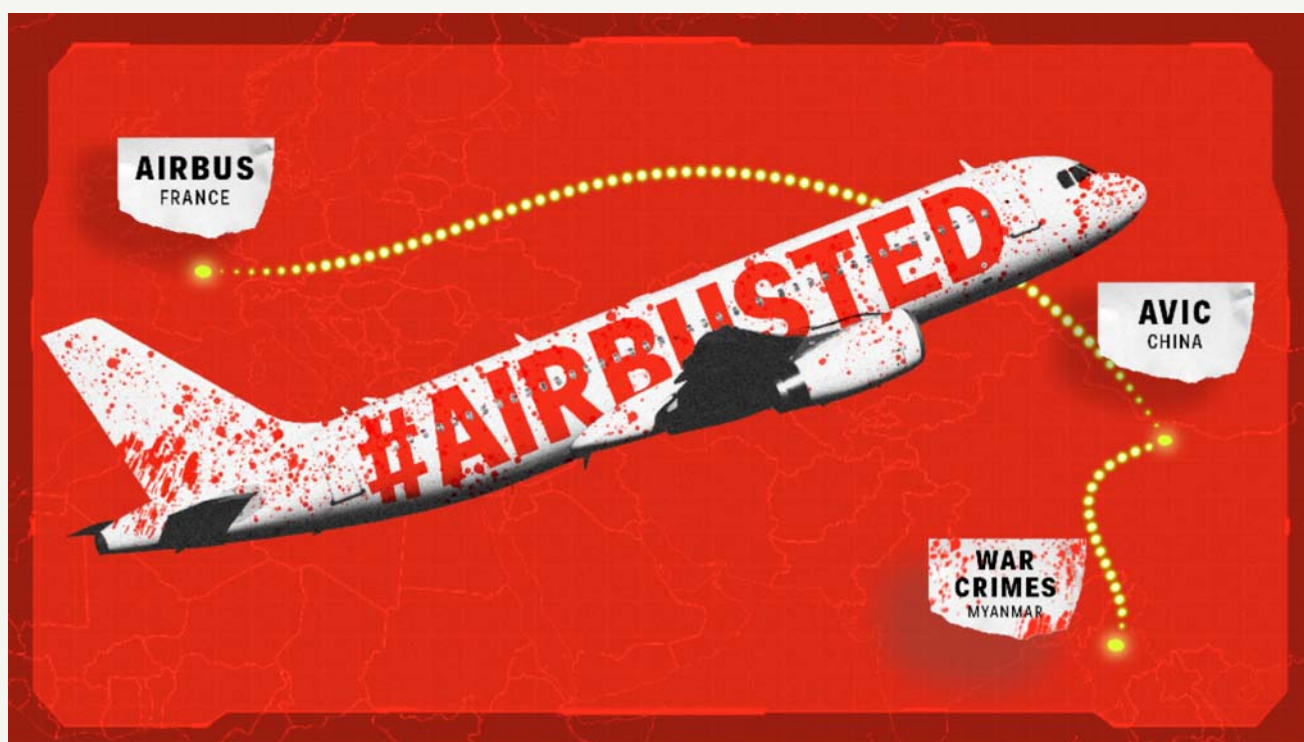




REPORT

#AIRBUSTED

How Airbus' close partner AVIC is supplying arms to the Myanmar military and what Airbus should do about it

Justice For Myanmar is a covert group of activists using research, data visualisation and reporting to expose the companies and criminals profiting from brutality, war crimes and mass-scale suffering.

justiceformyanmar.org

Info Birmanie is a French association founded in 1996, driven by the will of French citizens to support human rights in Myanmar. The association works to support Myanmar civil society by advocating French political and economic decision-makers and informing the French-speaking audiences.

info-birmanie.org

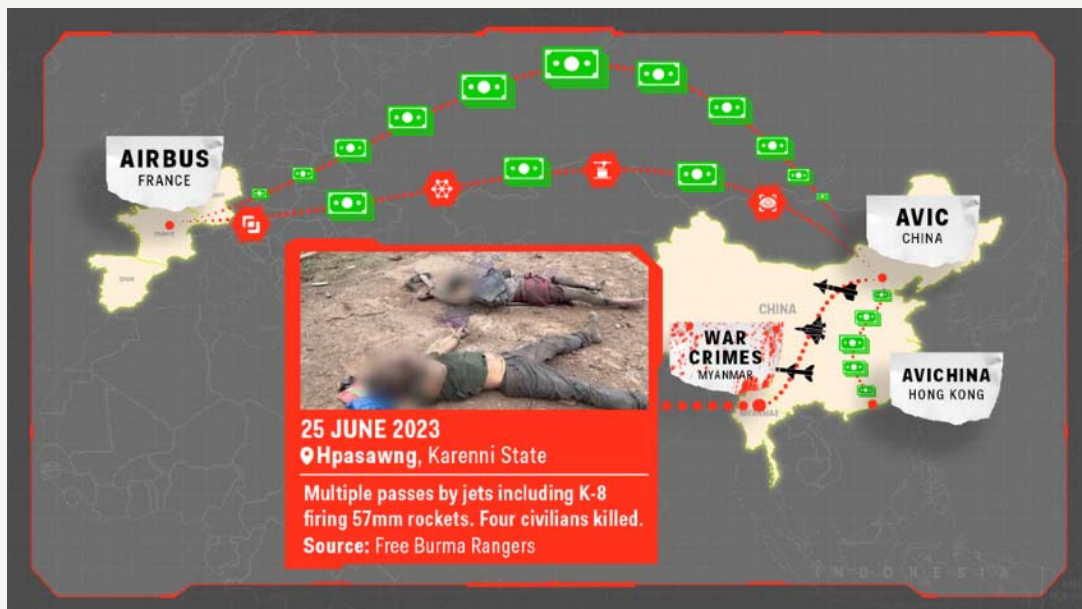
Executive summary	1
Demands	2
Waging war from the skies: The Myanmar military is committing war crimes with impunity	3
Aviation Industry Corporation of China	5
AviChina Industry & Technology	5
Airbus	8
AVIC is a key supplier of aircraft used for the commission of war crimes in Myanmar	9
FTC-2000G light combat aircraft, armament, training and maintenance	9
Harbin Y-12	11
The Hongdu-K8 Karakorum (K-8)	13
JF-17 Thunder	16
Shaanxi Y-8	16
J-7	17
Red flags for investment and partnerships in AVIC ignored by Airbus	19
Exclusion of AVIC subsidiary by the Norwegian Government Pension Fund for transfers to Myanmar junta	20
Airbus, a key partner of AVIC	21
Airbus Beijing Engineering Centre (ABEC) collaborating with known military universities	22
Airbus cannot guarantee its cooperation with AVIC does not have military applications	23
Airbus missing the mark and failing to meet its responsibility to respect human rights	24
France, Spain and Germany's condemnation of junta atrocities contradicted by their investment in Airbus	26
Our demands	27
Endnotes	28

