=10218019](https://www.rtbf.be/info/belgique/detail_armes-belges-livrees-a-l-arabie-saoudite-la-wallonie-respectera-les-regle-s-internationales?id=10218019) (accessed on 14 August 2019).

<sup>26</sup> RTBF, “« Si vous êtes ministre » : Willy Borsus, du MR,” 15 May 2019, [https://www.rtbf.be/info/dossier/elections-2019/detail\\_si-vous-etes-ministre-willy-borsus-du-mr?id=10221611](https://www.rtbf.be/info/dossier/elections-2019/detail_si-vous-etes-ministre-willy-borsus-du-mr?id=10221611) (accessed on 9 July 2019).

<sup>27</sup> Letter from Amnesty International to Willy Borsus, Minister-President of the Walloon Region, 23 May 2019.

<sup>28</sup> “The over-reliance on excessive aggregation has rendered a number of Annual Reports incomplete or problematic – insofar as determining compliance with the ATT’s obligations are concerned. ...which

weapons (European categories ML1, ML2 and ML3) into one national category. According to GRIP, information provided by Belgium “lack details in the description and the number of items transferred.”<sup>29</sup>

The Walloon Region submitted annual reports to the Walloon Parliament in accordance with Article 24 of the 2012 decree. Annual reports can be found online.<sup>30</sup> GRIP noted in 2017 that annual reports of the Walloon Region are “Incomplete, too rare and too late.”<sup>31</sup> **As of 30 August 2019**, the Walloon Region had not published its annual report for 2018.

## Production

41 companies were reported to “produce goods and services for military use” in the Walloon Region in 2016. Together they employed 3,605 persons.<sup>32</sup> The sector's heavyweights include: FN Herstal (1,435 jobs), SONACA (480 jobs), Mecar (316 jobs), CMI<sup>33</sup> (440 jobs), and Thales Alenia Space (163 jobs).<sup>34</sup> GRIP estimated “the total employment that will be created in the whole of the Belgian economy (in the firms, in the suppliers chain and by household consumption)” at 11,403 jobs in 2017. This includes 8,617 jobs “related to the production of arms” in the Walloon Region.<sup>35</sup>

In August 2014, CMI won a €3.2 billion “subcontracting contract for a military programme” by Canadian vehicle manufacturer General Dynamics Land Systems (GDLS) covering the delivery of 928 light armored vehicles.<sup>36</sup> The contract over 15 years is aimed to equip armored vehicles assembled in Canada and intended for the Saudi National Guard.<sup>37</sup> It

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for some or all sections makes it impossible to determine what type of weapon was exported or imported, or the suppliers or destination of exports and imports.” Control Arms, *ATT Monitor 2018*, p.32,

[https://attmonitor.org/en/wp-content/uploads/2018/08/EN\\_ATT\\_Monitor\\_Report\\_2018\\_ONLINE.pdf](https://attmonitor.org/en/wp-content/uploads/2018/08/EN_ATT_Monitor_Report_2018_ONLINE.pdf) (accessed on 9 July 2019).

<sup>29</sup> Email from Denis Jacqmin, Researcher SALW Trade and Transfers, GRIP, 2 August 2019.

<sup>30</sup> See <http://gouvernement.wallonie.be/home/publications/rapport-armes.html> (accessed on 9 July 2019).

<sup>31</sup> GRIP, “Rapports de la Région wallonne sur les exportations d’armes : Incomplets, trop rares et trop tardifs,” 21 August 2017, <https://www.grip.org/fr/node/2390> (accessed on 9 July 2019).

<sup>32</sup> GRIP, “Base de données de l’industrie de l’armement en Belgique,” <https://production.grip.org/>; GRIP, “Panorama de l’industrie de l’armement en Belgique,” July 2018, <https://www.grip.org/fr/node/2611> (accessed on 9 July 2019).

<sup>33</sup> This figure refers to jobs within CMI Defence.

<sup>34</sup> Email from Denis Jacqmin, Researcher SALW Trade and Transfers, GRIP, 2 August 2019.

<sup>35</sup> GRIP, “L’effet multiplicateur d’emploi du secteur de l’armement en Belgique,” 24 August 2018, [https://www.grip.org/sites/grip.org/files/NOTES\\_ANALYSE/2018/NA\\_2018-08-24\\_FR\\_L-MAMPAEY.pdf](https://www.grip.org/sites/grip.org/files/NOTES_ANALYSE/2018/NA_2018-08-24_FR_L-MAMPAEY.pdf) (accessed on 18 July 2019).

