

14 June 2010

## HRC14: Statement on Gaza

### HUMAN RIGHTS RESPONSIBILITIES IN GAZA

#### 1. INTRODUCTION

1. 1.1. The Women's International League for Peace and Freedom (WILPF) expresses its grave concerns as to the attack on the 31st May, by Israel on the flotilla bringing humanitarian aid to Gaza, and the lack of respect for international law, in particular International Humanitarian Law (IHL) and Human Rights (HR) that these attacks appear to evidence. The extent and the nature of culpability must be determined by a full and independent investigation, but in light of the circumstances in which the attack took place, i.e. in international waters against unarmed civilians with significant loss of life, there seems to be little doubt as to the lack of legality in both the location of the attack and the proportionality of force used.
2. 1.2. In this regard, on 1st June the HRC joined the HC and SG in condemning the attacks and calling for an independent fact finding mission to "investigate violations of international law resulting from the Israeli attacks on the flotilla..." WILPF's position is that this call is far too narrow in scope, is repetitive in nature and ignores the context in which Israel and others have continued to avoid accountability for their actions. In addition, WILPF argues that such a limited resolution does not address the nature of accountability of actors other than Israel, nor does it open possibilities for dialogue toward reducing tensions and seeking peaceful ways of ensuring compliance with international law.

#### 2. APPLICABLE INTERNATIONAL LAW

2.1. Israel is a state party to the following six human rights Conventions:

2.1.1. The International Convention on the Elimination of All Forms of Racial Discrimination, ICCPR, ICESCR, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women.

2.2. Israel is also bound by International Humanitarian Law.

##### 2.2.1. The Occupation of Gaza by Israel

1. The issue of whether Israel is in occupation of Gaza is crucial to the question of the legality of the blockade. If in occupation, then the blockade is illegal and the

justifications put forward thus far by the Israeli authorities to justify their conduct, fail. In addition, there are particular responsibilities under IHL and HR that apply under the laws of Occupation.

2. In his report to the Human Rights Council (HRC/7/17: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,) John Dugard applied the test for occupation and found as follows:

1 The test for determining whether a territory is occupied under international law is effective control, and not the permanent physical presence of the occupying Power's military forces in the territory in question. Judged by this test it is clear that Israel remains the occupying Power as technological developments have made it possible for Israel to assert control over the people of Gaza without a permanent military presence. Israel's effective control is demonstrated by the following factors:

(a) Substantial control of Gaza's six land crossings: ....

(b) Control through military incursions, rocket attacks and sonic booms: sections of Gaza have been declared "no-go" zones in which residents will be shot if they enter;

(c) Complete control of Gaza's airspace and territorial waters;

(d) Control of the Palestinian Population Registry: the definition of who is "Palestinian" and who is a resident of Gaza and the West Bank is controlled by the Israeli military.

The high level fact finding mission to Beit Hanoun clearly set out the position:

Gaza is under the effective control of Israel and is thus occupied by it. This control, including in the period since the disengagement of Israel in September 2005, has been described in a number of reports to the Council and to the General Assembly (see A/HRC/4/17). The mission was able to witness this control first-hand, not least in its own protracted difficulties in gaining access to the territory without Israeli cooperation. The mission also witnessed the constant surveillance of Gaza by Israeli forces, most strikingly from unmanned aerial drones. It was also able to see how Israel effectively controls basic aspects of the daily life of Gazans, notably through the fuel blockade in force when the mission visited the territory. The situation was described to the mission by one resident in the following terms: "Israel decides what Gazans eat for dinner, whether they walk or drive, whether their children go to school or not." (A/HRC/9/26 - Human rights situation in Palestine and other Occupied Arab Territories: Report of the high-level fact-finding mission to Beit Hanoun established under Council resolution S-3/1\*)

This position has been upheld and re iterated in many other fora, [indicating](#) that the blockade is, in and of itself, illegal and hence the consequences of the attack on the flotilla must be considered under a different legal regime than that of the Law of the Sea, used thus far to legitimize the attack.