Executive summary

French aerospace giant Airbus is an investor and partner of Aviation Industry Corporation of China (AVIC). AVIC is a key supplier to the Myanmar military of military aircraft and arms used for the commission of international crimes. By obtaining military aircraft and maintenance, repair and overhaul support from AVIC, the junta can continue to commit atrocities with impunity.

With ongoing credible documentation and reporting at the United Nations (UN) of the human rights crisis in Myanmar, Airbus must know that its collaboration with AVIC takes place in a context in which the Myanmar military is committing repeated grave violations of international human rights and humanitarian law, and that these violations are enabled by AVIC's business with the Myanmar military. Yet Airbus has maintained its collaboration with AVIC and its investments in multiple AVIC subsidiaries through the Hong Kong publicly listed company, AviChina Industry & Technology Company Limited.

Three of Airbus' key shareholders – the governments of Spain, Germany and France – have repeatedly condemned the Myanmar military's ongoing war crimes and crimes against humanity. These condemnations are seriously undermined, if not even contradicted, by Airbus' significant financial and technical collaboration with AVIC.



Demands

Justice For Myanmar and Info Birmanie call on Airbus to:

1. Use its leverage over AVIC and its subsidiaries so that they halt all ongoing and planned transfers of military aircraft, arms and associated equipment to the Myanmar military, and cease any ongoing or committed maintenance, training and technical support for aircraft in the Myanmar Air Force's fleet.
2. Through ongoing partnerships and collaboration, AVIC has several points of access to Airbus technology and products and this access is likely to prove beneficial for AVIC's military manufacturing. Because of these known risks, Airbus should conduct heightened due diligence on any current and future partnerships with AVIC and its subsidiaries and make that due diligence public.
3. Responsibly divest and end its relationship with AVIC if AVIC refuses to end all business with the Myanmar military.

We call on the French, Spanish and German governments, as shareholders of Airbus, to:

1. Ensure that Airbus acts in accordance with its human rights responsibilities by engaging in heightened due diligence and using its leverage in relation to AVIC's business with the Myanmar military.
2. Ensure that Airbus takes steps to divest from AVIC if transfers of AVIC aircraft or associated equipment and support to Myanmar continues.

Waging war from the skies: The Myanmar military is committing war crimes with impunity

Repeated and serious violations of international humanitarian law and international human rights law by the Myanmar military have been widely documented for many years. Against this backdrop, the UN Special Rapporteur on the situation of human rights in Myanmar ('UN Special Rapporteur') has noted that, by 2018 "...all Member States knew, or would have expected, that arms transferred to Myanmar would be used in attacks against civilians in violation of international law".¹

Since the Myanmar military's illegal coup attempt on 1 February 2021, the junta has increasingly made use of military aircraft for indiscriminate attacks against civilians. In September 2023, the UN High Commissioner for Human Rights ('High Commissioner') stated:

"Military use of airstrikes has significantly increased in the reporting period. Analysis of open sources suggest that 687 strikes occurred during the reporting period compared to the 301 reported between February 2021 and March 2022. Credible sources verified that military airstrikes have killed at minimum 281 individuals, instilling terror in the civilian population, who now reasonably fear they could be bombed in their homes, at schools, hospitals, and religious buildings and at public gatherings".²



The High Commissioner called on the UN Security Council to refer the situation in Myanmar to the International Criminal Court.

In April 2024, the UN Special Rapporteur again highlighted the junta's increasing use of airstrikes for its campaign of terror. He noted that airstrikes against civilians had increased fivefold between November 2023 and March 2024.³ Also in April 2024, the UN Human Rights Council adopted a resolution on Myanmar, whereby member states committed to *"refrain...from the export, sale or transfer of jet fuel, surveillance goods and technologies and less-lethal weapons, including 'dual-use' items, when they assess that there are reasonable grounds to suspect that such goods, technologies or weapons might be used to violate or abuse human rights, including in the context of assemblies"*.⁴

Against this backdrop, in April 2024, the G7 reiterated its call on all States to "...to prevent or to cease the flow of arms and other dual-use materiel, including jet fuel, into Myanmar".⁵

Aviation Industry Corporation of China

Aviation Industry Corporation of China (AVIC) is a Chinese state-owned aerospace and defence conglomerate. Headquartered in Beijing, China, AVIC is ultimately controlled by the Chinese State-owned Assets Supervision and Administration Commission (SASAC).⁶ Considered to be one of the largest arms companies in the world, AVIC operates hundreds of subsidiaries in all provincial-level divisions of China, and operates more than one hundred overseas entities. AVIC reportedly has a monopoly on military aircraft manufacturing in China,⁷ with military aircraft and major components for those aircraft being manufactured by its many subsidiaries and joint ventures.