<sup>36</sup> *L’Echo*, “CMI décroche un contrat de 5 milliards en Arabie saoudite,” 28 August 2014, <https://www.lecho.be/entreprises/industries-de-base/cmi-decroche-un-contrat-de-5-milliards-en-arabie-saoudite/9538447.html> (accessed on 5 July 2019); *Middle East Eye*, “Canada-Arabie saoudite : menace sur un énorme contrat d’armement,” 9 August 2018, <https://www.middleeasteye.net/fr/news/canada-arabie-saoudite-menace-sur-un-enorme-contrat-darmement> (accessed on 5 July 2019); CMI, “CMI: An innovative summer harvest,” 28 August 2014, <https://johncockerill.com/en/press-and-news/news/cmi-an-innovative-summer-harvest/> (accessed on 23 August 2019).

<sup>37</sup> GRIP, “Ventes d’armes à l’Arabie saoudite: complicité de crime de guerre?,” 20 January 2016, <https://www.grip.org/fr/node/1927> (accessed on 5 July 2019).

includes the delivery of gun-turret systems (105 and 30 mm), simulation systems and training.<sup>38</sup> Production and assembly of gun-turrets is split between Distroff (France), Aubange and Loncin (Belgium).<sup>39</sup>

In September 2018, responding to the loss of its licenses (see below), the management of FN Herstal refused to comment on its future commercial relations with Saudi Arabia, mentioning the "secret of business."<sup>40</sup>

## Exports

In 2016, the Walloon Region granted 1,438 export licenses (90.21% of Belgium's total) for a total value of €453,126,064. Actual exports amounted to €408,235,982.<sup>41</sup> Among licenses granted, 15 licenses were for the United Arab Emirates (value: €48,614,295), 13 for Saudi Arabia (value: €33,514,269), 11 for Turkey (value: €21,158,001) and three for Morocco (value: €4,766,399). Export licenses representing an amount of € 9,294,479 were refused. Refusals concerned exports to four countries: Israel, Jamaica, Turkey and Venezuela.<sup>42</sup>

In 2017, the Walloon Region granted 1,313 export licenses to 69 countries for a total value of €620,625,104. Actual exports amounted to €702,066,538, a 72% increase compared to 2016. Among licenses granted, eight were for Saudi Arabia (value: €152,700,289). 229 cases were considered "very sensitive." 10 export licenses representing an amount of €20,451,531 were refused. Refusals concerned three destinations: the Philippines, Saudi Arabia and United Arab Emirates.<sup>43</sup> Actual arms exports from the Walloon Region to Saudi Arabia amounted to €190,589,173 while exports to the United Arab Emirates amounted to

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<sup>38</sup> CMI, "CMI: An innovative summer harvest," 28 August 2014, <https://johncockerill.com/en/press-and-news/news/cmi-an-innovative-summer-harvest/> (accessed on 23 August 2019).

<sup>39</sup> Sudinfo.be, "Seraing: CMI va engager 100 personnes dans son secteur Défense en 2015 et 40 dans le secteur Energie," 8 January 2015, <https://www.sudinfo.be/art/1185279/article/2015-01-08/seraing-cmi-va-engager-100-personnes-dans-son-secteur-defense-en-2015-et-40-dans> (accessed on 5 July 2019); Amnesty International, "Rapport annuel 2019 sur les exportations françaises d'armement. Ce que l'on ne nous dit pas, ce qui doit changer," July 2019, pp.9-12.

<sup>40</sup> *L'Echo*, "Borsus retire 7 licences d'exportation d'armes à la FN Herstal," 15 September 2018, <https://www.lecho.be/economie-politique/belgique/wallonie/borsus-retire-7-licences-d-exportation-d-armes-a-la-fn-herstal/10050025.html> (accessed on 9 July 2019).

<sup>41</sup> Région wallonne, "Rapport annuel au Parlement wallon relatif à l'importation, au transfert, à l'exportation et au transit d'armes civiles et de produits liés à la défense, Version 2017," April 2018, pp.35, 49 and 90, [http://gouvernement.wallonie.be/files/Documents/Rapports\\_Armes/Rapport%20annuel%202017vfinal.ePP.pdf](http://gouvernement.wallonie.be/files/Documents/Rapports_Armes/Rapport%20annuel%202017vfinal.ePP.pdf) (accessed on 9 July 2019).