*iii.* Occupation exists, and hence Israel bears the full responsibilities that arise under international law relating to occupation.

iv. Numerous bodies within the United Nations have set out the nature of the obligations arising. The fact-finding mission to Beit Hanoun summarised the obligations thus:

As the occupying force, Israel has [obligations](#) towards the population in Gaza under both international human rights law and international humanitarian law, instruments. The long-standing position of United Nations human rights treaty bodies is that, as a State party to international human rights instruments, Israel continues to bear responsibility for implementing its human rights conventional obligations in the occupied Palestinian territory, to the extent that it is in effective control. This position is supported by the jurisprudence of the International Court of Justice which, in its advisory opinions on the South West Africa case and the legal consequences of the Construction of a Wall in the Occupied Palestinian Territory case, held that an occupying power remains responsible for fulfilling its obligations under the relevant human rights conventions in occupied territory. (A/HRC/9/26 - human rights situation in Palestine and other occupied Arab territories : Report of the high-level fact-finding mission to Beit Hanoun established under Council resolution S-3/1\*)

v. This position regarding responsibility has been reiterated by;

- The numerous treaty bodies including the Human Rights Committee, the Committee on Economic Social and Cultural Rights, the Committee on the Convention for the Elimination of all Forms of Discrimination Against Women.
- The numerous Reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;
- The Report of the high-level fact-finding mission to Beit Hanoun established under Council resolution S-3/1s Report of the Commission of Inquiry on Lebanon pursuant to HRC Resolution S-2/1\*
- Human Rights in Palestine and other Occupied Arab territories A/HRC/12/48 (The Goldstone report)

All, inter alia addressed the issue of human rights violations and, found Israel culpable for failing to meet its obligations and its refusal to recognise its responsibilities.

2.2.2. There can also be little dispute that Israel is bound by the Geneva Conventions and its Protocols and again, numerous references have been made to breaches in the reports cited above; inter alia:

*i) Israel has, in addition, violated the most fundamental rules of international humanitarian law, which constitute war crimes in terms of article 147 of the Fourth Geneva Convention and article 85 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflict (Protocol I). These include direct attacks against civilians and civilian objects and attacks which fail to distinguish between military targets and civilians and civilian objects (arts. 48, 51 (4) and 52 (1) of Protocol I); the excessive use of force arising from disproportionate attacks on civilians and civilian objects (arts. 51 (4) and 51 (5) of Protocol I); the spreading of terror among the civilian population (art. 33 of the Fourth Geneva Convention and art. 51 (2) of Protocol I) and the destruction of property not justified by military necessity (art. 53 of the Fourth Geneva Convention). Above all, the Government of Israel has violated the prohibition on collective punishment of an occupied people contained in article 33 of the Fourth Geneva Convention.*

*The indiscriminate and excessive use of force against civilians and civilian objects, the destruction of electricity and water supplies, the bombardment of public buildings, the restrictions on freedom of movement and the consequences that these actions have had upon public health, food, family life and the psychological well-being of the Palestinian people constitute a gross form of collective punishment. The capture of Corporal Shalit and the continuing firing of Qassam rockets into Israel cannot be condoned. On the other hand, they cannot justify the drastic punishment of a whole people in the way that Israel has done.*

...The fact that Gaza remains occupied territory means that Israel's actions towards Gaza must be measured against the standards of international humanitarian law. A/HRC/9/26 - Human Rights situation in Palestine and other Occupied Arab Territories : Report of the high-level fact-finding mission to Beit Hanoun established under Council resolution S-3/1\*)