In a January 2024 report, the US military research institute China Aerospace Studies Institute noted that AVIC could be likened to multiple defence companies operating as one. The report highlighted that, as a single corporation, AVIC could “...be thought of as if Lockheed Martin, Northrup Grumman, Sikorsky, large parts of Boeing and Raytheon, and essentially all other domestic aviation companies were all subsidiaries of a single corporation.”⁸

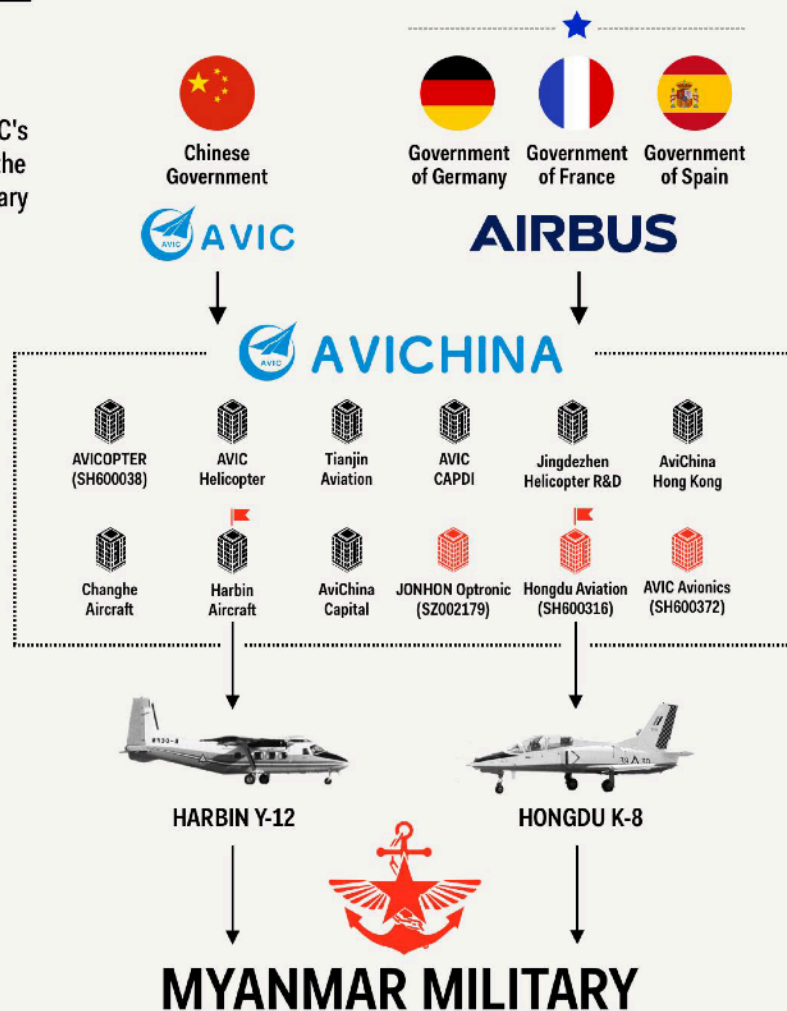
AviChina Industry & Technology

AviChina is a subsidiary of AVIC. Listed on the Stock Exchange of Hong Kong, the company was established in China in 2003. AviChina’s most recent annual report for fiscal years 2022-2023 states that “the Company principally operates through its subsidiaries” and that AviChina group is “mainly engaged in the development, manufacture, sales and upgrade of civil aviation products and defense products such as provision of helicopters, trainer aircraft, general-purpose aircraft and regional jets for domestic and overseas customers; and the co-development and manufacture of aviation products with foreign aviation products manufacturers.”⁹ The group’s principal products include the K8 trainer aircraft and the Y-12 multi-purpose aircraft, according to the same annual report. AviChina’s corporate structure includes multiple AVIC subsidiaries, including those operating in the defence sector.

Airbus is the second biggest shareholder of AviChina.¹⁰ As such, Airbus has significant influence over AviChina’s strategic business decisions. The value of Airbus’ 5.03% holding in AviChina was worth USD\$140 million as of 30 June 2024.¹¹ In 2018, Airbus increased its shareholding in AviChina, investing an additional HK\$180 million (US\$23 million). According to a statement from AviChina at the time, “the increase in shareholdings from Airbus Group further deepens and

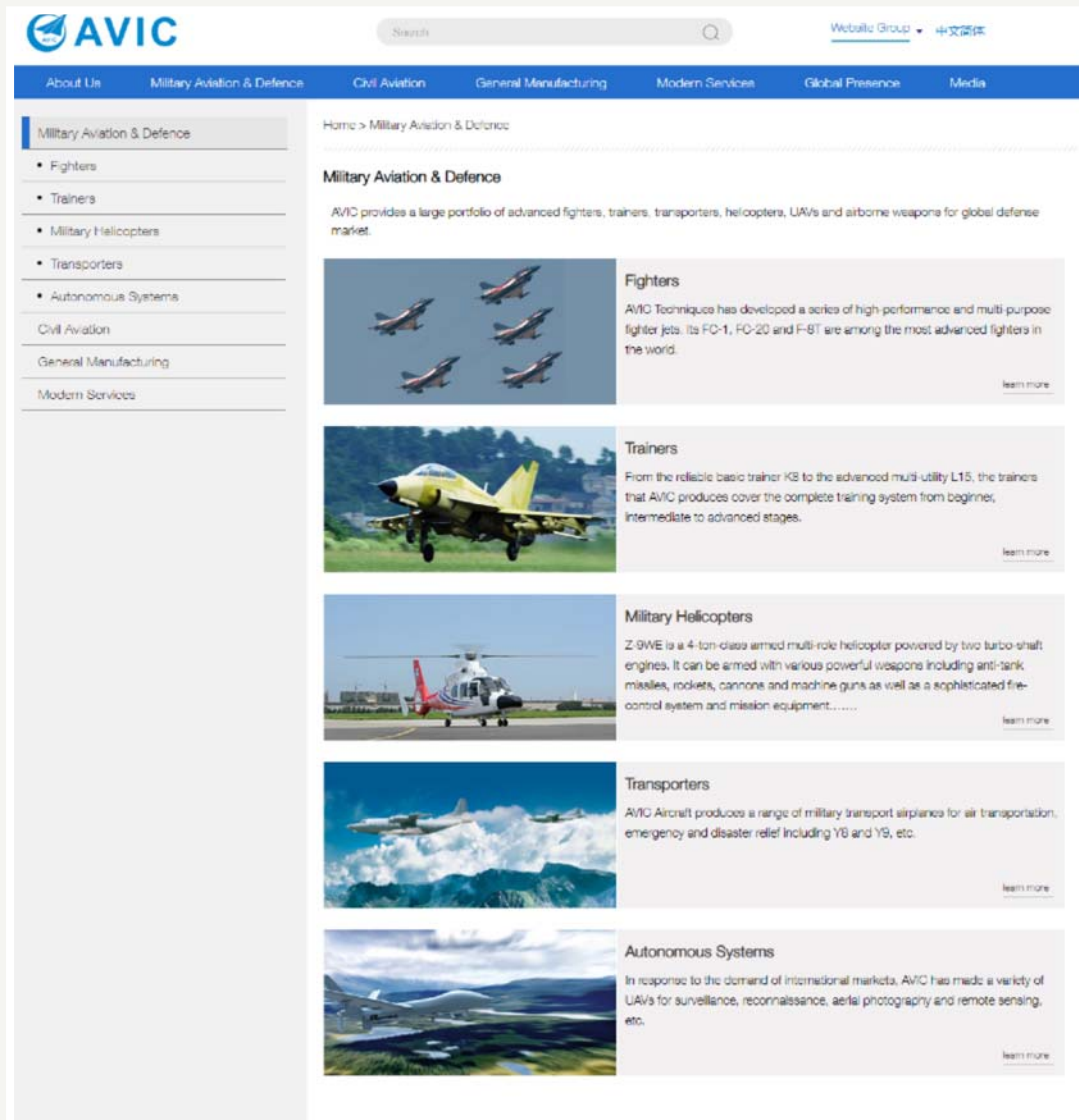
consolidates the strategic partnership between two major aviation manufacturing giants in China and Europe and adds a bigger room for wider cooperation in the future".¹²

