Foto: Pamela Urrutia, 2010.

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A decisive moment? The importance of halting Europe's arms trade with Israel

Benjamin Netanyahu's plan to formally annex up to 30% of the occupied Palestinian territories in the West Bank has once again exposed the serious impact of Israeli policies on the Palestinian people and has caused international alarm. Although the details of the initiative are yet to be defined, multiple international actors have warned that the measure is illegal, violates basic principles of international law, will have serious effects on the viability of a Palestinian state and will worsen regional instability, among other consequences. With this plan looming, the time is ripe to denounce Israeli policies and, above all, to take initiative against them no matter what shape Netanyahu's proposal eventually takes. Nevertheless, it is worth noting that this is just another step towards the formalization of a regime of discrimination and violence that many experts describe as apartheid, and that includes broad violations of the human rights of Palestinians.

Under these circumstances and given the current situation, this report by the Escola de Cultura de Pau, the Centre Delàs d'Estudis per la Pau and the Institut de Drets Humans de Catalunya discusses the need for EU member states to halt the arms trade with Israel. This document analyses the current circumstances of the conflict and presents the national, European and international laws on this subject that states are bound to. It also reviews the current dynamics of the arms trade with Israel and makes a series of recommendations for action from a perspective committed to peace, justice, and respect for human rights.

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Benjamin Netanyahu's intentions to annex one-third of occupied Palestinian territory in the West Bank has once again focused international media attention on Israeli policies and their serious impact on the Palestinian population. Netanyahu's initiative is driven by a series of local and international factors, including the position of the American administration under Donald Trump, which is openly aligned with the interests and positions of the reigning Israeli far right. With this protection and the use of arguments supported by Trump's so-called "peace plan" for the region,[1] the Netanyahu's governmental plans to extend its sovereignty over more than 235 illegal settlements in the West Bank as well as most of the fertile and strategic Valley of Jordan along the border with the Kingdom of Jordan. This will further the isolation and fragmentation—also known as "bantustanization"—of the Palestinian territories. The details of the annexation plan still need to be defined: things like the timetable and whether the plan is to be applied gradually, totally or partially. All this is subject to internal factors and coordination with the United States, among other variables.[2] Nevertheless, there is broad international consensus regarding the seriousness of the measure, which would formalize the seizing of territory by force in violation of international law.

Although the details of the annexation plan are yet to be defined, there is consensus regarding the seriousness of the measure, which would formalize the seizing of territory by force in violation of international law

On annexation and other unchecked violations

The Israeli Government's plan has set off alarms globally and has sparked warnings by multiple parties. These have stated that the annexation is a unilateral initiative that violates basic principles of international law; that it will undermine the potential for a two-state solution (which has been defended for decades as a way out of the Palestinian-Israeli conflict, although it is already seen as doomed or unfeasible by many); that it may become a significant destabilizing factor in the region; that it will increase the human rights violations suffered by the Palestinians; and that it may lead to an increase in violence and further losses of life. Many statements to this effect have been made by important figures such as the Secretary General of the United Nations,[3] the UN's Middle East peace envoy[4] and scores of UN human rights experts.[5] Amid rumours regarding a possible gradual or partial application of the Israeli plan, the UN high commissioner for human rights was especially clear: "annexation is illegal. Period. Any annexation. Whether it is 30% of the West Bank or 5%".[6] Arab countries have also stated that the plan is illegal and have warned of the risks for regional stability. Jordan suggested that it may cancel or undermine the peace agreement it signed with Israel in 1994.[7] High-level diplomats have also warned that it will affect the rapprochement seen between Israel and Arab countries in recent years, partly as a result of their common interests regarding Iran as a regional adversary.[8]

In Europe, over a thousand European MPs from 25 countries and a wide range of political parties have expressed their concern and have demanded that the EU lead an international response to prevent the annexation.[9] Although this matter does generate divisions within the EU, the head of European diplomacy has noted that an action of this nature cannot occur without a response. However, he also acknowledged the difficulty in reaching a unanimous position on this subject. European countries on the UN Security Council—France, Belgium, Germany, Estonia, Ireland, the United Kingdom and Norway—have taken a common position, warning that they will not recognize the annexation and criticizing its impact on the viability of a Palestinian state.[10]

