

# Spain-Israel

Military, Homeland Security and  
Armament-Based Relations,  
Affairs and Trends

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## Abstract

**CAT.** Israel és l'actor clau d'un conflicte armat que dura més de seixanta anys, que figura en el centre de la geopolítica global i té importants repercussions per l'estabilitat regional i mundial. Producte d'aquesta realitat, Israel s'ha convertit en un dels estats més militaritzats del món i en productor dels sistemes més avantguardistes en el sector militar i de la seguretat. La violència que experimenta la regió s'ha convertit en una font de lucre, el qual basa la seva raó de ser en el conflicte armat que es realimenta amb aquest negoci. El propòsit d'aquest informe és aprofundir en les diferents relacions entre Espanya i Israel, que inclouen les exportacions i importacions d'armes, la cooperació empresarial i els acords i pràctiques en el terreny militar i de la seguretat, i intentar respondre la pregunta sobre en quina mesura contribueix Espanya a la violència a una de les regions més maltractades del món.

**ESP.** Israel es el actor clave de un conflicto armado que dura más de sesenta años, que figura en el centro de la geopolítica global y tiene importantes repercusiones para la estabilidad regional y mundial. Producto de esta realidad, Israel se ha convertido en uno de los Estados más militarizados del mundo y en productor de los sistemas más vanguardistas en el sector militar y de la seguridad. La violencia que experimenta la región se ha convertido en una fuente de lucro, que basa su razón de ser en el conflicto armado que se realimenta con este negocio. El propósito de este informe es profundizar en las diferentes relaciones entre España e Israel, que incluyen las exportaciones e importaciones de armas, la cooperación empresarial y los acuerdos y prácticas en el terreno militar y de la seguridad, e intentar responder a la pregunta de en qué medida contribuye España a la violencia en una de las regiones más maltratadas del mundo.

**ENG.** Israel is the key antagonist in an armed conflict lasting more than sixty years, which is at the heart of global geopolitics and has important implications for regional and global stability. As a consequence of this reality, Israel has become one of the most militarized states in the world which produces the most avant-garde systems of the military and security sectors. The violence experienced in the region has become a source of profit, a business that bases its justification for armed conflict on the financial prosperity it receives as a due consequence. The aim of this report is to take a closer look at the various relations between Spain and Israel, which include arms imports and exports, business relationships and agreements and practices on military and security, furthermore attempt to answer the question of how Spain contributes to violence in one of the most battered regions of the world.

**FRA.** Israël est l'acteur clé dans un conflit armé de plus de soixante ans qui reste au cœur de la géopolitique mondiale et qui a des implications importantes aussi bien pour la stabilité régionale et que pour la stabilité mondiale. De ce fait, Israël est devenu l'un des états les plus militarisés du monde et producteur des systèmes les plus avant-gardistes des secteurs militaires et de la sécurité. La violence vécue dans la région est devenue une source de profit qui fonde sa raison d'être dans un conflit armé qui se réalimente avec ce business. Le but de ce rapport est, d'une part, approfondir sur les différentes relations entre l'Espagne et Israël. Celles-ci comprennent les exportations et les importations d'armes, la collaboration patronale et des accords et pratiques dans les domaines militaires et de la sécurité. D'autre part, le rapport tente de répondre à la question de savoir comment l'Espagne contribue à la violence dans l'une des régions les plus dévastées du monde.



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# 1. Preface

## Looking up from the occupation

I am very grateful to have been asked by Alejandro Pozo and his colleagues at Nova and the Delàs Peace Research Centre to contribute a few words by way of preface to his timely report on Spanish-Israeli military relations, within the context of European relations in general in the areas of military and security.

For decades not we of the Israeli and international peace movements have “looked down” at Israel’s Occupation, properly concerned with the plight of the Palestinians and how the Occupation fuels one of the world’s most destabilizing conflicts. One question that has always eluded us is how does Israel get away with it? Here is a case of unrestrained violence and repression taking place on the southern border to Europe involving massive violations of human rights and international law, as well as defiance of dozens of UN resolutions. And yet Israel’s occupation only grows stronger by the day as it rests assured that no effective pressure to end it or the conflict in general will come from the international community – and certain not from the EU, which long ago relinquished any responsibility, passing it on like a hot potato to the United States. Why? What is the source of Israel’s leverage?