Airbus and its government shareholders profit from AVIC's business with the Myanmar military



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KEY | ★ European countries | 🏢 Listed by US as Chinese military companies | 🚩 Have produced aircraft supplied to Myanmar Military



AVIC website displaying its military aviation and defence products, many of which have been supplied to the Myanmar military.

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Airbus

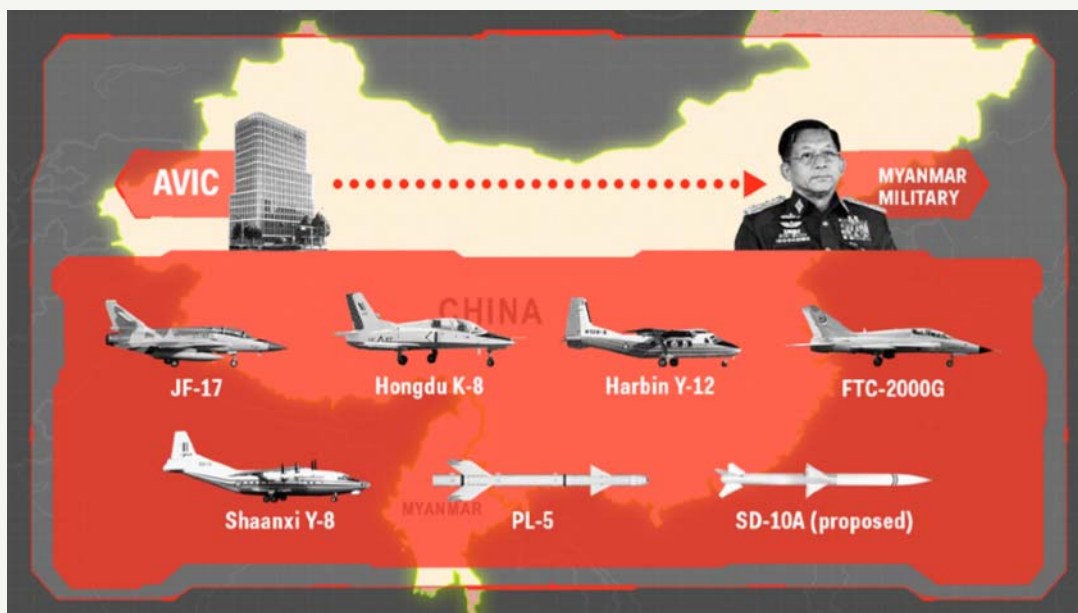
Airbus SE is the largest aeronautics and space company in Europe. The company's activities span commercial aircraft, helicopter, defence, security, and space. Among Airbus shareholders¹³ are the Government of France (10.8%),¹⁴ the Government of Germany (10.8%)¹⁵ and the Government of Spain (4.1%).¹⁶ While Airbus' main office is in France, the company's commercial headquarters is in the Netherlands.



AVIC is a key supplier of aircraft used for the commission of war crimes in Myanmar

Companies operating under the oversight of or representing AVIC have continued to supply military aircraft and associated arms to the Myanmar military since February 2021, with the most recent delivery confirmed in 2022.¹⁷ Aircraft supplied to the Myanmar military include fighter jets, combat aircraft and military transport aircraft. These transfers have been carried out by China National Aero-Technology Import & Export Corporation (CATIC), another Chinese state-owned arms company that is supported by AVIC and sells their aircraft internationally.¹⁸

Airbus works in partnership with CATIC for the design of the EC120 Colibri, a light utility helicopter,¹⁹ through Airbus Helicopters, and together with Harbin Aviation Industries Group (HAIG, a subsidiary of AVIC) and Singapore Technologies Aerospace Ltd (ST Aero).



FTC-2000G light combat aircraft, armament, training and maintenance

In November 2022, the junta took delivery of the first batch of FTC-2000G light combat aircraft.²⁰ The FTC-2000G aircraft is manufactured by Guizhou Aviation Industries Corporation (GAIC), a subsidiary of AVIC.²¹ The aircraft can carry up to

three tonnes of missiles, rockets or bombs²² for airstrikes against ground targets, and can also be used for flight training, aerial surveillance, reconnaissance, electronic warfare and close air support.

Notably, the FTC-2000G aircraft can be used as an alternative to the second-generation F-7 aircraft and the A-5 III (Nanchang Q-5) ground attack aircraft, both of which remain in service by the Myanmar Air Force.²³ Available defence intelligence suggests that the junta is seeking to replace the Hongdu-K8 Karakorum aircraft, also jointly manufactured by AVIC subsidiary Hongdu Aviation Industry Corporation, with new FTC-2000G aircraft.²⁴



Junta-controlled media shows FTC-2000G aircrafts commissioned at a Myanmar Air Force ceremony on 15 December 2022. Source: MRTV

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Six FTC 2000G aircraft (tail numbers 1401, 1402, 1403, 1404, 1405 and 1406) were publicly showcased in December 2022 for the occasion of the Myanmar Air Force's 75th anniversary, commissioned into service alongside other aircraft manufactured by AVIC subsidiaries.