1. Among other measures, the Trump plan made public in January of 2020–known as the "Deal of the Century" and formally named the "Peace to Prosperity" plan–calls for one-third of the West Bank to come under permanent Israeli control, with some autonomy in the remaining Palestinian territories.
2. At the completion of this report, the Netanyahu Government was divided over how to go about the annexation plan. Netanyahu's main ally in the governing coalition, Benny Gantz, noted that the July 1st date announced by the Prime Minister to begin the plan was neither "sacred" nor "urgent", taking into account the challenges caused by the coronavirus and the economic crisis in Israel. Israeli and international media also noted that Netanyahu was awaiting formal support from the US Government before starting the annexation, and that this matter was being discussed by the two administrations.
3. Associated Press, "UN chief urges Israel to back away from West Bank annexation", *The Guardian*, 24 June 2020.
4. UN News, "UN Middle EaAst peace envoy warns against unilateral action on all sides, as Israel threatens West Bank annexation", *UN News*, 20 May 2020.
5. UN Human Rights Office of the High Commissioner, *Israeli annexation of parts of the Palestinian West Bank would break international law – UN experts call on the international community to ensure accountability*, 16 June 2020.
6. UN News, "Israel's illegal annexation plans for Palestine, 'disastrous' for wider Middle East – Bachelet", *UN News*, 29 June 2020.
7. Reuters, "Jordan's king says regional stability put at risk by Israeli annexation", *Reuters*, 16 June 2020.
8. David Halbfinger y Ben Hubbard, "Arab Envoy Warns Israelis That Annexation Threatens Warming Ties", *The New York Times*, 19 June 2020.
9. Alice Tidey, "More than 1,000 European MPs call for Israel annexation to be halted and warn of 'consequences'", *Euronews*, 24 June 2020.
10. Reuters, "France pushing for tough EU response to any West Bank annexation: diplomats", *Reuters*, 11 May 2020; Reuters, "Vexed by annexation: The battle inside de EU over Israel", *Reuters*, 23 June 2020; I24News, "European states warn Israel against West Bank areas annexation", *I24News*, 25 June 2020; Permanent Mission of the Federal Republic of Germany to the UN, Joint Statement by Current and Incoming EU Members (Germany, Belgium France, Estonia, Ireland) of the UNSC and the UK and Norway after the UN Security Council VTC Meeting on the Middle East, 24 June 2020.

With this plan looming, the time is ripe to denounce Israel's policy of occupation and to address the need for a strong international response to the numerous violations of international law, international humanitarian law and international human rights suffered by the Palestinian people. Under these circumstances, in addition to any other possible political initiatives or sanctions, Europe's arms trade with Israel must be halted immediately. Halting both the exportation and importation of arms to and from Israel is a policy that must be adopted by European countries as an imperative duty, no matter how Netanyahu's plan to annex one-third of the West Bank proceeds.

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Although we should not minimize the seriousness of the political intentions of the Israeli Government and the potential legal and practical consequences for the Palestinian people, it is worth noting that Netanyahu's plan is not an isolated event, nor is it separate from the other occupation policies followed by previous Israeli governments. In fact, regarding the annexation of territories by Israel, there are other important precedents from not so long ago, such as the annexation of East Jerusalem in 1980 or the Golan Heights in 1981.[11] Although the UN Security Council denounced these actions when they occurred and has not recognized Israeli sovereignty over these areas, in practice it has not taken any measures in response. Furthermore, these actions have recently had the express support of the US.[12] Multiple analyses by Palestinian and international experts have emphasized that Netanyahu's plan simply makes more explicit a situation that, *de facto*, can be described as apartheid. According to the aforementioned UN human rights experts, "the morning after annexation would be the crystallisation of an already unjust reality: two peoples living in the same space, ruled by the same state, but with profoundly unequal rights. This is a vision of a 21st-century apartheid".[13]

Along the same lines, Palestinian analysts like Amjad Iraqi emphasize that although July 1st—the date announced by Netanyahu for a possible start of the controversial plan—has been identified as a tipping point, for the people of Palestine the reality of discrimination and apartheid is nothing new. It is not the result of a single law or decisive moment, but rather the result of decades of a complex web of Israeli laws and policies.[14] The International Commission of Jurists has also emphasized that the policy of *faits accomplis* carried out by Israel is equivalent to a "gradual annexation".[15] Therefore, this annexation plan is simply the result of an existing trend. In the words of Itxaso Domínguez, "this is not a new phenomenon; it is simply a straw that may break the camel's back" in a context characterized by "dispossession, fragmentation, human rights violations and impossible self-determination" for the Palestinian people.[16]

This series of *faits accomplis,* institutionalized discrimination and a slew of Israeli policies and practices have caused the Palestinian people to suffer numerous abuses that have been widely documented in recent decades. These include the impacts of the expansion of Israeli settlements (inhabited by half a million Israelis) and other infrastructure in occupied Palestinian territories, an illegal practice according to international humanitarian law; the building of a wall of separation (85% of which lies in the West Bank and is considered illegal according to an advisory opinion by the International Court of Justice from 2004[17]); the confiscation of land and natural resources; the demolition of homes; the forced transfer of the populace; killings; arbitrary detention; abuse and torture (even against minors); severe restrictions to freedom of movement (with blockades, segregation, control points and an abusive system of permits, among other measures); the persecution of journalists and human rights defenders; violations of the right to health; a blockade of Gaza that subjects its inhabitants to collective punishment and a severe humanitarian crisis; or the series of measures designed to consolidate the de facto annexation of East