<sup>42</sup> Région wallonne, "Rapport annuel au Parlement wallon relatif à l'importation, au transfert, à l'exportation et au transit d'armes civiles et de produits liés à la défense, Version 2016," undated, pp.52, 63 and 68, [http://gouvernement.wallonie.be/files/Documents/Rapports\\_Armes/Armes%20rapport%20annuel%202016.pdf](http://gouvernement.wallonie.be/files/Documents/Rapports_Armes/Armes%20rapport%20annuel%202016.pdf) (accessed on 9 July 2019).

<sup>43</sup> Région wallonne, "Rapport annuel au Parlement wallon relatif à l'importation, au transfert, à l'exportation et au transit d'armes civiles et de produits liés à la défense, Version 2017," April 2018, pp. 47, 58, 78 and 21, [http://gouvernement.wallonie.be/files/Documents/Rapports\\_Armes/Rapport%20annuel%202017vfinal.ePP.pdf](http://gouvernement.wallonie.be/files/Documents/Rapports_Armes/Rapport%20annuel%202017vfinal.ePP.pdf) (accessed on 9 July 2019).

€9,407,051. In addition, exports to Canada of “Tanks and armored fighting vehicles, armed or not; parts thereof” amounted to €248,220,829.<sup>44</sup>

For 2018, Belgium reported export licenses for Saudi Arabia amounting to €195,776,293 and did not report any export licenses for the United Arab Emirates.<sup>45</sup> Actual arms exports from the Walloon Region to Saudi Arabia amounted to €182,407,212 while exports to the United Arab Emirates amounted to €14,907,702. In addition, exports to Canada of “Tanks and armored fighting vehicles, armed or not; parts thereof” amounted to €428,391,104.<sup>46</sup>

For the first quarter of 2019, actual arms exports from the Walloon Region to Saudi Arabia amounted to €45,970,068 while exports to the United Arab Emirates amounted to €2,289,690. Exports to Canada of “Tanks and armored fighting vehicles, armed or not; parts thereof” amounted to €179,748,789.<sup>47</sup>

#### Walloon Region - Arms export licences granted for Saudi Arabia<sup>48</sup>

	2013	2014	2015	2016	2017	Total
Licences	27	49	34	13	8	131
€	97,821,243	396,925,695	575,861,451	33,514,269	152,700,289	1,256,822,947

On 8 December 2018, three containers of 12.7 mm ammunition were loaded into the port of Antwerp on the Bahri Hofuf bound for Saudi Arabia.<sup>49</sup> On 23 January 2019, the Bahri Tabuk, another Saudi ship of the Bahri carrier, loaded at least four containers of war ammunition from FN Herstal. On 10 May 2019, the Bahri Yanbu, a third ship, loaded “at least six containers of ammunition” destined for Saudi Arabia: five containers of 13.6 tons and one container of 6.6 tons. The cargo contained “cartridges for weapons, inert projectile.”<sup>50</sup> According to the Customs and Excise administrator-general, “The cargo on board the vessel Bahri Yanbu was shipped using a valid license that had not been suspended.”<sup>51</sup> The Bahri

<sup>44</sup> Banque nationale de Belgique, “Statistiques en ligne,” <https://stat.nbb.be/> (accessed on 5 July 2019).

<sup>45</sup> Gouvernement du Royaume de Belgique, “Rapport annuel sur les exportations et les importations d’armes classiques, conformément à l’Article 13(3) du Traité sur le commerce des armes (rapport pour l’année civile 2018),” <https://thearmstradetreaty.org/download/5008a7f6-e013-3dde-a3ec-fe82c82bbccc> (accessed on 2 July 2019). Items reported in the Belgian Arms Trade Treaty report are only finished products included in the UNROCA list, therefore excluding spare parts, components and ammunitions.

<sup>46</sup> Banque nationale de Belgique, “Statistiques en ligne,” <https://stat.nbb.be/> (accessed on 3 July 2019).

<sup>47</sup> Banque nationale de Belgique, “Statistiques en ligne,” <https://stat.nbb.be/> (accessed on 3 July 2019).

<sup>48</sup> Information provided by Denis Jacqmin, GRIP, 2 August 2019. This table does not cover the export to Canada of CMI tank turrets intended to equip armored vehicles for Saudi Arabia.