CATIC markets and exports AVIC products and CATIC representatives were operating in Myanmar following the military's coup attempt, according to Justice For Myanmar sources. CATIC's role in supplying military products and services to the junta, including military aircraft, has been publicly reported by the UN Special Rapporteur as recently as May 2023.²⁵

The role of CATIC in ensuring the weapon system capabilities of the 12 FTC-2000G aircraft in Myanmar is confirmed in a meeting summary leaked to Justice For Myanmar from a 2019 meeting between the Office of the Commander-in-Chief of the Myanmar Air Force and representatives of CATIC.²⁶ The meeting summary confirms a total price of USD\$231,600,000 for the deal, which included

custom modifications such as emergency flight instruments, night operation capability as well as interrogator, IR and UV warning systems. The deal also foresees the on-site training in China of twelve pilots and 48 “industrial officers” from Myanmar, and a commitment from the Myanmar Air Force to purchase, in fiscal year 2021-2022, additional mission pods and spare parts for the FTC-2000G aircraft.

The leaked meeting record also makes reference to a commitment by the Myanmar military to purchase a package of PL-5 DE air-to-air missiles at a value of USD\$7,132,500, covering two PL-5 DE missiles, two training missiles, accessories and test equipment, documentation and training. In addition, CATIC proposed a package of SD-10A air-to-air missiles valued at USD\$9,741,000, including two SD-10A missiles, two training missiles, accessories and test equipment, documentation and training. Lastly, the leaked meeting summary confirms the intended establishment of a project management review by AVIC, to be held every six months in Myanmar or in China.

According to open-source information,²⁷ the Myanmar Air Force commenced training in China on the FTC-2000G in October 2022.

Despite their relatively recent commissioning into service in Myanmar, the FTC-2000G aircraft have already seen use by the junta for indiscriminate airstrikes on populated areas across the country. On 16 January, 2024, resistance groups in Myanmar shot down an FTC-2000G aircraft that had been deployed for bombing the Namhpatkar area in northern Shan State.²⁸ In December 2023, an FTC-2000G was used in junta attacks near Namkham town,²⁹ dropping aerial bombs on civilian structures. According to Thai media, the Myanmar Air Force also carried out a series of airstrikes using FTC-2000G and K-8 aircraft in Karenni State on 8 September 2023.³⁰

Harbin Y-12

The Y-12 is a turboprop utility aircraft manufactured by AVIC subsidiary Harbin Aircraft Industry Group (HAIG). HAIG is directly owned by Airbus investee company AviChina Industry & Technology Company Limited (AviChina), an AVIC subsidiary registered in Hong Kong. AVIC has publicly confirmed that it has delivered multiple Y-12 aircraft to Myanmar.³¹ As has previously been noted, Airbus formally collaborates with HAIG for the design of the EC120 Colibri helicopter. HAIG and Airbus also co-produce the AC352 helicopter, the China-produced variant of the



Y-12 aircraft inducted by the Myanmar Air Force in December 2020. Source: MRTV

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Airbus H175, designed to perform search and rescue and emergency medical services but also various “law enforcement missions”.³²

In December 2021, four Harbin Y-12 aircraft were commissioned into service by the Myanmar Air Force.³³ Considered more cost-effective than medium-sized transport aircraft such as the Y-8 – also in the inventory of the Myanmar Air Force – the Y-12 can be used both for conducting surveillance and for combat operations. The fact that the consignee of the aircraft was the Myanmar Air Force leaves no doubt as to the military end-use of the Y-12 aircraft.

According to independent Myanmar media, in December 2023, the military engaged in airstrikes and shelling in northern Shan State, using Harbin Y-12 aircraft to attack Mantong town³⁴ and surrounding villages.³⁵ In December 2023, the aviation monitoring group Enemy Air Route reported that the junta had used a variety of aircraft, including Y-12 aircraft, to conduct multiple airstrikes across Myanmar.³⁶ Enemy Air Route noted that the use of the Y-12 aircraft appeared to have shifted from transportation to active engagement in junta-coordinated airstrikes.³⁷



Photos and technical notes for the Y-12 IV aircraft, displayed during a ceremony held in December 2021 to mark the 74th anniversary of the Myanmar Air Force. Source: MRTV

The Hongdu-K8 Karakorum (K-8)

The Myanmar Air Force has also obtained K-8 aircraft, some of which have been commissioned into service as late as December 2021.³⁸ The K-8 is a two-seat jet trainer and light attack aircraft designed, developed and manufactured by the Jiangxi Hongdu Aviation Industry Group³⁹ together with the Pakistan Aeronautical Complex. Jiangxi Hongdu Aviation Industry Group is 43.77% owned by Airbus investee AviChina.⁴⁰ K-8 aircraft are assembled by the Myanmar military in Myanmar under license from CATIC, as a collaborative project carried out by Chinese and Myanmar engineers and with assembly kits coming from China. Human sources with first-hand experience of the Myanmar Air Force have also shared evidence on file with Justice For Myanmar confirming the on-site presence of Chinese engineers representing CATIC.

Before the frequent deployment of the Russian-designed Yak-130 aircraft starting April 2022, the K-8 aircraft was the most frequently used ground attack jet of the Myanmar Air Force.⁴¹ On 25 June, 2023, K-8 aircraft were recorded on video firing 57mm rockets in Karenni state, reportedly killing civilians.⁴² According to information from Myanmar Witness, on 8 June, 2023, K-8 aircraft were also recorded firing 23mm cannons on ground targets in Karen State, while on 28

February, 2023, K-8 aircraft were spotted dropping bombs⁴³ and strafing⁴⁴ civilian infrastructure in Nam Neint village, Pinlaung, Shan State.



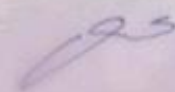
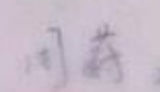
8 June 2023: K-8's 23mm cannon fire on ground targets in Karen State, shared by Myanmar Witness. Screenshot from video: <https://www.facebook.com/100089498314571/videos/6152470851467490/>

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HANDOVER CERTIFICATE

This is Certify that the following item has been handed over to
Myanmar Air Force by CATIC.