11. In the case of East Jerusalem, a government decree was followed by a basic law approved by the Knesset whose article 1 states that "Jerusalem, complete and united, is the capital of Israel." In the case of the Golan Heights, another law was approved to expand laws, jurisdiction and administration, annexing the area de facto without declaring it outright.
12. In 2019, the government of Donald Trump recognized Israel's annexation of Syria's Golan Heights, occupied since 1967. In 2018, it made its recognition of Jerusalem as the Israeli capital explicit by transferring the US embassy from Tel Aviv to the city.
13. UN Human Rights Office of the High Commissioner (2020), *op. cit.*
14. Amjad Iraqi, "Palestinians are tired of proving Israeli apartheid exists", *+972 Magazine*, 17 June 2020.
15. International Commission of Jurists, *The Road to Annexation. Israel's Manoeuvres to Change the Status of the Occupied Palestinian Territory*, Briefing Paper, ICJ, November 2019.
16. Itxaso Domínguez, *Lo urgente y lo importante: Las 5Ws de la anexión de territorios bajo ocupación por parte de Israel*, Nota prospectiva Nº59/2020, Observatorio de Política Exterior Española OPEX, Fundación Alternativas, 30 June 2020.
17. UN News, "International Court of Justice finds Israeli barrier in Palestinian territory is illegal", *UN News*, 9 July 2004.

Jerusalem (according to Israeli NGO B'Tselem, in 2019 more Palestinian homes were demolished in East Jerusalem than in any year since 2004), among others.[18]

Some other effects of violence are also worth noting. According to data by the OCHA, the hostilities, repression and clashes during demonstrations, search operations by Israeli forces and agressions involving Israeli settlers led to the death of 5,581 Palestinians and the wounding of 113,686 more from 2008 to June of 2020. This is in comparison to 249 Israelis killed and 5,609 wounded in the same period.[19] Particularly harsh military operations in recent years have made the disproportionate use of force against Palestinians by Israel particularly clear. These include the 2014 July-August operation in Gaza (which caused the death of over 2,000 Palestinians) or the repression of the March of Return demonstrations (for the rights of the refugee population and against the blockade situation in Gaza), with 215 Palestinian deaths (including 47 minors) from March 2018 to the end of 2019 according to the Palestinian Centre for Human Rights. In late 2019, after years of preliminary analysis, the International Criminal Court (ICC) concluded that there was sufficient evidence to investigate war crimes perpetrated in Gaza, the West Bank and East Jerusalem. This decision was called "historic" by human rights organizations, and the ICC announced it was preparing the start of a formal investigation.[20] More recently, in 2020, events like the death of a young, unarmed Palestinian with special needs who was shot by Israeli soldiers who accused him of carrying a "suspicious object" multiplied condemnation for the use of excessive force, and once again demonstrated the consequences of the Israeli forces' so-called "open fire" policy.[21] This policy has official support and is supposedly legal, and allows for the constant use of lethal force against Palestinians. This is a key piece in the violent control mechanisms of the Israeli forces, as noted by Israeli NGO B'Tselem.[22]

Weapons, security devices and militarization are fundamental for the maintenance of these Israeli policies, and for sustaining domination and control over the Palestinians. This system of control also involves private security forces and has specific gender-based consequences that have been widely denounced.[23] Military operations, the repression of demonstrations, the demolition of homes, search operations, restrictions to mobility and discriminatory regulations— among other practices—have specific, disproportionate consequences for Palestinian women on both a physical and psychological level. They also limit their access to health services, education and justice and restrict their movement in a context shaped both by the Israeli occupation and patriarchal social norms.

Weapons, security devices and militarization are fundamental for the maintenance of Israeli policies, and for sustaining domination and control over the Palestinians

As a result of all this, beyond Netanyahu's controversial annexation plan, there is sufficient evidence to show the urgent need for EU countries to halt the arms trade with Israel. Europe must remember its commitments and obligations under international law, European law, and, in some cases, national law.

It should be stated that the International Arms Trade Treaty that entered into force in 2014 requires that all states guarantee that the arms they export are not used by criminal organizations or to perpetrate human rights abuses. Regarding European legislation, the EU Code of Conduct on Arms Exports from 1998 established the responsibility of the exporting country to verify the final destination of the arms, in addition to ensuring that the receiving country is respectful of humanitarian law. A decade later, the EU adopted Common Position 2008/944/CFSP governing control of exports of military technology and equipment, which is