The answers to these questions seem almost self-evident: guilt over the Holocaust in Europe (and, in Spain, over the expulsion of the Jews in the 15th and 16th centuries?), the effectiveness of Jewish and Christian Zionist lobbies in the US and Europe, the fact that industrialized countries of the Global North have seldom if ever attacked one another since WWII and the perception of Israel as being on “our side” in the Clash of Civilizations. But, while all these considerations may in fact play a role, countries nevertheless base their foreign policies on *realpolitik*, on hard-headed considerations of self-interest. The question should then be: What does Israel contribute to Spain, the EU, the US and the others that make it such a close “ally?” The answer, I would submit, can only be gleaned by “looking up” from the Occupation at how Israel articulates with the international community.

When we do this, several things jump out immediately. First and foremost, Israel is the world’s third largest exporter of arms. At about \$6.3 billion of military contracts in 2008, accounting for more than 10% of the world’s arms trade, Israel is only behind the US and Russia (Spain’s “defence” exports are less than half of Israel’s.) Its largest customer is the US, where it is involved in the development of sophisticated weapons systems, but, as this report shows, it does robust business in Europe as well. Israel is the second largest arms supplier to both India and China. At the same time Israel is active – either directly or through arms shipments and training – throughout the developing world.

All this should concern us, of course, but of special concern is the niche Israel has carved for itself in the cutting-edge of modern military technology and warfare: the related fields of counter-insurgency, counter-terrorism and urban warfare – or, in short, warfare against the people. And here is where the Occupation interlinks with the wars the Global North are fighting against the Global South. As neo-liberal economic policies extend out from the US and Europe, causing growing poverty among the inhabitants of the “developing world” who watch their resources flow to the industrial countries, they must be accompanied by policies of global pacification. And who has more experience in controlling and pacifying millions of restless, impoverished people than Israel?

Set in a more global context, the Occupied Palestinian Territories begin to look like a laboratory for the testing of weaponry and tactics, especially those of counter-insurgency, which can



then be exported to countries like Spain. What we must notice here is that Israel is exporting a “full-spectrum” system of pacification. Studies like this one which focus on the purely military aspects of the arms trade must eventually broaden their perspective to include Israeli involvement in the domestic security of foreign countries (border control, surveillance, prison management, airport and urban security among other applications), as well as in Israeli involvement in national and local police forces. Spain has no external military threats, but as it participates in the resource wars of the Global North against and amongst peoples whose resources and political life they seek to control, and as it becomes increasingly concerned about internal security threats on the part of actors no longer contained in the periphery of the global system, its involvement with Israel in the fields of arms, domestic security and policing will only increase.

All this, of course, is also good business, Big Business. Thus this report properly touches on corporate involvement in funding and developing new weapons systems, both Spanish-Israeli and cooperation involving larger consortiums, as detailed in the study.

Not only will the Palestinians pay the price of such joint projects – after all, there are limits to how much a country like Spain can pressure a “friend” – but every citizen concerned about his or her civil liberties should take note of the growing threat of militarization and pacification at home as well, especially as fear of Others is used to promote military/security/police expenditures and programs. In the sense that many of us may in the future be targeted as are the residents of Gaza, Nablus and Hebron today, we are all truly Palestinians.

May this report serve to open eyes among the civil society, raise questions and, in the end, influence Spanish government policy towards more engagement in resolving the problems of the world and less in contributing to its militarization and injustice.