No.	Part No.	Serial No.	Description	QTY	Log Card QC Pass
For K-8 Aircraft					
1	SS/SC-5	050024	Air Data Computer	1	OK
2	FJ28-0.06A	/	Bulb	2	OK
3	WK3-7	1120	Switch	1	OK
4	L8-7232-100	2-3	Engine Fuel System Control Box	1	OK
5	XHD-3A	3017	Main Warning Light	1	OK
6	YS-117DY	9505S008	Hydraulic Brake Valve	1	OK
7	BDP-6I-5B	93055	Gyro Horizon	1	OK
8	J909	940024	Beeper	1	OK
For K-8W Aircraft					
1	QLK-2F	200903056	Landing Gear Switch	1	OK
2	BJS-1	193004	Aircraft Clock	1	OK
3	FDG-40	N09044, N09049	Cockpit Temperature Control Valve	2	OK
4	YS-11702	0905036	Hydraulic Brake Valve	1	OK

CATIC
 Myanmar Air Force

Handover certificate from CATIC to Myanmar Air Force for various items supplied for the effective functioning of K-8 aircraft. Source: Redacted due to privacy concerns.

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JF-17 Thunder

In 2015, the Myanmar junta ordered a fleet of JF-17 Thunder aircraft from Pakistan, reportedly through a deal inked with CATIC.⁴⁵ The JF-17 (also referred to as the FC-1 Xiaolong) is a multirole combat aircraft developed jointly by the Pakistan Aeronautical Complex Kamra and Chengdu Aircraft Corporation of China. Chengdu Aircraft Corporation of China is a subsidiary of AVIC.

Several of the ordered JF-17 Thunder aircraft have been supplied to Myanmar between 2018 and 2021, with a first batch being unveiled in December 2018 at the official ceremony for the Myanmar Air Force's 71st anniversary.⁴⁶ Additional JF-17 Thunder aircraft were unveiled a year later, in December 2019.⁴⁷ In 2023, defence intelligence analysis suggested that all JF-17 aircraft operated by the Myanmar Air Force had been grounded due to technical malfunctions⁴⁸ and limited in-country expertise for repair and overhaul, prompting a visit from Pakistani engineers to Naypyidaw in late 2022 for repair and overhaul services.⁴⁹ Available defence intelligence reporting suggests that the Chinese government intervened directly, with the Chinese envoy to Myanmar “personally delivering a message from the Chinese Communist Party's top leadership” to Min Aung Hlaing in relation to concerns over the Myanmar Air Force's JF-17 aircraft.⁵⁰

According to a May 2023 report by the UN Special Rapporteur on Myanmar, Chinese suppliers have also delivered various spare parts for JF-17 Thunder aircraft to Myanmar between February 2021 and December 2022, again confirming the role that China plays in enabling the Myanmar Air Force's continued operations of their JF-17 aircraft.⁵¹ Several unverified frontline reports suggest that at least some of the JF-17 aircraft in the Myanmar Air Force Fleet have been seen flying again at the end of 2023, and that several have been used in coordinated strikes around Laukkai, Shan state, in December 2023.

Shaanxi Y-8

In December 2022, the Myanmar Air Force also inducted a Shaanxi Y-8F-200 multi-purpose aircraft⁵² (tail number 5821). Developed by the Shaanxi Aircraft Corporation, a subsidiary of AVIC, the aircraft is intended for cargo and troop transport⁵³ and can carry up to 60 troops or cargo payloads up to 20 tons.⁵⁴ The aircraft can also be used for maritime patrolling and search and rescue operations.

In January 2024, the recently inducted Shaanxi Y-8 aircraft was damaged beyond repair during a landing accident at the Lengpui Airport in Mizoram, India,⁵⁵ as the Myanmar Air Force was seeking to repatriate soldiers that had crossed the border to India.⁵⁶



The Shaanxi Y-8F200W aircraft inducted by the Myanmar Air Force in 2022, here photographed at Kunming Changshui airport in China in December 2022. Source: [JetPhotos](#)

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J-7

In December 2022 the Myanmar Air Force also commissioned into service a Jian-7 (J-7) fighter aircraft (tail number 1665).⁵⁷ Manufactured by AVIC subsidiary Chengdu Aircraft Corporation (also the co-manufacturer of the JF-17), the J-7 is a Chinese license-built version of the Soviet MiG-21.⁵⁸ It was produced in China until May 2013, when production ceased altogether. Primarily used as a fighter aircraft, it can also be used for ground attack and reconnaissance. It remains unclear whether the J-7 introduced at the Myanmar Air Force anniversary in 2022 is a new addition delivered out of stock or a newly rehabilitated unit as Myanmar Air Force has operated a substantial fleet of J-7 aircraft (including 48 F-7IIK (Chengdu J-7) aircraft) since the early 1990s.⁵⁹ According to a May 2023 report by the UN Special Rapporteur on Myanmar, Chinese suppliers have also delivered various spare

parts for F-7IIK (Chengdu J-7) to Myanmar between February 2021 and December 2022, confirming the role of Chinese companies in enabling the continued combat operations of the aircraft.⁶⁰

Red flags for investment and partnerships in AVIC ignored by Airbus



It is public knowledge that AVIC and its subsidiaries have been supplying the Myanmar military with various military aircraft and associated arms, and that these transfers have been done in a context in which the Myanmar military is repeatedly committing war crimes and crimes against humanity, and stands accused of committing genocide. For example:

- In August 2019, AVIC and CATIC were directly named as supplying the Myanmar military in a report by the UN Independent International Fact-Finding Mission on Myanmar to the UN Human Rights Council.⁶¹
- In February 2022, AVIC was directly mentioned in the United Nations Human Rights Council conference room paper, “Enabling atrocities: UN Member States’ Arms Transfers to the Myanmar Military”: *“Since 2018, China-origin sales to Myanmar have focused on fighter jets, missiles, and related munitions. China has supplied the Myanmar military with JF-17M “Thunder” jet fighter airplanes as part of a 2015 \$560 million USD agreement between the military and Chinese state-owned enterprise Aviation Industry Corporation of China (AVIC) and Pakistan’s state-owned Pakistan Aeronautical Complex (PAC)”*.⁶²

- AVIC aircraft transferred to the Myanmar military are listed in the Stockholm International Peace Research Institute arms transfers database.⁶³
- AVIC is featured on the Burma Campaign UK's "Dirty List" of companies doing business with the Myanmar military.⁶⁴

In other words, Airbus cannot have ignored the role of AVIC and its subsidiaries in supplying the Myanmar military with military goods. Yet it seems that Airbus has chosen to remain an active partner of, and investor in, these publicly named companies.