18. For up-to-date information on some of these issues, see, for example, the latest report by the UN's Special Rapporteur for Palestine, *Situation of human rights in the Palestinian territories since 1967*, A/74/507, 21 October 1967; the publications and databases of the UN Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territories (OCHA OPT); the annual reports on the situation in Israel and Palestine in 2019 by Amnesty International and Human Rights Watch; reports by the International Crisis Group such as *Reversing Israel's Deepening Annexation of Occupied East Jerusalem*, Report 202 Middle East & North Africa, 12 June 2019; or numerous reports from Palestinian and Israeli organizations such as the Palestinian Centre for Human Rights, Women's Center for Human Rights and Counselling; or B'Tselem.
19. OCHA Occupied Palestinian Territories, *Data on casualties: 01/01/2008 – 23/06/2020*, consulted 1 July 2020.
20. The start of this process is pending the Court's confirmation of its jurisdiction over the occupied Palestinian territories, after a request for clarification was presented by the ICC's prosecutor. Peter Beaumont, "ICC to investigate alleged Israeli and Palestinian war crimes", *The Guardian*, 20 December 2020.; "Amnesty International, Israel/OPT: ICC investigation into war crimes a 'historic step towards justice'", *Amnesty International*, 20 December 2020.
21. Oliver Holmes,"Palestinian lives matter': Israeli police killing of autistic man draws US comparison", *The Guardian*, 1 June 2020.
22. B'Tselem – The Israeli Center for Human Rights in the Occupied Territories, "Open-Fire Policy",B'Tselem, consulted 29 June 2020.
23. For additional information, see, for example, Women's International League for Peace and Freedom (WILPF), *Palestinian Women Under Prolonged Israeli Occupation: The Gendered Impact of Occupation Violence*, Universal Periodic Review of Israel, Joint Submission to the UPR Working Group 29th Session, August 2017; Women's Center for Legal Aid and Counselling (WCLAC) Gaza's Return Marches: The Gendered Impact of the Excessive Use of Force by Israeli occupation forces on Civilians, Submission for the Commission of Inquiry on the 2018 protests in the Occupied Palestinian Territories, September 2018; Pamela Urrutia, *Ocupación, conflicto y patriarcado: Impactos en las mujeres palestinas.*, Escola de Cultura de Pau – Associació Hèlia, September 2019; Nora Miralles, *Privatización de la seguridad, control social y su impacto de género en Jerusalén Este*, Observatori de Drets Humans i Empreses a la Mediterrània, November 2019.

mandatory for all member states. It establishes the need to consider the internal situation of the country of final destination regarding tensions and armed conflicts.[24] More specifically, criterion 2 of the Common Position requires respect for human rights in the country of final destination as well as respect by that country of international humanitarian law. Criteria 3 and 4 of the Common Position also state that EU member states must not permit exports that provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination, or that endanger regional peace, security and stability. Regarding the latter, it is worth noting that in addition to the question of Palestine, Israel is involved more or less openly in another series of conflicts and tensions in the region, and that even in the last year it has carried out armed offensives in contexts such as Iraq or Syria.[25]

Some national legislatures such as that of Spain (Law 53/2007 on arms exports) have established clauses for denial or suspension if there is evidence that the arms provided may be used to disturb peace and stability, aggravate conflicts or violate the dignity of human beings. European states should also apply arms control obligations and commitments regarding gender, peace and security (see Box 1).

As we have shown, the situation created by Netanyahu's annexation plan provides a new opportunity to organize an international response in a context of ongoing impunity and deep asymmetry of power between the two sides. Human rights experts and jurists have noted the legal and political responsibilities of the different actors in the international community, and the need for a response to Israel's illegal actions beyond speeches of condemnation. The United Nations Special Rapporteur on the human rights situation in Palestinian Territory occupied since 1967 has specifically called for the EU to take the initiative and take firm steps to ensure accountability for violations of international law.[31] He has stated that this is a "moment of truth" to show the integrity of the EU's foreign policy (it is worth noting that the EU is a member of the Quartet on the Middle East involved in mediating the Palestinian-Israeli peace process). He has also asked the EU to use its diplomatic experience, its economic leverage and its capacity for influence based on commerce and investment to pressure Israel. This is a key moment, therefore, to go beyond rhetorical criticisms, demand concrete measures and insist on halting the arms trade with Israel.

BOX 1. **Arms and gender-based effects**

Activists, Palestinian women's groups and international feminist organizations, among others, have warned of the serious and specific impacts of Israeli occupation from a gender-based perspective[26] and have denounced the fact that multiple states have continued their arms trade with Israel despite its continuing violations of human rights and international humanitarian law. As a result, they have called for a halt to the exportation of arsenals to Israel[27] and have suggested that third-party states take this decision as part of their commitment to the international agenda on women, peace and security put into motion after the approval of the UN Security Council's Resolution 1325 (2000).[28] Furthermore, the International Arms Trade Treaty (2013) includes a clause in article 7(4) that states that when exporting arms, states must take into account the risk of them being used to "commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children."[29] Finally, it is important to consider General Recommendation No. 30 (2013) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on women in conflict prevention, conflicts and post-conflict situations. This recommendation clarifies the applicability of the Convention to cases of occupation; it emphasizes the fact that arms proliferation can have both direct and indirect impacts on women as victims of violence in conflicts, in domestic settings and as protesters or participants in resistance movements; it also reaffirms the need for states to take into account the gender-based effects of the international arms trade.[30]