2. *ii) The International Court of Justice has also opined on the applicability of IHL to occupied territory in its advisory opinion: Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I. C. J. Reports 2004, p. 13610...the Court considers that the Fourth Geneva Convention is applicable in any occupied territory in the event of an armed conflict arising between two or more High Contracting Parties. Israel and Jordan were parties to that Convention when the 1967 armed conflict broke out. The Court accordingly finds that that Convention is applicable in the Palestinian territories which before the conflict lay to the east of the Green Line and which, during that conflict, were occupied by Israel, there being no need for any enquiry into the precise prior status of those territories.*
3. *iii) The various fact finding missions cited above also examined potential breaches of international humanitarian law. Reference is made to a substantive finding in the report of the Inquiry to Lebanon: The Commission considers that the excessive, indiscriminate and disproportionate use of force by the IDF goes beyond reasonable arguments of military necessity and of proportionality, and clearly failed to distinguish between civilian and military targets, thus constituting a flagrant violation of international humanitarian law. The Commission has formed a clear [view](#) that, cumulatively, the deliberate and lethal attacks by the IDF on civilians and civilian objects amounted to collective punishment. A/HRC/3/2: Report of the Commission of Inquiry on Lebanon pursuant to HRC Resolution S-2/1\**

It is evident from a wide variety of sources, exemplified through the limited references cited above, that the two areas of law, IHL and Human Rights Law are applicable in Gaza as a result of the occupation, and that the primary responsibility lies with the Israeli authorities to ensure that they are respected. It is also clear that violations have occurred. The attack on the flotilla can be seen as an act within the context of a [continuing](#) conflict.

### 3. RESPONSIBILITY OF OTHER STATES

1. *i) The ability of Israel to continue its occupation, the blockade and its military interventions would be severely curtailed without the acts, or omissions, of other states. The question arises as to the nature of other states responsibilities.*
2. *ii) Citations from reports above show that there can be no argument that all States have been on notice that Israel has been in violation of various international legal*

obligations. United Nations appointed experts have drawn the attention in the strongest terms.

- *Gaza is no ordinary State upon which other States may freely impose economic sanctions in order to create a humanitarian crisis or take disproportionate military action that endangers the civilian population in the name of self-defence. It is an occupied territory in whose well-being all States have an interest and whose welfare all States are required to promote. According to the Advisory Opinion of the International Court of Justice, all States parties to the Fourth Geneva Convention have the obligation "to ensure compliance by Israel with international humanitarian law as embodied in that Convention". Israel has violated obligations of an erga omnes character that are the concern of all States and that all States are required to bring to an end. In the first instance, Israel, the occupying Power, is obliged to cease its violations of international humanitarian law. But other States that are a party to the siege of Gaza are likewise in violation of international humanitarian law and obliged to cease their unlawful actions.*
  - Similarly, in the: A/HRC/3/2: Report of the Commission of Inquiry on Lebanon pursuant to HRC Resolution S-2/1... *It not only violated the fundamental rights of these persons (right to life, right to personal security, fair trial, non-discrimination) but also constitutes a very negative State practice, extremely disturbing for contemporary legal culture. The particular attention of the international community is drawn to this;*
  - A/HRC/9/26 - Human Rights situation in Palestine and other occupied Arab territories: Report of the high-level fact-finding mission to Beit Hanoun established under Council resolution S- 3/1\*The Committee emphasized the essential role of international cooperation under the ICESCR in particular States parties' joint and individual responsibility in providing disaster relief and humanitarian assistance in times of emergency. The missions observed the appalling humanitarian consequences of the blockade, exacerbated in the case of Beit Hanoun:
  - This humanitarian crisis is the result of deliberate policy choices of States that are incompatible with States' obligations under the Covenant. All States parties to the Covenant are reminded of their obligations under it.
  - During a press conference at the conclusion of its visit to Gaza, the mission indicated that the international community is failing to fulfill its role in respect of the suffering of the people of Gaza, in particular in its silence which begets complicity.
  - The High Commissioner for Human rights re iterated the view of the United Nations specialized agencies and Special Rapporteurs regarding the blockade:*The blockade of Gaza by Israel was recently condemned by the international community and humanitarian agencies as constituting collective punishment. On 19 February 2008, the Secretary-General stated that it was vital that Israel cease actions of collective punishment and allow all legitimate and necessary humanitarian and commercial supplies to reach the population A/HRC.7.76 Report of the High Commissioner for Human Rights on the implementation of resolution S-6/1\**
3. iii) Thus far, the response, at least in terms of noticeable action, by States has been twofold: to condemn the blockade and to a limited extent to provide humanitarian

assistance. This is an extremely narrow response and one which does not fulfill obligations.

