

UK weapons and Israel's use of force against civilians

Briefing | May 2021



Israel's latest bombardment of the Gaza Strip has brought into sharp focus the perpetual violence and insecurity created by occupation and siege. Between 10 May and 20 May 2021, over 230 Palestinians were killed in the Israeli attacks on Gaza, over a quarter of them children; thousands more have been injured, and over 90,000 people displaced.'

The violence has not been isolated to the Gaza Strip. In the weeks before, Israeli armed police stormed the Al Aqsa mosque in Jerusalem multiple times, attacking protestors and worshippers. In the West Bank, Israeli military forces cracked down on protests using live fire, rubber-coated steel bullets, and copious amounts of tear gas. Israeli armed police used excessive force against Palestinian citizens of Israel who took to the streets to protest the attacks and defend their rights.



**PALESTINE
SOLIDARITY
CAMPAIGN**



**CAMPAIGN
AGAINST
ARMS
TRADE**



FIGHTING GLOBAL POVERTY

The overall picture shows how Israel's use of armed violence against civilians is a prominent feature of its regime of control over Palestinians in the occupied territory and inside Israel. Israel's use of excessive and indiscriminate force has been repeatedly condemned by the United Nations and has been deemed unlawful by human rights experts.

The UK government regularly approves military technology and arms exports to Israel, including for weapons of the type used in clear violation of international law. This means that the UK is providing material support for Israel's illegal use of force, and an infrastructure to sustain that force through the ongoing trade in arms.

Recommendations

The UK must end its material support for Israel's militarised repression against Palestinians and violations of international law. To this end, the UK government should:

- **Refuse licences for exports to Israel** where the end-user is a branch of the Israeli armed forces (military, police, and border police) or military industry, and revoke relevant extant licences
- **Ban arms imports from Israel** and collaborations between UK and Israeli armed forces or military industry
- **Put in place binding regulations** to stop UK businesses from trading and profiting from Israel's military occupation and violations of Palestinian rights
- **Call for and support independent investigations** into Israel's use of force against Palestinians, and facilitate the work of human rights organisations to monitor violations, and to advocate and seek legal recourse for violations when they occur
- **Support accountability mechanisms** to ensure that those responsible for breaches of international law are held to account
- **Ensure adherence to international law** is at the centre of UK policy in relation to Israel and the Palestinian people.



UK arms fuel Israel's repression

From 2015–2020, the UK government has approved over £400 million worth of military technology and arms exports to Israel (or nearly £700 million if including items licensed as 'dual-use').² The actual value of exports will be significantly higher, given that there are 43 open licences in this period, mainly for aircraft, which allow for unlimited quantity and value of exports. During that period, actions by Israel's armed forces in the occupied Palestinian territory (oPt):³

- Killed 796 Palestinians, including 170 children
- Injured 75,403 Palestinians, including 17,267 children
- Destroyed 3,566 Palestinian structures
- Displaced 6,028 Palestinians
- These numbers do not include the current escalation (May 2021), which would inflate them significantly.

This endemic violence inflicted by Israeli armed forces against Palestinian civilians is a regular feature of Israel's illegal occupation. As a result, during the period of 2015–2019:

- The UN Human Rights Council mandated a Commission of Inquiry to investigate Israeli military involvement in war crimes and crimes against humanity, including targeting civilians⁴

- UK MPs from across parties signed Early Day Motion 1305 calling on the UK Government to suspend arms exports to Israel unless it could be demonstrated that there is no risk that the weapons could be used in the commission of a serious violation of international humanitarian law⁵
- The Prosecutor of the International Criminal Court determined that enough evidence had been gathered to initiate an investigation into war crimes in the oPt⁶, including the targeting of civilians, extensive destruction of property and forcible displacement.

Throughout this period, the UK government continued to approve the export of weapons and weapon components used in violence against Palestinians, helping to restock the supplies used in Israel's ongoing militarised repression.

UK export controls: strict on paper, but not enforced

The Consolidated EU and National Arms Export Licensing Criteria⁷ set out guidelines for the government to assess arms export licence applications on a case-by-case basis. These stipulate that a licence should *not* be issued if:

- use would be inconsistent with the UK's obligations under the United Nations Arms Trade Treaty
- there is a clear risk that the goods proposed for export might be used for **internal repression**, such as in excessive force used by Israeli police against Palestinian citizens of Israel.
- there is a clear risk that the items might be used in the **commission of a serious violation of international humanitarian law**, including the targeting of civilians and/or civilian infrastructure in the Gaza Strip
- the exports would provoke or prolong armed conflicts, or **aggravate existing tensions** or conflicts in the country of final destination
- there is a risk that the intended recipient would use the proposed export aggressively against another country, or to **assert by force a territorial claim**, such as in the seizing of Palestinian property in the occupied West Bank, including East Jerusalem.