24. Official Journal of the European Union, COUNCIL COMMON POSITION 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, 13 December 2018.
25. For additional information see chapters 1 (Armed Conflicts) and 2 (Tensions) in Escola de Cultura de Pau, *Alerta 2020! Informe sobre conflictos, derechos humanos y construcción de paz*, Icaria: Barcelona, 2020.
26. Pamela Urrutia, *Ocupación, conflicto y patriarcado: Impactos en las mujeres palestinas.*, Escola de Cultura de Pau – Associació Hèlia, September 2019.
27. Women's International League for Peace and Freedom (WILPF), *Statement by Randa Siniora, First Palestinian Woman Activist to Brief UN Security Council*, 25 October 2018.
28. Pamela Urrutia, *Mujeres, paz y seguridad: aplicación, retos y límites en Palestina*, Escola de Cultura de Pau – Associació Hèlia, October 2019, p. 12.
29. United Nations, *The Arms Trade Treaty*, article 7 (4), 2013, p. 6.
30. Convention on the Elimination of All Forms of Discrimination against Women, *General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30,* 18 October 2013.
31. UN Human Rights Office of the High Commissioner, *Israel/OPT: EU must weigh in to ensure accountability as annexation looms, says UN expert*, UN OHCHR, 26 June 2020.

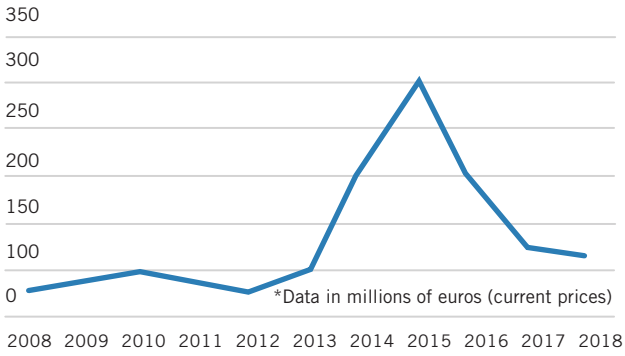
Arms trade with Israel: current status

Regarding Israel, imports by EU member states are just as important as exports.

The figures on exportations by European states to Israel are not especially notable, reaching €1,056 million in the 2008-2018 period according to official data provided by the countries themselves for the EU's annual report, which the European Network Against Arms Trade (ENAAT) includes in its database. The small number of arms purchased from European countries may be largely a result of a highly consolidated military/industrial and security sector in Israel. In fact, according to data by the Stockholm International Peace Research Institute (SIPRI), in 2019 Israel was the 8th-largest exporter globally, with 3% of total exports.[32]

Both the graph prepared with official data provided by EU member states and the graph of arms exports using data from SIPRI show an increase in exports to Israel starting in 2012. Exports rise significantly, reaching a peak in 2015, and then drop significantly in 2016. It is important to note that the 2015 peak in exports took place one year after Israel's "Operation Protective Edge" offensive against the Gaza Strip. The worst in a decade, it caused the death of over 2,000 Palestinians and 70 Israelis.[33] The primary type of arms exported in 2014 by European countries, for a total of €192 million, were vehicles and tanks, imaging equipment, electronics, explosive devices and aircraft. These arms exports are particularly controversial in view of an event that ended in the deaths of thousands of civilians, the destruction of homes and a drastic humanitarian situation in Gaza. These exports violate several criteria of Common Position 2008/944/CFSP[34], specifically criterion 2 (Respect for human rights in the country of final destination as well as respect by that country of international humanitarian law), criterion 3 (Internal situation in the country of final destination, regarding the existence of tensions or armed conflicts), and criterion 4 (Preservation of regional peace, security and stability).

Exports by EU member states to Israel from 2008-2018 (ENAAT)



Prepared by the authors using the ENAAT Database.
Consulted 20 March 2020.

Although the conflict situation remained active in 2015[35], exports of European arms increased that year to €293 million; explosive devices, imaging equipment and aircraft were the principal exports. This violated criteria 3 and 5 of Common Position 2008/944/CFSP, noted above.