<sup>49</sup> *Le Soir*, “Enquête: des armes fabriquées en Wallonie tuent au Yémen,” 8 May 2019, <https://plus.lesoir.be/222855/article/2019-05-08/enquete-des-armes-fabriquees-en-wallonie-tuent-au-yemen?referer=%2Farchives%2Fcherche%3Fdatefilter%3Dlastyear%26sort%3Ddate%2520desc%26word%3Dbahri> (accessed on 5 July 2019).

<sup>50</sup> *De Morgen*, “Saudisch schip haalde wel degelijk wapens op in Antwerpen,” 10 May 2019, <https://www.demorgen.be/nieuws/saudisch-schip-haalde-wel-degelijk-wapens-op-in-antwerpen~bfd9de01/> (accessed on 5 July 2019).

<sup>51</sup> Letter from Kristian Vanderwaeren, Customs and Excise Administrator-General, to Vincent Letellier (lawyer for Ligue des Droits humains and CNAPD), 7 May 2019.

fleet, formerly known as the National Shipping Company of Saudi Arabia, also recently transported light armored vehicles from Canada, ammunition from Spain and artillery from France.<sup>52</sup>

Between 2006 and 2014, the Walloon Region granted export licenses to Saudi Arabia for €1.7 billion. This amount does not take into account a €3.2 billion contract over fifteen years signed by CMI in 2014 to equip armored vehicles assembled in Canada and intended for the Saudi National Guard (see above).<sup>53</sup>

On 28 January 2019, CMI signed a deal with Saudi Arabian Military Industries (SAMI) in order to create a joint-venture that will “develop and provide modern and highly capable turrets and weapon systems for armoured vehicles.”<sup>54</sup> This new joint venture would not be intended to replace CMI's contract with Canadian GDLS.<sup>55</sup> SAMI “plays a major role in localizing the military industries in the Kingdom which is ranked in the top five countries in terms of military expenditures worldwide.”<sup>56</sup>

### **Alleged violations of international, European and regional law**

In August 2016, ATT Monitor listed Belgium among states that “have either agreed or delivered arms transfers to Saudi Arabia,” and indicated that “[several] States Parties appear to be in direct violation of legally binding Treaty obligations (particularly Article 6: Prohibitions, and Article 7: Export and Export Assessment) by continuing to supply arms to Saudi Arabia where there is a clear risk that they will be used in breach of international law in Yemen.” ATT Monitor urged States Parties to comply with their legal obligations and live up to the Treaty's objective of reducing human suffering.<sup>57</sup>

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<sup>52</sup> Vredesactie, “Minstens zes containers munitie via Antwerpse haven naar Saoedi-Arabië,” <https://www.vredesactie.be/minstens-zes-containers-munitie-antwerpse-haven-naar-saoedi-arabie> (accessed on 5 July 2019); La Repubblica Genova.it, “Genova, cannoni e carri armati le prime foto della nave delle armi che i portuali non vogliono far attraccare,” [https://genova.repubblica.it/cronaca/2019/05/16/foto/genova\\_le\\_foto\\_della\\_stiva\\_della\\_nave\\_delle\\_armi\\_che\\_i\\_portuali\\_non\\_vogliono\\_far\\_attraccare-226379403/1/#1](https://genova.repubblica.it/cronaca/2019/05/16/foto/genova_le_foto_della_stiva_della_nave_delle_armi_che_i_portuali_non_vogliono_far_attraccare-226379403/1/#1) (accessed on 5 July 2019).

<sup>53</sup> GRIP, “Ventes d'armes à l'Arabie saoudite: complicité de crime de guerre?,” 20 January 2016, <https://www.grip.org/fr/node/1927> (accessed on 9 July 2019); Middle East Eye, “Canada-Arabie saoudite : menace sur un énorme contrat d'armement,” 9 August 2018, <https://www.middleeasteye.net/fr/news/canada-arabie-saoudite-menace-sur-un-enorme-contrat-darmement> (accessed on 9 July 2019).

<sup>54</sup> *L'Echo*, “L'entreprise wallonne CMI produira des armes en Arabie saoudite,” 30 January 2019 <https://www.lecho.be/economie-politique/belgique/wallonie/l-entreprise-wallonne-cmi-produira-des-armes-en-arabie-saoudite/10092257.html> (accessed on 9 July 2019); *Jane's 360*, “Saudi Arabia announces new defence joint ventures,” 30 January 2019, <https://www.janes.com/article/86054/saudi-arabia-announces-new-defence-joint-ventures> (accessed on 9 July 2019).