4. iv) Attention is drawn to the 2005 World Summit Outcome at which the concept of the Responsibility to Protect was endorsed, an emerging legal doctrine but one which has resonance in relation to the situation under consideration. (Resolution of the General Assembly 60/1 2005)
5. v) The former High Commissioner Louise Arbor, set out her view of what this doctrine means: *At the World Summit leaders acknowledged that State sovereignty carries responsibilities as well as prerogatives and that the exercise of sovereign power entails a permanent duty to protect individuals against state-sponsored or state-tolerated atrocities. Thus, not only all States have an obligation to protect their own people, but more crucially, the international community has a duty to step in on behalf of civilians at risk of genocide, crimes against humanity, war crimes and ethnic cleansing whenever a government is either directly responsible for these crimes or incapable of stopping them. To this effect, the protection duty encompasses a continuum of prevention, reaction, commitment to rebuild and to punish, spanning from early warning, to diplomatic pressure, to coercive measures, to conflict resolution and post conflict reconstruction assistance as well as accountability for perpetrators. (Rene Cassin, Nobel Lecture, Trinity College Dublin November 23, 2007)*
6. vi) The former High Commissioner then went on to elaborate what the responsibility should entail. In her view, the doctrine is rooted in human rights and international humanitarian law and *“embraces the victims point of view and interests.... It does so by configuring a permanent duty to protect individuals against abusive behaviour...Absent that states ability or willingness to discharge its obligations, the onus of protection falls on the broader international community... Protection encompasses as continuum of prevention, reaction, commitment to rebuild, spanning from early warning to [accountability](#) for perpetrators and international aid.”*
7. vii) The issue is what this means in practice. In analysing the nature of the responsibility, reference was made to the case of Bosnia v Serbia in the ICJ, a case involving genocide, but one, it is submitted, that provides guidance as to how to interpret the references to violations of IHL in the outcome in the GA resolution. Here it was posited that the standard was one of, “due diligence” with the capacity of one State to influence another, resting predominantly on: geographical distance, the strength of political links as well as “links of other kinds” such as military and financial. Logically, this would include trading links. The duty to act arises when the State has actual or constructive knowledge.
8. viii) There can be no denial of actual or constructive knowledge in the present case. Applying the other elements of the test to the international community, it should be clear that States which have political influence, military and financial links to Israel are then to be considered obligated to use all available methods to prevent, react and hold accountable, the Israeli government for violations of IHL.
9. ix) Under this doctrine, States which export arms and weapons technologies are, without actions to prevent their use in the commission of violations of IHL or human rights law, or without appropriate response, could, therefore, be considered as complicit, as per the expert opinion in Beit Hanoun (cited above).

10. x) Those states which have strong financial or economic ties with Israel are obligated to utilise that influence to the same extent or could also be considered complicit.
11. xi) States that have veto power in the Security Council, should be bound not to use their veto prerogative when matters of grave humanitarian concern are at issue. (ICISS Report of the International commission on Intervention and State Sovereignty)
12. xii) Under this doctrine, it is suggested that States with membership of the Human Rights Council have an obligation, in their discussions under item 7 of the agenda, to address the current attack on the flotilla in the light of ongoing conflict and of the role and responsibilities of all States to which the above criteria applies.
13. xiii) WILPF expresses its concern that Israel has persistently failed to participate in the regulatory framework for control of nuclear and conventional weapons as set out in the Annex to this current document. WILPF also provides information regarding the major arms manufacturers and states providing weapons and technology to the State of Israel.