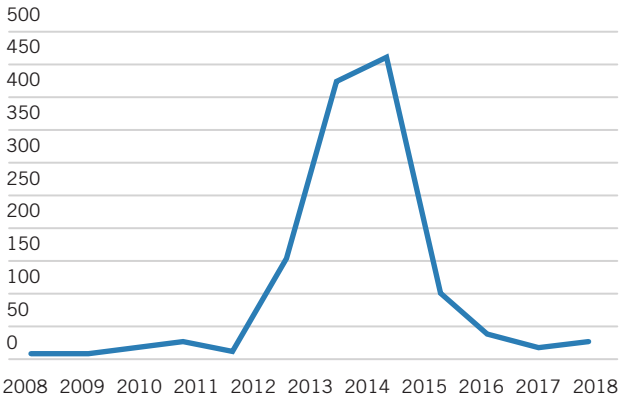
According to the latest data available on the ENAAT database regarding the types of materials exported, in 2018 explosive devices predominated (23%), along with land vehicles and tanks (16%), firing equipment (9%), imaging equipment (8%) and warships (6%), among others. By number of exports, the main European exporters were Romania, France, the Czech Republic, Italy and Bulgaria. According to SIPRI data updated for 2019, the main European exporters of arms to Israel are Germany and Italy.[36] These figures differ from those provided by the ENAAT database since Germany–along with other countries–failed to provide information on exports for the EU common report.[37]

The situation created by Netanyahu's annexation plan provides a new opportunity to organize an international response in a context of ongoing impunity and deep asymmetry of power between the two sides

For years, civil society in Spain has warned of the implications of the arms trade with Israel.[38] According to official figures presented for the 2008-2018 period, Spain has exported military

32. SIPRI, *Trends in international arms transfers 2019*, SIPRI, 2020. Consulted on 12 June 2020.
33. Carmen Rengel, "Ofensiva en Gaza. La más sangrienta ofensiva militar en una década", Annual summary, *El País*, 2014.
34. Official Journal of the European Union, COUNCIL COMMON POSITION 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, 13 December 2018.
35. Juan Carlos Sanz, "Esperando otra guerra en Gaza", El País, 6 July 2015; Escola de Cultura de Pau, *Alerta 2016! Informe sobre conflictos, derechos humanos y construcción de paz*, Barcelona, Icaria, 2016.
36. SIPRI (2020), *op. cit.* Consulted on 12 June 2020.
37. Countries like Germany, France and the United Kingdom do not provide all the necessary information on exports for the annual reports on the European Union Code of Conduct on Arms Exports of the Official Journal of the European Union from which ENAAT obtains its data.
38. See, for example, Alejandro Pozo, Camino Simarro and Oriol Sabaté, *La defensa, la seguridad y la ocupación como negocio. Relaciones comerciales militares, armamentísticas y de seguridad entre España e Israel*, Novact, February 2014; Amnesty International, Oxfam Intermón, Fundipau, Greenpeace, *¿Seguirá el nuevo gobierno exportando armas a Israel y a la coalición encabezada por Arabia Saudí?*, June 2018.

Arms exports by EU member states to Israel in the 2008-2019 period (SIPRI)



Prepared by the authors using the SIPRI Database. Consulted 8 June 2020. The numbers are expressed in TIV: Trend Indicator Value in Millions, a system of measurement developed by SIPRI (https://www.sipri.org/databases/armstransfers/sources-and-methods/)

equipment worth nearly €700,000. This number is of little significance if compared with exports in general, especially regarding electronic equipment and munitions. According to a report by Spain's Secretary of State for Commerce, this number increased in 2019 to a total of €2.1 million[39], mainly for the sale of night vision accessories, ammunition fired from vehicles for trials and commercial demonstrations, ammunition links for trials, sensors for a countermeasures system, a vehicle-mounted firing tower for trials, parts for helicopter motors from the Spanish Air Force, and components, parts, and devices for transport planes as part of a European cooperation program.

Regarding the denial of arms exports by the Spanish Government in 2019, the same report notes that the sale of 2,000 shackles for the Israeli police was denied for possible violations of the criteria of Common Position 2008/944/CFSP, particularly criterion 2 (Respect for human rights in the country of final destination as well as respect by that country of international humanitarian law) and criterion 3 (Internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts).[40] The Spanish government has noted its concern for some of Israel's human rights practices. For example, in the United Nations Human Rights Council's most recent Universal Periodic Review (UPR) from 2018, Spain specifically recommended that Israel "ensure the State security forces make proportional use of force in all circumstances, including, among others, by ensuring that the rules of engagement or regulations on opening fire are fully consistent with international human rights law; and ensure that all alleged perpetrators of disproportionate use of force are brought to justice." Spain also asked Israel to "ensure the existence and operation of an effective accountability system to address possible violations of international humanitarian law and human rights in the Occupied Palestinian Territories, among other means, facilitating the effective access to justice for victims and guaranteeing the effective investigation of complaints, as well as the lawful work of human rights defenders."