In solidarity,

**Jeff Halper**

Director, The Israeli Committee Against House Demolitions  
Jerusalem



## 2. Introduction

The recent and atrocious events in Gaza (December 2008 - January 2009) were the catalyst for a young man questioning the Spanish president on a television programme debating the likelihood that Spanish weapons had been used in the attacks. Rodríguez Zapatero replied that the Spanish arms transfers to Israel were “absolutely insignificant” and numbered them in around one million euro. Interpellations throughout Europe of political societies and citizens about their countries’ military relations with the government or the Israeli military industries have been frequent at least since the outbreak of the second *Intifada* in September 2000, although the questions and pressures also increased in 2009 brought about by the atrocities committed in Gaza. The official responses across Europe have been characterised for being ambiguous and they hide the reality of flourishing military relations between their countries and the State of Israel.

The military relations between Spain and other countries on one hand and Israel on the other are often reduced to arms exports that these countries have materialized in the State of Israel. However, these relations are in fact much broader and complex. European arms exports, including Spanish ones, are subjected to specific legislation. In opinion of many jurists and authors, on the whole arms exports to Israel violate the valid law. Therefore exporting arm is considered unlawful. Nevertheless, there are other military areas, which, without being subjected to control mechanisms, represent controversial transfers and collaborations not only from a legal point of view, but also from an ethical prospective based on human rights and peace.

In these areas, three stand out: firstly, the Spanish imports of Israeli military equipment, bearing in mind that these trades represent a direct impact on the militarization of the State of Israel. Secondly, in an environment where each country prioritizes its own local military industry, something which stands out drastically is the consortia established between Spanish and Israeli companies in order to access each respective and even third markets after the incorporation to a consortium of other companies in those countries. Finally, relations in the field of internal security (traditionally associated with the Ministry of Interior) and the incipient Homeland Security, a new framework of action which awards the competences to combat threats related to “terrorism”, organized crime, immigration or trafficking in illegal products, among others.

The decision to study the case of Israel is based on it playing a key role in an armed conflict that has lasted more than sixty years, and that appears in the forefront of global geopolitics, subsequently having important implications for both regional and global stability. Completed in 2009, this report was updated in November 2009 for publication. There are three objectives: Firstly, to compile the details and history of the military and security relations between Spain and Israel, in order to serve as a resource source for different groups and individuals interested in the subject, especially the critics of the militarization of the links between these two countries. Secondly, to report that, besides violating the Spanish law, these relations are largely morally reprehensible and condemnable. Thirdly, to provide a tool for discussion and finally stop permanently Spanish arms exports to Israel.

Finally, it is necessary to recognise that a team of professionals who provided valuable input to the structure and contents of this study assisted this report at its inception. These people were Luca Gervasoni, Albert Caramés, Rafael Grasa and Neus Ramis. In addition, I highly appreciate disinterested contributions of Jeff Halper, Tica Font, Eduardo Melero, Pere Ortega, Inez Louwagie, Alexander Harang, Rolf Lindahl and Ana Pajares. To all these people, I would like to express my gratitude.

**Alejandro Pozo**

November 2009



## 3. Spanish arms exports to Israel

The military relations between Israel and Spain have followed a parallel process to the development of their diplomatic relations, which have not been excluded from controversy. As a preliminary step to the analyse of the Spanish arms exports statistics, a brief summary of what these political relations in general and militarily in particular were, will be shown. Moreover, a reference to the state of the relations between Tel Aviv and the European Union will be done.

### 3.1 Relations between Spain and Israel

Spain and Israel had no diplomatic relations until 16 January 1986, when the protocol agreement in The Hague was signed. On February 8 of the same year, the respective ambassadors were appointed. The then Spanish Foreign Minister, Francisco Fernandez Ordonez, said that the establishment of the relations put an end to a "historical anomaly".<sup>1</sup>

The reasons why Spain and Israel had no relations for over 38 years since the establishment of the latter are varied. According to the first Israeli ambassador to Spain, Samuel Hadas, the reason that hindered the relations on the Spanish side was:

*"The preference of Franco's Spain for the Arab 'cause': their votes at the United Nations [and support at a time of international isolationism in Spain], the government's anti-Zionist and anti-Semitic Clerical sentiment existing at that time in Spain, the identification of Hebrew immigrants as 'communists' elements (do not forget the Jewish-Masonic-Bolshevik conspiracy in the years of World War II), the participation of members of the Falangists and the secret services to support the Grand Mufti of Jerusalem, leader of the Palestinian Arab ally of the Nazis, as well as the Spanish arms sales to Arab countries".<sup>2</sup>*

However, Hadas was recognizing the words of Fernando Moran, the former Foreign Minister, who said, "the annexation of territory by force should not be rewarded".<sup>3</sup> Other authors also mention the historic rights (from the Middle Ages) in Spain over the Holy Land.<sup>4</sup> Spain had relations with the Soviet Union or Mexico rather than with Israel, and became, along with the Holy See, the only European country that had not recognized the Israeli State, despite the considerable pressure of the pro-Israeli lobby existing in the Government of Franco.<sup>5</sup> On the other side, on 16 May 1949 Israel voted at its first participation in the General Assembly of the UN against the ending of the diplomatic boycott of Spain, mainly due to the relations between Franco and the Nazis and Fascists. While Leopoldo Calvo-Sotelo launched in April 1982 an opening process (slowed down by the events in the Palestinian refugee camps in Sabra and Shatila in Lebanon), with Felipe González, and especially with the substitution of Morán through Francisco Fernández Ordóñez in the team of Foreign Affairs, the establishment of relations between the two Mediterranean states was advancing decidedly.<sup>6</sup> Today, Israeli exports to Spain are exempted from customs duties since 1 January 1993, and the same applies to the bilateral agreement regarding the Spanish exports since the beginning of 1992.<sup>7</sup>

In general, Spain has shown over the past three decades its desire to resolve the conflict between Palestinians and Israelis in accordance with UN resolutions and the creation of a Palestinian State in an area that is one of the priorities of Spanish cooperation. Nevertheless, the Spanish Government avoids condemning or criticizing Israeli policy in the Occupied Territories in order to not

<sup>1</sup> EFE Agency (1996): "Israel y España, relaciones", 8 January, available at Caja EFE Agency 5/20 of the Ministry of Defence.

<sup>2</sup> Samuel Hadas (2006): "Un legado incómodo. Veinte años de relaciones diplomáticas", *Política Exterior*, no. 113, September/October, pp. 45-49.

<sup>3</sup> Samuel Hadas (2006): *Op. Cit.*

<sup>4</sup> Isidro González (1998): "Un lobby pro israelí en el Gobierno de Franco", *Historia 16*, no. 268, August.

<sup>5</sup> See Isidro González (1998): *Op. Cit.*

<sup>6</sup> Samuel Hadas (2006): *Op. Cit.* pp. 45-49.

<sup>7</sup> EFE Agency (1996): *Op. Cit.*

harm their bilateral relations. Despite very concrete moments, such as the aggression to Gaza at the end of 2008 and early 2009 or the aggression to Lebanon in 2006, the Spanish Government has condemned the disproportionate use of force by Israel (but always with less force than the European Parliament), these practices have not had any impact or change on the bilateral relations, not even in the ones concerning arms. Even if Spain has been known for its forcefulness with Hamas and other Palestinian groups (with some connivance with Fatah) in its demand of some aspects that could facilitate the positive transformation of the conflict, its silence has been thundering in relation to the non-compliance by Israel of the UN resolutions and other agreements, or to the separation wall and the settlement policy, among many other issues. The last significant sample of connivance between Spain and Israel has been the change of the legislation in order to avoid Spanish investigations of war crimes in other countries if no Spanish citizens are involved.