#### 4. APPLICATION OF SECURITY COUNCIL RESOLUTION 1325

4.1. On 31 October 2000 the Security Council adopted Resolution 1325. This resolution sought to build on previous documents, notably the Beijing Declaration and Platform for Action, to address the issue of women, peace and security. Relevant parts of the resolution state:

*Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,*

*Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,*

*Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,*

*(8) Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:*

*(a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction;*

*(b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;*

*(c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;*

(9) *Calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention Security Council - 5 - Press Release SC/6942 4213th Meeting (PM) 31 October 2000 on the Elimination of All Forms of Discrimination against Women of 1979 and the [Optional](#) Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;*

(11) *Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;*

(12) *Calls upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolution 1208 (1998) of 19 November 1998;*

(18) *Decides to remain [actively](#) seized of the matter."*

There can be no doubt that the issue of women, peace and security in its innumerable manifestations is of direct importance to the situation in Gaza.

1. i) Reference to SC 1325 appears in the report on Beit Hanoun, vis:...*The mission reiterates that the process towards peace must operate within a framework of international law and be guided by respect for the Charter of the United Nations, international human rights law and international humanitarian law. The mission draws the attention of all parties to the conflict to Security Council resolution 1325 (2000) requiring attention to the special needs of women in the aftermath of conflict and urging women's participation in conflict resolution and sustainable peace.* Reference to SC 1325 appears in the Goldstone Report, vis:  
*To the international community, Israel and Palestinian authorities, The Mission recommends that Israel and representatives of the Palestinian people, and international actors involved in the peace process, involve Israeli and Palestinian civil society in devising sustainable peace agreements based on respect for International law. The participation of women should be ensured in accordance with Security Council resolution 1325. The Mission recommends that attention be given to the position of women and steps be taken to ensure their access to compensation, legal assistance and economic security.*
2. ii) The conditions for the participation of women in the prevention of further conflict and in reaching resolution of the current conflict have not been met and WILPF asserts the absolute need for the bodies of the United Nations, in particular the Security Council, to be made aware of the reality of women's lives in Gaza so that coherent, practical steps are taken to fulfill international human rights obligations. In particular reference is made to the rights under CESCER and the principles of non-discrimination. Without the creation of a climate of security, including in relation to

health, education, food and employment, the participation of the majority of women is compromised and the aims of 1325 will not be realised.

3. iii) Reference is also made to Operational paragraphs 9 and 11 [regarding](#) respect for international law and accountability. Failure to ensure the implementation of this brings the international system into disrepute.

## 5. IN CONCLUSION

1. i) WILPF argues that the existing international legal framework applies to all parties to the current "conflict" but that there has been a systematic failure by the State of Israel to comply with its obligations in relation to this framework and this has been identified in two high level fact finding mission, a Commission of Inquiry and in numerous reports by the Special Rapporteur, including in the most recent report to the human rights council.
2. ii) Hamas has also been identified as being in violation of IHL and this must also be recognized and addressed through legal mechanisms, not force.

iii). The failure of Israel to comply, and to do so with impunity brings the international legal and political system into disrepute and weakens its authority and ability to fulfill its function.

4. iv) All states are implicated in the responsibility to protect but there is an additional and specific responsibility on states with political, military, financial and economic ties to use that influence to prevent, react and hold accountable. Failure to do so makes such States liable to charges of complicity with legal consequences.
5. v) The role of women in the prevention and resolution of the conflict must be taken into account and particular measures must be taken to ensure that their participation is facilitated through the provision of social and economic rights producing a climate of security which facilitates participation in public life. Primary responsibility lies with the occupying State of Israel and in their failure, with other members of the International Community.
6. vi) In his report to the HRC the SR made a telling observation:*For 40 years the political organs of the United Nations, States and individuals have accused Israel of consistent, systematic and gross violations of human rights and humanitarian law in the OPT. In 2004 the judicial organ of the United Nations, in its Advisory Opinion, affirmed that Israel's actions in the OPT do indeed violate fundamental norms of human rights and humanitarian law and cannot be justified on grounds of self-defence or necessity. If the United Nations is serious about human rights it cannot afford to ignore this Opinion in the deliberations of the Quartet, as it is an authoritative affirmation that Israel is in serious breach of its international commitments. Failure to attempt to implement, or even to acknowledge, an advisory opinion dealing with international humanitarian law and human rights law, brings the very commitment of the United Nations to human rights into question. (HRC/7/17: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard)*
7. vii) The current situation cannot pertain: WILPF recommends the following as ways forward. Any commission of Inquiry appointed by the HRC must have a broad mandate to investigate all actors, including those who could be deemed complicit,

with the aim of identifying responsibilities in relation to each and accountability mechanisms if they should fail to fulfill them.