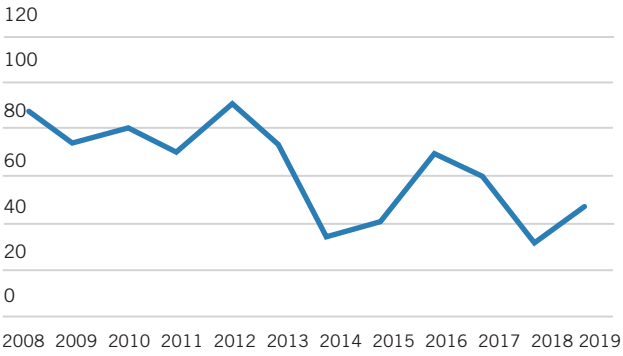
In addition to arms imports, it is important to look at exports from Israel to European countries. Israel exports approximately 75% of what it produces, with the remaining 25% reserved for domestic use. As noted by Alejandro Pozo and Camino Simarro, Israel has turned the occupation of Palestine into a business, promoting the "Israel brand" as a guarantee of prestige in military and security products.[41] The high proportion of exports by the Israeli military industry is directly related to the militarization of the country. The cost of arms production per unit is reduced thanks to the rise in exports of these products, and this makes the countries that import Israeli military equipment responsible for reducing what the Israeli military pays for domestically manufactured weapons. This also helps to cheapen the cost of militarizing the occupied territories. It is also worth noting that the interest in Israeli military exports comes largely from its reputation for being "battle-tested", in reference to its use in the armed conflict in the occupied Palestinian territories.[42]

For years, civil society in Spain has warned of the implications of the arms trade with Israel

According to SIPRI data, the principal arms exported by Israel during the 2008-2019 period were sensors, missiles, aerial defence systems and aircraft. Data from the organization indicates that Israeli military equipment has a good market in Europe. The main European importers of Israeli arms are Italy, the United Kingdom, Spain, Germany, Romania and Poland. On a global scale, Germany and Italy are only second to the United States in terms of arms imports.[43] As for the type

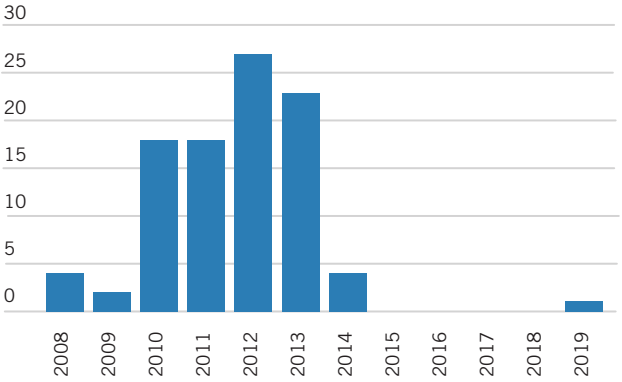
39. Secretaria de Estado de Comercio del Estado español, *Estadísticas españolas de exportación de material de defensa, de otro material y de productos y tecnologías de doble uso* 2019, 2020.
40. Miguel González, "El Gobierno vetó la venta de grilletes a la policía de Israel y suspendió los contratos de armas con Maduro", *El País*, 09 June 2020.
41. Alejandro Pozo y Camino Simarro *La defensa, la seguridad y la ocupación como negocio. Relaciones comerciales militares, armamentísticas y de seguridad entre España e Israel*, Novact, February 2014.
42. Alejandro Pozo, "¿Necesita Israel armas españolas?", *El País*, 25 September 2014.
43. SIPRI (2020), *op. cit.* Consulted on 12 June 2020

Imports by EU member states from Israel in the 2008-2018 period (SIPRI)



Prepared by the authors using the SIPRI Database. Consulted 8 June 2020. The numbers are expressed in TIV: Trend Indicator Value in Millions, a system of measurement developed by SIPRI https://www.sipri.org/databases/armstransfers/sources-and-methods/

Spanish imports from Israel in the 2008-2019 period



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of arms imported from Israel, in 2019 Germany ordered 1,500 Spike-MR/LR antitank missiles, of which they had received 100 in 2019. Of this same type of missile, 990 have been shipped to Italy to date; Poland has received 757, while Romania has received 757 out of a total order of 1,000. The Czech Republic was sold eight EL/M-2084 aerial radar systems, while Cyprus received four Aeroestar unmanned aerial vehicles (drones). These are just a few examples to show that Israel is particularly known for its drones and missiles.

The interest in Israeli military exports comes largely from its reputation for being "battle-tested", in reference to its use in the occupied Palestinian territories

As for Spain, imports of Israeli arms grew until reaching a peak in 2012, after which they descended notably. According to SIPRI data, Israel was the third exporter worldwide of arms to Spain during the 2008-2019 period, after Germany and France. This was also the case throughout 2019. In 2019, Spain obtained six Orbiter 1K MUAS from Israel; this is a drone armed with high-precision ammunition designed for attacks against human and soft-shell targets. The manufacturer, Aeronautics, advertised the product as being "combat proven" and appropriate for border security.[44] In the case of the European Union, a campaign launched in 2020 by multiple organizations from civil society[45] denounced the fact that the European Maritime Safety Agency (EMSA) and the European Border and Coast Guard Agency (Frontex) were using drones worth €59 million manufactured by one of the most important Israeli businesses, Elbit Systems—specifically, the Hermes 900. These drones are used for border control, and were employed by Israel in 2014 for attacks against Gaza.