<sup>55</sup> “Belgian company CMI will produce turrets in Saudi Arabia,” 30 January 2019, [https://www.armyrecognition.com/january\\_2019\\_global\\_defense\\_security\\_army\\_news\\_industry/belgian\\_company\\_cmi\\_will\\_produce\\_turrets\\_in\\_saudi\\_arabia.html](https://www.armyrecognition.com/january_2019_global_defense_security_army_news_industry/belgian_company_cmi_will_produce_turrets_in_saudi_arabia.html) (accessed on 9 July 2019).

<sup>56</sup> SAMI, “About us,” <https://www.sami.com.sa/en/about-us> (accessed on 17 July 2019)

<sup>57</sup> ATT Monitor, “Update to ATT Monitor case study, Dealing in double standards how arms sales to Saudi Arabia are causing human suffering in Yemen, Case Study 2 (update),” August 2016, <https://attmonitor.org/en/wp-content/uploads/2016/09/ATT-Monitor-Case-Study-2-Update-120916.pdf> (accessed on 9 July 2019).

On 2 June 2017, Amnesty International denounced “the non-compliance by the Walloon Region of its international commitments in the context of its trade relations with Saudi Arabia in the field of armaments... in addition to the human rights violations it commits on its own soil, [Saudi Arabia] is at the origin, in the context of the war which it leads in Yemen, of many attacks directed against civilians or objects of a civil character.”<sup>58</sup>

On 6 February 2019, Amnesty International published an open source investigation according to which, “Despite the serious violations attributed to the UAE and militias it backs, the following states have recently supplied the Emiratis with arms: ...Belgium... Amnesty International analysed open-source evidence around the battle for Hodeidah and found that military vehicles and weapons supplied to the UAE are now widely in use by militias on the ground... Belgian Minimi light machine guns, also likely sold to the UAE, are being deployed by “The Giants”.”<sup>59</sup> The Walloon Region granted 15 licenses worth €48,614,295 to the United Arab Emirates in 2016.<sup>60</sup>

On 19 February 2019, two NGOs<sup>61</sup> requested the opening of a judicial inquiry about arms exports to Saudi Arabia by FN Herstal and CMI, as well as a third non-identified company.<sup>62</sup>

On 9 May 2019, the #BelgianArms investigation<sup>63</sup> confirmed that weapons produced in the Walloon Region - including assault rifles FN F2000, CMI tank turrets and Mecar 90mm munitions - are used for the Yemen war. This contradicts statements from Minister-President Willy Borsus who declared in December 2017 to the Walloon Parliament, “The recipients of the licenses granted by the Walloon Region to Saudi Arabia are the National Guard and the Royal Guard of this State.” These two corps “are in no way intended to conduct military operations outside of Saudi Arabia.” According to #BelgianArms though, “the National Guard... is actively involved in the Yemeni conflict. And unless one imagines that its members will cross the border only after laying down assault rifles and light armor, it is

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<sup>58</sup> Amnesty International, “La Belgique viole le Traité sur le commerce des armes,” 2 June 2017, <https://www.amnesty.be/infos/actualites/article/la-belgique-viole-le-traite-sur-le-commerce-des-armes> (accessed on 9 July 2019).

<sup>59</sup> The Giants “Al Amaliqah” Brigades are trained and funded by the UAE, but “not accountable to any government.” Amnesty International, “Yemen: UAE recklessly supplying militias with windfall of Western arms,” 6 February 2019, <https://www.amnesty.org/en/latest/news/2019/02/yemen-uae-recklessly-supplying-militias-with-windfall-of-western-arms/> (accessed on 9 July 2019).

<sup>60</sup> Région wallonne, “Rapport annuel au Parlement wallon relatif à l’importation, au transfert, à l’exportation et au transit d’armes civiles et de produits liés à la défense, Version 2016,” undated, p.52, 68, [http://gouvernement.wallonie.be/files/Documents/Rapports\\_Armes/Armes%20rapport%20annuel%202016.pdf](http://gouvernement.wallonie.be/files/Documents/Rapports_Armes/Armes%20rapport%20annuel%202016.pdf) (accessed on 9 July 2019).

<sup>61</sup> Coordination Nationale d’Action pour la Paix et la Démocratie (CNAPD) and Ligue des Droits Humains (with the support of Amnesty International).