8. viii) Without prejudice to the outcome of such an investigation, immediate steps must be taken to hold Israel to [account](#) for its continuous contempt for international law and to ensure non-repetition. Such steps could include those referred to by the SR in his latest report to the council at para 38: *Boycotts, divestments and sanctions... These feelings were intensified by the awareness that neither the neighbouring States nor the United Nations, nor its most powerful Member States, were willing or able to protect the Palestinian people and uphold their rights. The spectacle of a people under siege, as has been the case now for over 30 months in the Gaza Strip, has deepened this sense that there exists some responsibility for people everywhere to take appropriate, non-violent action. Civil society's global Boycott, Divestment and Sanctions (BDS) Campaign, aimed at bringing non-violent economic and social pressure to bear to end the Israeli occupation, is the outgrowth of these sentiments, and it has been expanding at a rapid rate.*
9. ix) This paper has sought to identify what has been said as a matter of law in relation to various aspects of the current situation between Israel and Gaza. Law exists to regulate the conduct of States and individuals, but it is imperfect. Whilst assertions can be made as to how international law should be applied, when it demands action most prefer to find ways of avoidance. The attack on the flotilla mobilised public opinion world wide to the plight of those, both on the ship attacked, and in need of assistance in Gaza. In simple terms, it aroused the sense of [common](#) decency in ordinary people towards the suffering of others, not from any political perspective, but because of a common and shared humanity. It is this which should inspire the States to take actions to achieve peace. For those who see what is happening, or experience it, whatever the law calls it, it is just wrong and must stop. Above all WILPF is calling for all those who can, to do everything in their power to end the occupation and thereby the individual suffering, to end fear, to create real security, to obtain the renunciation of violence and find a way to a just peace.

### **Arms and Israel**

Main arms control treaties: Non-proliferation Treaty (NPT) – not party

Comprehensive Test-Ban Treaty (CTBT) – signed but not ratified [signed in](#) 1996)

Biological Weapons Convention (BWC) – not party

Chemical Weapons Convention (CWC) – signed but not ratified [signed in](#) 1993)

Cluster Munitions Convention (CMC) – not party

Mine Ban Treaty (MBT) – not party

Missile Technology Control Regime (MTCR) – Not a member

Hague Code of Conduct (HCoC) – Not signed

### **Nuclear Weapons**

Israel has not confirmed that it has nuclear weapons and officially maintains that it will not be the first country to introduce nuclear weapons into the Middle East. Yet the existence of Israeli nuclear weapons is a "public secret", due to whistleblowers and foreign intelligence reports. No country has officially provided Israel with nuclear weapons but it got significant assistance from France in order to set up a nuclear programme and its Dimona nuclear site in the 1950s.

The actual size and composition of Israel's nuclear stockpile is uncertain and the subject of many - often conflicting - estimates and reports. However, it is usually thought that Israel is an advanced nuclear weapon state, in both quality and quantity of its arsenal. Estimates as to the size of Israel's nuclear arsenal vary and range from 100 to over 200 warheads.

Israel does not have an overt nuclear doctrine beyond its insistence that it will not introduce nuclear weapons into the region. Instead, it follows a policy of "nuclear opacity" - visibly possessing nuclear weapons while denying their existence. This has allowed Israel to enjoy the benefits of being a nuclear weapons state in terms of deterrence without having to suffer the international repercussions of acknowledging their arsenal. Israel also has a strong commitment to preventing its potential adversaries in the region from becoming declared nuclear weapon states, as evidenced by Israel's 1981 raid on Iraq's Osirak nuclear installation and Syrian nuclear facilities in 2007.