Concerning the relations between Israel and the European Union, these fit into the Association Agreement and the New Neighbourhood Policy.<sup>8</sup> In 2000, Tel Aviv and the European Union signed an agreement on political dialogue and preferential treatment for Israeli exports, exempting the payment of taxes for products manufactured by Israel (the so-called Association Agreement).<sup>9</sup> In 2006, 33% of 36,600 million dollars obtained through Israeli exports were destined to Europe, while Israel imported from this continent 54% of a total of 47,200 million dollars.<sup>10</sup> In 2004, the European Neighbourhood Policy was drafted, which approaches the relation of the European Union with 16 states or territories: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Occupied Territories of Palestine, Syria, Tunisia and Ukraine.<sup>11</sup> The Neighbourhood Policy is part of the European Security Strategy adopted in December 2003.<sup>12</sup> Israel was the first “neighbouring” country in agreeing a formal Neighbourhood Action Plan. This agreement, according to the European Commissioner for Foreign Affairs and European Neighbourhood Policy, Benita Ferrero-Waldner, quoted by Ben Hayes, was “tailor-made to reflect the interests and priorities of Israel” and designed to “gradually integrate Israel into European policies and programmes.”<sup>13</sup>

The Association Agreement was tried to be strengthened on 8 December 2008 at the European Council of Foreign Affairs (meeting of the Foreign Ministers of the 27 EU Member States), although the European Parliament had not given its support. At first, some member states (at least Belgium, Cyprus, Ireland, Malta and the United Kingdom) were seeking to condition the improvement of the agreements to a real progress in a peace process in Palestine.<sup>14</sup> However, a last minute visit of the Israeli Foreign Affairs Minister and candidate to head the government, Tzipi Livni and a private meeting with Bernard Kouchner (France was holding the rotating EU presidency) managed to pull ahead the French minister’s decision in favour of Israel and also cut down a French action proposal regarding a peace process and Israel’s obligations.<sup>15</sup> The Council’s text maintains that the relations with Israel “must be based on the shared values of both parties, and particularly on democracy, respect for human rights, the rule of law and fundamental freedoms, good governance and International Humanitarian Law.”<sup>16</sup> Only days before, on December 3, the European Parliament had agreed to suspend *sine die* the vote on the deepening of EU-Israel agreements, a decision that reaffirmed the decision of the Parliament itself of 2002. Finally, during Israel’s military operation in Gaza started in late December 2008, on January 14 the European Union decided, by mutual agreement with Tel Aviv, to temporarily suspend the process of strengthening relations, making clear that it was a “technical” and not a “political” measure.<sup>17</sup>

**8** Response of the Secretary of State for Relations with the Parliament, 28 March 2006, to the 184/055154 parliamentary question, by the deputy IU (Izquierda Unida; Spanish acronym for United Left) Gaspar Lamazares Trigo, 13 January 2006. BOCG, serie D, no. 359, 28 March 2006, pp. 924-925.

**9** Ellis Shuman (2002): “Europe moves for trade sanctions against Israel”, *Israel Insider*, 11 April, available at: [www.inminds.co.uk/boycott-news-0075.html](http://www.inminds.co.uk/boycott-news-0075.html) [Consulted: 29 November 2008]; the EU-Israel Association Agreement is available at: [www.delisr.ec.europa.eu/english/content/eu\\_and\\_country/asso\\_agree\\_en.pdf](http://www.delisr.ec.europa.eu/english/content/eu_and_country/asso_agree_en.pdf) [Consulted: 13 November 2009].

**10** Ministry of Foreign Affairs of Israel: “ECONOMY: The National Economy”, available at: [www.mfa.gov.il/MFA/Facts+About+Israel/Economy/ECO-NOMY+Balance+of+Payments.htm](http://www.mfa.gov.il/MFA/Facts+About+Israel/Economy/ECO-NOMY+Balance+of+Payments.htm) [Consulted: 25 November 2009].

**11** “European Neighbourhood Policy – Overview”, available at: [http://ec.europa.eu/external\\_relations/enp/index\\_en.htm](http://ec.europa.eu/external_relations/enp/index_en.htm) [Consulted: 13 November 2009].

**12** Ben Hayes (2009): “Israel’s participation in EU R&D Framework Programmes Importing Homeland Security, exporting R&D subsidies?”, Amsterdam, Transnational Institute, February; Council of the European Union (2003): “Una Europa más segura en un mundo mejor. Estrategia Europea de Seguridad”, 12 December, pp. 7-8, available at: [www.consilium.europa.eu/uedocs/cmsUpload/031208ESSIIIES.pdf](http://www.consilium.europa.eu/uedocs/cmsUpload/031208ESSIIIES.pdf) [Consulted: 12 September 2008].