<sup>62</sup> Email from Manuel Lambert, Legal Advisor, Ligue des Droits Humains, 28 June 2019.

<sup>63</sup> #BelgianArms is an open-source investigation conducted by journalists from *Le Soir*, *Knack* and VRT, supported by independent media Lighthouse Reports and Bellingcat.

unlikely that Belgian equipment will be used for defensive purposes only.”<sup>64</sup> Despite repeated attempts, Minister-President Willy Borsus did not answer questions from #BelgianArms investigators.<sup>65</sup>

On 20 May 2019, in a civil lawsuit related to arms exports to Libya, the Court of Appeal of Liège condemned the Walloon Region to compensate the Ligue des Droits Humains, an NGO that had filed several complaints in 2009 regarding arms exports to Libya. According to the judgment, “There is a clear error on the part of the Walloon Region to have knowingly taken the disputed decision without any specific reasoning, particularly in view of the number and quality of the weapons in question and the country of destination.” The judgment also criticized the Walloon Region for having amended the decree governing arms exports, so as to make it even more opaque.<sup>66</sup>

On 14 June 2019, the Council of State, an administrative jurisdiction, canceled eight arms export licenses for Saudi Arabia that the Walloon government had granted to FN Herstal and CMI.<sup>67</sup> The Council of State found that the Walloon Region had “failed to examine one of the criteria laid down by the legislation, which is to verify the behavior of the buyer country towards the international community and in particular its attitude towards terrorism, the nature of its alliances and respect for international law.”<sup>68</sup> This decision resulted from 14 appeals that two NGOs<sup>69</sup> had filed on 21 December 2017. On 6 March 2018, the Council of State had rejected the first two pleas relied on by the NGOs but reopened the debate on the third plea, “an unprecedented procedure, to our knowledge, for a suspension request (which is supposed to be decided quickly, because of the urgency),” commented the Ligue des Droits Humains, adding that “It took more than 6 months for the Council of State to settle a suspension dispute, which is unusually long.”<sup>70</sup> On 29 June 2018, the Council of State suspended six licenses (out of the 28 attacked),<sup>71</sup> the others having already been executed

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<sup>64</sup> *Le Soir*, “Enquête: des armes fabriquées en Wallonie tuent au Yémen,” 8 May 2019, <https://plus.lesoir.be/222855/article/2019-05-08/enquete-des-armes-fabriquees-en-wallonie-tuent-au-yemen> (accessed on 3 July 2019).

<sup>65</sup> *Knack*, “Saudi's vechten met Belgische wapens in Jemen,” 8 May 2019, <https://www.knack.be/nieuws/belgie/saudi-s-vechten-met-belgische-wapens-in-jemen/article-longread-1460945.html> (accessed on 15 July 2019)

<sup>66</sup> Ligue des Droits Humains, “Exportations d’armes wallonnes : suite (et non fin) de la saga judiciaire,” 20 May 2019, <http://www.liguedh.be/exportations-darmes-wallonnes-suite-et-non-fin-de-la-saga-judiciaire/> (accessed on 27 June 2019). *Le Soir*, “La Région wallonne définitivement condamnée pour avoir livré des armes à Kadhafi,” 20 May 2019, <https://plus.lesoir.be/225444/article/2019-05-20/la-region-wallonne-definitivement-condamnee-pour-avoir-livre-des-armes-kadhafi> (accessed on 27 June 2019).

<sup>67</sup> *Le Soir*, “Nouveau coup d’arrêt pour les exportations d’armes wallonnes,” 15 June 2019, <https://plus.lesoir.be/art/d-20190614-3UHE9V?referer=%2Farchives%2Ffrecherche%3Fdatefilter%3Dlastyear%26sort%3Ddate%2520desc%26word%3Darmes%2520conseil%2520d%2527%25C3%25A9tat> (accessed on 4 July 2019).

<sup>68</sup> Conseil d’Etat, “Licences d’exportation d’armes vers l’Arabie Saoudite: Annulation,” 14 June 2019, <http://www.raadvst-consetat.be/?page=news&lang=fr&newsitem=541> (accessed on 27 June 2019).

<sup>69</sup> CNAPD and Ligue des Droits Humains (with the support of Amnesty International).

<sup>70</sup> Email from Manuel Lambert, Legal Advisor, Ligue des Droits Humains, 29 July 2019.

