

Campaign Against Arms Trade

Briefing: UK Arms Export Licences to Israel

12th March 2024

Summary

There is a clear risk that arms and military equipment transferred to Israel might be used to facilitate or commit serious violations of international law, including attacks that may amount to war crimes and genocide. The UK Government should immediately suspend both extant licences for military equipment and technology and the issuing of new licences.

Under both relevant international and domestic law, the UK is required to prevent the transfer of military equipment and technology, including parts and components, where there is a clear or overriding risk that such equipment and technology might be used to commit or facilitate a serious violation of international humanitarian law or international human rights law.

This current situation places the UK government at risk of failing to prevent and being complicit in serious violations of international law, including war crimes and crimes against humanity, in violation of its obligations under the Geneva Convention, Arms Trade Treaty and domestic laws.

Legal Obligations

- These binding obligations are contained within Articles 6 and 7 of the International Arms Trade Treaty (ATT) as well as criteria one and two of the UK's [Strategic Export Licensing Criteria](#) (SELC). Criteria three and four of the SELC also prohibits the granting of a licence when there is a clear risk that the items would, overall, undermine peace and security.
- Criterion 2 c) of the SELC states:

Having assessed the recipient country's attitude towards relevant principles established by instruments of international humanitarian law, the Government will:

c) Not grant a licence if it determines there is a clear risk that the items might be used to commit or facilitate a serious violation of international humanitarian law.

UK arms exports to Israel

Since 2015, CAAT's data browsers show that [the UK has licensed](#) at least £489 million worth of military exports to Israel, including components for combat aircrafts, missiles, tanks, technology, small arms and ammunition.

These licences include, but are not limited to:

Licences	
ML10 – Aircraft, helicopters, drones	£126m
ML22 – Technology	£183m
ML5 – Target acquisition, weapon control and countermeasure systems	£35m
ML4 – Grenades, bombs, missiles, countermeasures	£24m
ML14 – Military training equipment	£48m
ML6 – Armoured vehicles, tanks	£15m
ML11 – Other electronic equipment	£34m

In addition to the licence above the UK has licensed 61 unlimited-value “open” licences. These licences lack transparency and allow for unlimited quantities and value of exports of the specified equipment without further monitoring. Included in these open licences, are components for F-35 stealth bomber aircrafts, one of the most significant UK exports to Israel.

The UK provides approximately 15% of the components in the F-35 stealth bomber aircraft currently being used in Gaza, including the rear fuselage and active interceptor system, ejector seats, aircraft tyres, refuelling probe, laser targeting system, and the fan propulsion system. Durability testing for the F-35 is also undertaken in the UK. The contract for the components is estimated by Campaign Against Arms Trade to be worth £336m since 2016.

Previous measures

- Notably, the UK Government admitted that British supplied components were used in the 2008-2009 hostilities in Gaza. In a [ministerial statement](#) on 21 April 2009, then Foreign and Commonwealth Secretary David Miliband admitted that Israeli equipment used in Gaza in the 2008-9 conflict “almost certainly” contained UK-supplied components. He cited F16 combat aircraft, Apache attack helicopters,

Saar-Class corvettes and armoured personnel carriers. According to a government [statement](#) in December 2012, no such assessment was conducted in relation to the Israeli attacks on Gaza in November 2012 – and no assessment appears to have been carried out for subsequent conflicts.

- Furthermore, during the 2014 Gaza hostilities, when Lord Cameron was Prime Minister, the Government undertook a review of licensed exports to Israel. In announcing the findings of its review, it warned that it would suspend extant licences for components which could be part of equipment used by the Israel Defence Forces in Gaza if significant hostilities resumed, as it would not be able to clarify if its export criteria were being met. As a precautionary measure, the government also stated that no new licences had been issued during the review period (4 August 2014 to 12 August 2014).

Significant developments

- Multiple UN Special Rapporteurs, Independent Experts and Working Groups issued a [statement](#) on 23 February warning that the transfer of weapons or ammunition to Israel that would be used in Gaza is likely to violate international humanitarian law and must stop immediately.
- The position of the UK government is even more untenable following the [Dutch Court of Appeal](#) ordering on 11 February the Netherlands to halt its export of F-35 fighter jet parts to Israel, given the clear risk they might be used in the commission of serious violations of international humanitarian law in Gaza. The UK's own [arms export criteria](#) establishes the very same obligation with respect to the UK government.
- The government continues to refuse to halt exports despite the [International Court of Justice](#) (ICJ) ruling to impose provisional measures on Israel to prevent genocide against the Palestinian people in Gaza. The ICJ found that the measures were necessary “to protect the rights claimed by South Africa that the Court has found to be plausible,” including “the right of the Palestinians in Gaza to be protected from acts of genocide.” The UK government is at risk of failing to take action to prevent genocide.

Recommendations

- Immediately suspend both extant licences for military equipment and technology and the issuing of new licences to Israel, and issue a two way arms embargo.
- Call for an immediate and permanent ceasefire by all parties to the conflict, including at the UN Security Council.
- Establish an independent inquiry into breaches of international law by UK arms export policy, and government decisions and assessment procedures involved in issuing arms export licences to Israel.

- Support the Business and Trade Committee to undertake meaningful and effective scrutiny of the UK's arms export regime, including in regarding arms exports to Israel.
- Call for a global arms embargo on Israel, noting the statement made by multiple UN Special Rapporteurs, Independent Experts and Working Groups warning that the transfer of weapons or ammunition to Israel that would be used in Gaza is likely to violate international humanitarian law and must stop immediately.

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