**13** Ben Hayes (2009): *Op. Cit.*

**14** Barak Ravid (2008): “EU votes to upgrade Israel relations despite Arab lobbying”, *Haaretz*, 9 December, available at: [www.haaretz.com/hasen/spages/1044840.html](http://www.haaretz.com/hasen/spages/1044840.html) [Consulted: 15 December 2008].

**15** Barak Ravid (2008): *Op. Cit.*

**16** Council of the European Union (2008): “Council Conclusions Strengthening of the European Union’s bilateral relations with its Mediterranean partners”, 2915th External Relations Council meeting, Brussels, 8 and 9 December 2008, p. 2, conclusion 9. The integer text can be consulted at: [www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/gena/104571.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/gena/104571.pdf) [Consulted: 15 December 2008].

**17** Serge Halimi (2009): “Dolor de Gaza”, *Le Monde Diplomatique in Spanish*, no. 160, February, front page; Alain Gresh (2009): “Consecuencias imprevistas de la guerra contra los palestinos”, *Le Monde Diplomatique in Spanish*, no. 160, February, p. 7.



### 3.2 Military relations

The European Union represents a third of Israeli exports, but as Israel carries out almost all its acquisitions with the help of the U.S. FMS Foreign Military Sales Programme, the majority of imports come from the U.S. and purchases in Europe are marginal.<sup>18</sup>

While relations between Israel and Spain in military issues were not at all prosperous during the Franco era, in democracy the views and attitudes of the two major political parties in Spain (PP and PSOE) have not shown significant differences and both have favoured the strengthening of bilateral military relations.<sup>19</sup> According to Yitzhak Soroka, the chief counsel of the delegation of the Defence Ministry of Israel in Spain in 2006, "relations between both countries in the field of defence can be described as more than good" and "as very stable and strong."<sup>20</sup> From the Israeli perspective, Spain is a good route into Europe for its arms industry, and this interest increases with the creation of a single agency for acquisitions of defence products carried out by Europe.<sup>21</sup> Thus, although Spain is not one of Israel's main customers in military material, it is one of the most important objectives for cooperation between companies. In the words of Itamar Graff, Soroka's substitute: "The average annual turnover between Spanish and Israeli companies ranges between 50 and 70 million dollars."<sup>22</sup>

#### Military agreements between Spain and Israel<sup>23</sup>

**1997** (23 January). Memorandum of Understanding on Defence Industrial Cooperation.

**1998** (15 June). Memorandum of Understanding on Assurance of the Defence Products' Quality.

**2004** (8 February). Implementation Agreement (NBC Cooperation) Supplement no. 1 to the MOU on Cooperation in Military and Defence Research and Development (R&D).

**2004** (11 November). Framework Agreement on Research and Development (R&D) in the Aerospace Field.

**2009** (October). Announcement of the signing of a military cooperation agreement that will serve as legal framework for the development of any project of bilateral cooperation in the field of defence.<sup>24</sup> This is the largest military cooperation agreement between the two countries.

In late 2004, Spain and Israel signed an agreement for collaboration on research and development (R&D). Technology issues have been treated, such as the Future Soldier programmes, NBC (nuclear/biological/chemical) war, detection of explosives, composite materials, aerial photography, etc. The vast majority of defence projects between Israel and Spain include technology transfer.<sup>25</sup> The arms trade has been extremely fluid since the Israeli Embassy in Madrid inaugurated a department in charge of arms exports, the organisation of foreign assistance and defence export. Part of the Israeli procurement of Spanish defence equipment are made through the Purchasing Mission of the Israel Defence Ministry based in Paris.<sup>26</sup>

The first relations in the military field were orientated to the modernization of m-60 combat vehicles, flight simulators, electronic transmissions and observation from the air, plus other aeronautical exchange equipments.<sup>27</sup> In fact, until 1998 the relations between Spain and Israel were very focused on the aeronautic field, particularly in equipment dedicated to the electronic recognition of the Boeing 707 of the Air Force.<sup>28</sup> In 1988 Israel Aircraft Industries (IAI) established

<sup>18</sup> José María Navarro (2008): "Entrevista: Itamar Graff, Consejero-jefe de la delegación del Ministerio de Defensa de Israel en España", *Fuerzas de Defensa y Seguridad*, no. 368, December, pp. 18 and 20.