Such actions and violations are at the core of the activities of Israel's armed forces, meaning that if the Consolidated Criteria were applied, it would result in a de facto arms embargo on Israel because of its illegal occupation and use of excessive force against civilians.

Israel's end-use guarantees are not reliable

The government uses a range of material to evaluate export licences, including guarantees by the recipient that the 'end-use' intention is consistent with the UK's export regulations. Israel's end-use guarantees have been questioned every few years, usually in response to heightened civil society attention due to violence against Palestinians.

- In 2002, it emerged that military equipment exported to Israel by the UK was used in the oPt despite previous assurances to the contrary, leading the FCO to comment that it could not accept all of Israel's end use guarantees.⁸
- In 2009, then foreign secretary David Miliband asserted that UK exported components were "almost certainly" used in Israeli military attacks on the Gaza Strip, leading to the suspension of several export licences.⁹
- In 2014, the government found that several export licences previously approved covered items that probably were used in the Israeli military attacks on the Gaza Strip, and announced that they would be suspended as a precaution.¹⁰

In 2018, when questioned about UK exports to Israel in the context of the repression of the Great Return March in Gaza, the UK government asserted that it was confident in the decisions made. However, when pushed on the issue, the government also admitted that "we do not collect data on the use of equipment after sale"¹¹, meaning that it was taking Israel's guarantees at face value, despite many reasons not to.



Palestinian medics evacuate an injured child during the Great March of Return protest near the Israeli barrier around Gaza, November 2018

Weapons used against Palestinian people and infrastructure

A sampling of the types of export licences approved by the UK government in recent years shows the range of violence that UK government and companies enable through exports to Israel. According to data compiled by Campaign Against Arms Trade, licences for exports since 2015 have included:

- £183 million worth of ML22 licences (military technology)
- £104 million worth of ML10 licences (Aircraft, helicopters, drones)
- £20 million worth of ML4 licences (Grenades, bombs, missiles, countermeasures)
- £4.6 million worth of ML6 licences (Armoured vehicles, tanks)
- £1.9 million worth of ML3 licences (ammunition)
- £1 million worth of ML1 licences (small arms)
- 43 open licences, mainly for aircraft, which allow for unlimited quantity and value of exports.

Particularly noteworthy are the F-35 stealth combat aircraft jets, which Israel has reportedly used in the latest bombings in the Gaza Strip.¹² **The UK produces 15% of the value of each F-35, of which 27 have been delivered to Israel so far.**

It is nearly impossible to trace specific items to specific acts of violence, partly because of how the UK arms export regime obscures this information. Most UK arms exports to Israel are components, and the UK government does not provide sufficient information as to which systems UK components are used in. It is also very hard to know whether the systems used in Israeli military operations are those containing UK components. Given this lack of traceability, and Israel's unreliable record on end-use guarantees, the risk that UK-made items are being used is very high.

The fact remains that the primary activity of the Israeli armed forces is to maintain its illegal occupation, enforced with armed violence and systematic violations of international law. **By continuing to trade in arms with Israel, the UK helps to perpetuate the occupation and the violence and illegality it entails.**

References

- 1 Numbers from the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) in the Occupied Palestinian Territory, 20 May 2021.
- 2 Data from the Strategic Export Controls database of the UK Department for Business, Innovation and Skills, via Campaign Against Arms Trade.
- 3 All statistics from UNOCHA, Data for casualties is [here](#), and demolitions and displacement is [here](#).
- 4 'The United Nations Commission of Inquiry on the 2018 protests in the Occupied Palestinian Territory', UN OHCHR, 18 March 2019.
- 5 Early Day Motion 1305: UK arms exports to Israel
- 6 'Statement of ICC Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the Situation in Palestine', ICC, 20 December 2019.
- 7 Consolidated EU and National Arms Export Licensing Criteria (updated 2014)
- 8 In April 2002, the FCO wrote: "we will continue to assess export licence applications ... to Israel on a case-by-case basis against the consolidated ... criteria. But in doing so, we will no longer take the Israeli assurances given on 29 November 2000 into account."
- 9 Written ministerial statements, FCO, 12 April 2009.
- 10 'Government announces findings of review of licensed exports to Israel', BIS press release, 12 August 2014.
- 11 Written question, FCO – 139368, 3 May 2018.
- 12 Reported in the Times of Israel on 11 May 2021, F-35s along with other fighter jets have been used in recent bombing according to Israeli military spokesperson.