Exclusion of AVIC subsidiary by the Norwegian Government Pension Fund for transfers to Myanmar junta

In August 2022, the Council of Ethics of the Norwegian Government Pension Fund (the Council) recommend the full exclusion of AviChina following the "*sale of light combat aircraft to the armed forces in Myanmar*".⁶⁵ The recommendation was based on the recorded transfers of military aircraft manufactured by HAIG, part owned by AviChina, to the Myanmar military. The Council noted that its repeated attempts at communication with AviChina over these transfers had gone completely ignored.⁶⁶

In January 2023, the Norwegian Government Pension Fund proceeded to exclude AviChina due to the "*unacceptable risk that the companies are selling weapons to a state that uses these weapons in ways that constitute serious and systematic breaches of the international rules on the conduct of hostilities*".⁶⁷

Airbus, a key partner of AVIC

Airbus is a significant investor in the Chinese aviation industry. In 2018, the value of cooperation between Airbus and the Chinese aviation industry was reported at US\$900 million.⁶⁸ Airbus is currently operating at least ten legal entities in China, including five joint ventures, in large part with AVIC and its subsidiaries.⁶⁹ In the words of the CEO of Airbus China, Gang Xu, Airbus is a “solid, reliable and trustworthy long-term partner for China”.⁷⁰



In April 2023, the Tianjin municipal government, AVIC and Airbus signed a framework agreement for the second Family Final Assembly Line Asia project, which aims to further expand the assembly capacity for Airbus' A320 family in China.⁷¹ In the same month, during a visit to China by French president Emmanuel Macron, Airbus signed new cooperation agreements with China aviation industry partners, including AVIC.⁷² A September 2022 Airbus-supplier list also confirms the ongoing business relationship with several AVIC subsidiaries.⁷³ Notably, an approved Airbus supplier is AVIC International Holding Corporation, a global shareholding enterprise affiliated with AVIC,⁷⁴ and the full owner of AVIC International Beijing Company Limited, the AVIC representative office in Myanmar.⁷⁵ In 2019, Airbus signed a memorandum of understanding with AVIC for the development of industrial cooperation.⁷⁶ In 2021, Airbus and AVIC also jointly launched a fuselage equipping project.⁷⁷

Airbus and AVIC are collaborating on multifunctional composites, morphing structures, 3D printing and visual recognition.⁷⁸ 3D printing is widely used in the military aviation industry, including in China. In November 2022, the *Global Times*

confirmed that 3D printing equipment was used to produce components used by China's new-generation warplanes.⁷⁹

Beyond joint ventures and project collaboration arrangements, Airbus and AVIC are integrated at the management level. Airbus China CEO George Xu (also known as Xu Gang)⁸⁰ is one of the eight members of the board of directors of AviChina and a member of the Development and Strategy Committee of AviChina.⁸¹ Xu Gang has also been the deputy chairperson of Avicopter.⁸²

Airbus Beijing Engineering Centre (ABEC) collaborating with known military universities

Airbus and AVIC operate the Airbus Beijing Engineering Centre (ABEC) as a joint venture. ABEC runs a nanocomposite materials lab with the National Centre for Nanoscience and Technology of China under a cooperation agreement on engineering polymer nanocomposites for aeronautic applications.⁸³ The Airbus and AVIC collaboration on nanocomposites is done in collaboration with several Chinese Universities, including Tsinghua University and Sun Yat Sen University⁸⁴ both of which are under the supervision of the Chinese State Administration of Science, Technology and Industry for National Defense (SASTIND).⁸⁵ SASTIND's responsibilities notably include the coordination and promotion of the development of defence technology in China.



ABEC has also set up a joint laboratory on aeronautical smart structures together with Airbus and Nanjing University of Aeronautics and Astronautics, and a joint lab

with Northwestern Polytechnical University to conduct cooperative research and development activities around additive manufacturing technology and special materials for the aviation industry.⁸⁶ Both Nanjing University⁸⁷ and Northwestern Polytechnical University⁸⁸ are among the seven Chinese national public research universities affiliated with, and funded by, the Ministry of Industry and Information Technology of China, and are perceived to have close scientific research partnerships and projects with the People's Liberation Army. Publicly available information confirms that three quarters of university graduates recruited by defence related state-owned enterprises have studied at these seven universities,⁸⁹ which all devote at least half of their research budgets to military research.⁹⁰

Airbus cannot guarantee its cooperation with AVIC does not have military applications

Airbus research and collaboration with AVIC raises significant concerns that Airbus' technical know-how directly feeds the Chinese military industrial complex, including for the design and development of military aircraft supplied to the Myanmar military. Airbus has claimed that its *"...relationship with Chinese companies, including AVIC, is fully compliant with all European and international laws and regulations, notably with regards to the existing arms embargo on China. As such, Airbus' industrial and technology partnerships in China are exclusively focused on civil aerospace and services"*.⁹¹ However, the Chinese state's official policy of "military-civil fusion" renders the practical application of this commitment impossible.

The Chinese military-civil fusion policy is aimed at supporting China to develop the most technologically advanced military in the world. A core element of the policy of civil-military fusion is the elimination of barriers between China's civilian research and commercial sector, and its military and defence industrial sector".⁹² In recent years, China's president Xi Jinping has introduced numerous laws and regulations that require a very broad range of companies — especially those operating in strategic industries and joint ventures with international companies — to cooperate with the country's military and intelligence agencies.⁹³

The fusion of the activities and know-how of defence sector contractors with civilian-oriented businesses and institutions makes any claim that Airbus can work only with the civil branches of Chinese military-linked companies implausible at best. As much was also noted in a 2022 report by the independent strategic consultancy Horizon Advisory, which found that *"Airbus-China engagement entails significant ties to China's military and military-civil fusion apparatus, including in the*

form of supply dependencies, technology sharing, and research and development cooperation."⁹⁴ The same report also warned that Airbus was operationalising its presence in China through several joint ventures with Chinese state-owned, military-tied players.⁹⁵

Airbus missing the mark and failing to meet its responsibility to respect human rights

A foundational principle of the United Nations Guiding Principles on Business and Human Rights ('UN Guiding Principles') is that all companies should respect human rights in their business activities. In situations of armed conflict, companies should also respect the standards of international humanitarian law. Where they fail to do so, both individual personnel and the company itself can expose themselves to risks of criminal and civil liability.