Reportedly, Israel uses its long-range missiles, nuclear-capable aircraft and submarines with nuclear-armed cruise missiles to deter both conventional and unconventional attacks with their nuclear capabilities. Israel has one of the most advanced ballistic missile programmes in the Middle East. It possesses a medium-range missile capability and a space launch vehicle that essentially gives it an intercontinental ballistic missile capability if it chooses to pursue that option. Their first missiles were commissioned from the French through the firm Dassault Aviation. After receiving around 14 missiles from France, the Israeli took over the production in the early 70s.

There are recent reports stating that Israel offered to sell nuclear weapons to the apartheid regime in South Africa in the 1970s. Documents have shown that show that South Africa's minister of defence, PW Botha, asked for the warheads and Shimon Peres, then Israel's minister of defence, responded by offering them "in three sizes" (believed to refer to conventional, chemical and nuclear weapons warheads). The two men also signed a broad-ranging agreement governing military ties between the two countries that included a clause declaring that "the very existence of this agreement" was to remain secret. These documents undermine the view that Israel, if it declared its nuclear capability, is a "responsible" nuclear weapon state.

### **Arms exporters to Israel.**

#### **The United States**

The United States is the primary source of Israel's weapons arsenal. For more than 30 years, Israel had been the largest recipient of U.S. foreign assistance. U.S. aid accounts for more than 20% of Israel's total defence budget. The US export to Israel is large and consist of weapons and military equipment such as conventional weapons, fighter planes, attack

helicopters, missiles and missile launchers. Companies such as Boeing, Lockheed Martin, Raytheon and Bell Textron are producing fighter planes and helicopters used in the Gaza war in January 2009.

## **Germany**

After the United States, Germany is the principal donor of both economic and military aid to Israel. While restrictive German export regulations bar the sale of weapons to crisis areas, the German government has justified its actions by describing the move as "special responsibility" towards Tel Aviv. Germany exports submarines of the Dolphin class to Israel, as well as torpedoes for such submarines. As mentioned above, both the US F-16 planes and the German Dolphin submarines are reportedly being used as delivery systems for Israel's nuclear weapons. While Israel's Dolphin-class submarines originally were equipped with only conventional weapon systems, various sources have reported that upon their arrival in Israel, the submarines were modified, and fitted with cruise missiles armed with nuclear warheads

## **France**

France provided assistance for Israel to build up their nuclear programme in the 1950s and 1960s, and also delivered the first Jericho missiles in the 1960s. Today, it [continues](#) to be one of the top exporters of arms to Israel in the EU, and the export mainly focuses on electronics modified for military use, such as navigation and guidance equipment and satellite jamming systems.

## **Canada**

There are more than 140 Canadian military industries now reporting that they have exported their products directly to Israel. Many of these companies produce electronic equipment for military use, such as communications and navigation systems as well as components for advanced weapons systems. More than 50 Canadian military exporters have supplied a wide range of essential components and services for three major US weapons systems that are used by the Israeli Air Force: the F-15, F-16 and AH-64.

## **United Kingdom**

The UK has repeatedly sold arms to Israel and arms export licenses approved during 2009 includes amongst many things components for combat aircraft and unmanned air vehicles, electronic warfare equipment, small arms ammunitions and components for sniper rifles and naval radars. In addition to direct export of weapons and military equipment to Israel, the UK also produce a wide range of essential components and services for three major US weapons systems that are used by the Israeli Air Force, F-15, F-16 and AH-64. These aircrafts and helicopters were the main weapons systems employed by Israel during Operation Cast Lead in the winter of 2008-2009. Former British Foreign Minister, David Miliband acknowledged that UK components were present in the attacks on Gaza in 2009. There are many UK arms companies that are involved in arms deals with Israel, for example BAE Systems, MPE, Smiths Group, AgustaWestland, Brimar and Page Aerospace.