44. Official website of Aeronautics Group (2020) Orbiter 1k, Consulted on 12 June 2020.
45. Stop Israeli killer drones from intensifying the EU's border militarisation Available at http://www.eccpalestine.org/stop-israeli-killer-drones-from-intensifying-the-eus-border-militarisation/ Consulted 10 June 2020

Recommendations:

The following recommendations are made in keeping with the information provided above and from a perspective committed to peace, justice and human rights.

For European states:

- EU member states must fulfil their legal and political responsibilities and adopt measures that ensure respect for international law, humanitarian law and human rights. They must act against both the Israeli Government's annexation plan and the series of pre-existing policies and actions of Israeli occupation that have institutionalized profound discrimination against the Palestinian people.

- Responses to Israeli policies must include a halt to the arms trade. UE member states must fulfil the European Common Position and the International Arms Trade Treaty and stop exports of arms to Israel. Regarding European legislation, EU member states must strictly fulfil the eight criteria of the Common Position, particularly criteria 2, 3 and 4: respect for human rights and international humanitarian law in the country of final destination, the possibility that arms exports may provoke or prolong armed conflicts or aggravate existing tensions in the country of final destination, or that they may endanger regional peace, security and stability.

- Taking into account the close ties between occupation, militarization and the arms trade, EU member state must also halt arms imports from Israel. They must actively commit to halting the multiple abuses of human rights suffered by the Palestinian population as a result of Israeli militarization and occupation.

For Spain:

- In keeping with the national law on arms exports, the EU Common Position and the International Arms Trade Treaty, the Spanish Government must halt the export of arms to Israel. Not doing so violates criteria regarding the existence of tensions or conflicts, the maintenance of peace, and regional security and stability. It must also halt the arms imports from Israel because of the close relationship between the development of the arms industry, militarization and Israeli occupation.

- The Spanish Government must create an authorization model for arms exports that guarantees full respect for existing Spanish, European or international legislation, and it must avoid a negligent, irresponsible or deceitful interpretation of these regulations. The analysis of the security situation in a country must include broader indicators that allow for a full, accurate understanding of the risks of arms sales to a particular destination for the local population.

- The Spanish Government must bring an end to the multiple agreements between Spain and Israel that allow for cooperation between the two countries regarding supplies and defence.

- Spain must remember and fulfil the recommendations it made to Israel as part of the Universal Periodic Review on the situation of human rights. It must guarantee that security forces use force proportionately under all circumstances, ensure that any that those found guilty of disproportionate use of force are brought to be brought to justice, and ensure an effective accountability system exists to address violations of international humanitarian law and human rights in the occupied Palestinian territories.

SCHOOL FOR A CULTURE OF PEACE (UAB)

The School for a Culture of Peace (Escola de Cultura de Pau - ECP) in an academic insitution of investigation for peace located in the Universidad Autonoma de Barcelona (UAB). It was created in 1999 with the goal of promoting the culture of peace through activities of research, parallel diplomacy, education, and awareness raising. The main areas of investigation include conflict analysis, peace processes, gender, human rights and transitional justice, and peace education.

DELÀS CENTRE OF STUDIES FOR PEACE

The J.M. Delàs Centre of Studies for Peace (Centre d'Estudis per la Pau J.M. Delàs) is an independent organisation analysing peace, security, defence, and the arms trade. The Centre is dedicated to political and social research and action to strengthen the culture of peace and the construction of a disarmed society, making people aware of the negative effects of arms proliferation and militarism. The main areas of research are the arms trade, the financing of
the arms industry, military expenditure, weapons research and development (R&D), and military operations abroad. The Delàs Centre was born in 1999 in Justícia i Pau (Justice and Peace), as a continuation of work within the Campaign against the Arms Trade – C3A which started in 1988. Since February 2010 it is an independent research centre on issues related to disarmament and peace.

THE HUMAN RIGHTS INSTITUTE OF CATALONIA (IDHC)

The Human Rights Institute of Catalonia (IDHC) is an association that was created in Barcelona in 1983 by a group of people with a clear sense of protest and struggle for the progress of freedoms and democracy in the world and with a objective to combine the individual and collective efforts of public and private institutions to promote the expansion of political, economic, social and cultural rights for all people.

The IDHC carries out three parallel and interdependent lines of work adapted to the new reality: training, public advocacy and research. Each of these lines gives special attention to the IDHC's relationships with other institutions, network participation and study and research activities.

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