Importantly, the UN Guiding Principles require companies to exercise due diligence on their entire value chain to identify human rights risks and harms that they cause, contribute to, or are directly linked to by virtue of their business relationships, including in relation to the end-use of their products. Business relationships are understood to include relationships with business partners, entities in their value chains, and any other non-State or State entities directly linked to their business operations, products or services.



These very same expectations are also reflected in the OECD Guidelines for Multinational Enterprises ('OECD Guidelines'). Through revisions in 2023, the OECD Guidelines clarify that due diligence expectations also apply to the development, financing, sale, licensing, trade and use of technology.⁹⁶ This means that Airbus is expected to conduct due diligence on the potential harmful end use of its products and services, and to identify, prevent and mitigate risks relating to technical collaboration.

Beyond the UN Guiding Principles and the OECD Guidelines, Airbus is also required to act in compliance with the French 2017 Duty of Care Law. This law places a positive obligation on Airbus to identify risks of human rights harm, devise appropriate measures to reduce such risks, and respond to harm that has occurred. The law requires Airbus to identify these types of risks not only in relation to its own activities, but also to the activities of directly or indirectly controlled companies, subcontractors and suppliers with whom a commercial relationship is established. The law prescribes companies to establish and implement publicly available annual vigilance plans for which they can be held accountable by French courts.

A review of Airbus' most recent annual vigilance plan (2022)⁹⁷ confirms that Airbus is principally concerned with impacts related to how its aircraft are made (risks of forced labour and child labour), potential risks to passengers (life and liberty, data privacy) and the environment (transition to decarbonisation). Airbus makes no mention of the risks related to its engagement, including through joint venture arrangements and investment, with Chinese companies, and the risk that Airbus products, services and technical know-how may contribute to the commission of war crimes and crimes against humanity in Myanmar.

Under the UN Guiding Principles and the OECD Guidelines, where a company contributes to or may contribute to adverse human rights impacts, it should mitigate or prevent such impacts, including by using its leverage on business partners that cause the harm. This applies equally to international investors, such as Airbus and its state shareholders, who can use their leverage to convince investee companies, in this case AviChina, to act responsibly, and to divest from companies that do not act responsibly.

France, Spain and Germany's condemnation of junta atrocities contradicted by their investment in Airbus

Three of Airbus' key shareholders – the governments of Spain, Germany and France – have repeatedly condemned the Myanmar military's atrocities.

By way of illustration, following the military's attempted coup in February 2021, Spain condemned *"in the strongest terms, the violence perpetrated by the security forces against the civilian population in Myanmar"* and stressed that *"while celebrating its Armed Forces Day, the Myanmar Army has become the enemy of the population it was intended to defend"*. Spain noted that it would *"spare no effort to ensure that those responsible for these crimes are held accountable before the law."*⁹⁸

Germany, for its part, has also resolutely condemned the Myanmar military's attempted coup and *"called for an end to the violence, for the re-establishment of democratically legitimised institutions and for the immediate release of all political prisoners"*.⁹⁹

Similarly, the French Minister of Foreign Affairs, in a public statement following the military's attempted coup, condemned the Myanmar military's *"brutal crackdown and the serious crimes they are continuing against the people"* and noted that France would *"relentlessly continue its active efforts alongside its European and international partners in support"* of the Myanmar people's legitimate aspirations.¹⁰⁰

Info Birmanie and Justice For Myanmar are dismayed that the governments of Spain, Germany and France seemingly approve and profit from Airbus' continued investment in AviChina and engagement with AVIC and its subsidiaries.

Rather than scrutinising Airbus' links with the Chinese defence industry, and with AVIC in particular, the French, German and Spanish governments appear to have encouraged the deepening ties between Airbus and AVIC. In 2023, during French President Macron's visit to China, the Airbus CEO Guillaume Faury signed an agreement with TJFTZ and AVIC to expand A320 assembly capacity through a second production line.¹⁰¹ In 2019, Airbus announced that it had signed a new agreement with China's AVIC to deepen industrial cooperation on Airbus single-aisle plane production. The agreement was signed at the Great Hall of the People

in Beijing, witnessed by Chinese Premier Li Keqiang and visiting German Chancellor Angela Merkel.¹⁰²

Justice For Myanmar and Info Birmanie contacted Airbus and the governments of France, Germany and Spain on 29 April 2024 to give them an opportunity to respond to this investigation. At the time of publication of this report, no recognition of the receipt of the letter, or response, had been received.

Our demands

Justice For Myanmar and Info Birmanie call on Airbus to:

1. Use its leverage over AVIC and its subsidiaries so that they halt all ongoing and planned transfers of military aircraft, arms and associated equipment to the Myanmar military, and cease any ongoing or committed maintenance, training and technical support for aircraft in the Myanmar Air Force's fleet.
2. Through ongoing partnerships and collaboration, AVIC has several points of access to Airbus technology and products and this access is likely to prove beneficial for AVIC's military manufacturing. Because of these known risks, Airbus should conduct heightened due diligence on any current and future partnerships with AVIC and its subsidiaries and make that due diligence public.
3. Responsibly divest and end its relationship with AVIC if AVIC refuses to end all business with the Myanmar military.

We call on the French, Spanish and German governments, as shareholders of Airbus, to:

1. Ensure that Airbus acts in accordance with its human rights responsibilities by engaging in heightened due diligence and using its leverage in relation to AVIC's business with the Myanmar military.
2. Ensure that Airbus takes steps to divest from AVIC if transfers of AVIC aircraft or associated equipment and support to Myanmar continues.

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