<sup>71</sup> Conseil d’Etat, “Licences d’exportation d’armes et de matériel lié à la défense vers l’Arabie Saoudite,” 29 June 2018, <http://www.raadvst-consetat.be/?page=news&lang=fr&newsitem=489> (accessed on 9 July 2019)

or having expired in the meantime. In a letter to the two NGOs, the lawyer of the Walloon Region indicated that the licenses had been withdrawn from FN Herstal and that "no decision of licensing of export for the same material and the same destination was taken following the withdrawal decisions." The office of the Minister-President specified however that these license withdrawals must be seen as "specific answers to specific files."<sup>72</sup>

## Other Developments

In April 2019, ARTE, a Franco-German TV channel, reported that CMI had established a training center in France called "Campus Cockerill" in order to train Saudi militaries on how to use tank turrets.<sup>73</sup> In October 2015, Campus Cockerill received a €600,000 subsidy from the Lorraine Region (France). According to CMI, "Among the first users of the site in 2017 will be users of CMI Defence systems, as part of a long-term contract obtained by CMI in 2014."<sup>74</sup>

On 21 June 2019, nine NGOs<sup>75</sup> called on Wallonia "to immediately halt its arms sales and exports to countries that commit serious violations of international humanitarian law and human rights law."<sup>76</sup> This call was repeated in an op-ed published on 20 August 2019.<sup>77</sup>

On 15 July 2019, the Commission of Access to Administrative Documents (CADA), an administrative authority, decided that arms export licences to Saudi Arabia delivered between 29 October 2017 and 15 May 2019 "must be communicated, subject to the concealment of information pertaining to trade secrets or which may affect the international relations of the Region."<sup>78</sup> CADA was responding to an information request tabled by two NGOs.<sup>79</sup>

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<sup>72</sup> *L'Echo*, "Borsus retire 7 licences d'exportation d'armes à la FN Herstal," 15 September 2018, <https://www.lecho.be/economie-politique/belgique/wallonie/borsus-retire-7-licences-d-exportation-d-armes-a-la-fn-herstal/10050025.html> (accessed on 9 July 2019).

<sup>73</sup> ARTE, "Crimes de guerre au Yémen, quand les armes européennes tuent - complicités européennes," <https://www.arte.tv/fr/videos/082803-000-A/crimes-de-guerre-au-yemen-quand-les-armes-europeennes-tuent/> (accessed on 9 July 2019).

<sup>74</sup> CMI, "CMI crée le Campus Cockerill, un centre de formation international en Lorraine (France)," 10 November 2014, <https://www.cmigroupe.com/fr/news/1359/cmi-cree-campus-cockerill-un-centre-de-formation-international-en-lorraine-france> (accessed on 9 July 2019).

<sup>75</sup> Amnesty International, CNCD-11.11.11, Coordination Nationale d'Action pour la Paix et la Démocratie, Greenpeace Belgium, Groupe de recherche et d'information sur la paix et la sécurité, Handicap International Belgium, Médecins du Monde Belgium, Ligue des Droits Humains and Oxfam Solidarité.

<sup>76</sup> See [www.amnesty.be/appelwallonieimmorale](http://www.amnesty.be/appelwallonieimmorale) (accessed on 9 July 2019).

<sup>77</sup> *La Libre Belgique*, "On ne marchand pas avec les armes," 20 August 2019, <https://www.lalibre.be/debats/opinions/on-ne-marchande-pas-avec-les-armes-5d5abd5d9978e254e273738c> (accessed on 21 August 2019).

<sup>78</sup> Commission d'accès aux documents administratifs, "Avis n° 304," 15 July 2019, [http://www.cada-wb.be/index.php?eID=tx\\_nawsecuredl&u=0&g=0&hash=cd6d757e113f22e2f6f6fd7f4b643f9f9807dd8e&file=fileadmin/sites/cada/upload/cada\\_commun/documents/Avis\\_2019/Avis\\_n\\_304\\_anonymise.pdf](http://www.cada-wb.be/index.php?eID=tx_nawsecuredl&u=0&g=0&hash=cd6d757e113f22e2f6f6fd7f4b643f9f9807dd8e&file=fileadmin/sites/cada/upload/cada_commun/documents/Avis_2019/Avis_n_304_anonymise.pdf) (accessed on 16 August 2019).

<sup>79</sup> Coordination Nationale d'Action pour la Paix et la Démocratie and Ligue des Droits Humains (with the support of Amnesty International).

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