<sup>19</sup> José María Navarro (2006): "Entrevistamos a Yitzhak Soroka, consejero-jefe de la delegación del Ministerio de Defensa de Israel en España", *Defensa: Revista Internacional de Ejércitos, Armamento y Tecnología*, no. 337, May, p. 21.

<sup>20</sup> José María Navarro (2006): *Op. Cit.*, p. 16.

<sup>21</sup> José María Navarro (2006): *Op. Cit.*, p. 21.

<sup>22</sup> José María Navarro (2008): *Op. Cit.*, p. 18.

<sup>23</sup> Website of the Spanish Ministry of Defence, [www.mde.es/descarga/acuerdo.pdf](http://www.mde.es/descarga/acuerdo.pdf) [Consulted: 2 November 2009].

<sup>24</sup> "España e Israel firmarán un acuerdo de cooperación militar", *La Vanguardia*, 28 October 2009.

<sup>25</sup> José María Navarro (2006): *Op. Cit.*, p. 19-20.

<sup>26</sup> Joaquín Mirkin (2009): "Itamar Graff, consejero-jefe de la Delegación de Defensa israelí en España: 'Las industrias israelíes mantienen excelentes relaciones de colaboración con las industrias españolas'", at [Infodefensa.com](http://Infodefensa.com): *Industria de Defensa israelí, un paso por delante*, special edition, 20 January, available at: [www.infodefensa.com/lamerica/edicion\\_especial/edicion.asp?cod=22&edi=3](http://www.infodefensa.com/lamerica/edicion_especial/edicion.asp?cod=22&edi=3) [Consulted: 15 March 2009]; José María Navarro (2006): *Op. Cit.*, p. 16.

a permanent office to facilitate military cooperation between Spain and Israel.<sup>29</sup>

However, relations between the two countries have been controversial: on 24 October 1991 an agreement was signed in Madrid through which IAI expressly renounced on judicial actions against CEDELSA, whom it had accused of having used IAI's technology for the development of a modernization programme of the Mirage III aircrafts of the Spanish Air Force. With this agreement, the pre-existing collaboration in Spanish, Israeli or international markets returned.<sup>30</sup>

### 3.3 Spanish arms exports to Israel

The purpose of this section is to provide statistics of Spanish exports of defence and dual-use material to Israel, including small arms. Tel Aviv is not a priority destination for Spanish arms. In fact, in 1998, the year that saw the highest percentage of exports compared to the total of Spanish transfers, it was only 2.74.<sup>31</sup> Today, this percentage is even lower. In 2008, Spanish exports of defence equipment to Israel accounted for 0.25% of the total, while the dual-use totalled 0.52%.<sup>32</sup>

Nevertheless, it is noteworthy that the importance of exporting defence and dual-use material to Israel does not correspond with the economic turnover or the percentage these transfers contribute to the total. How the following chapters analyse, military exports to Israel are very questionable, to the point of representing a potential violation of Spanish law on arms trade. The economic volumes of arms exports to a country are not always comparable to the impact this material can have on internal and regional stability of the recipient, in this case Israel. However, the aim of this section is to provide official statistics on Spanish arms exports to Israel, but to leave until later chapters analysis of the legality and the impact of these transfers.

The following table shows the details of Spanish exports between 1995 and 2008. The highest number of exports was recorded in 2000, the year the second Intifada started. The trends are rising and in only the first half of 2008 Spain recorded more military transfers to Israel than any other entire year since 2000.<sup>33</sup>

#### Authorisations and Spanish exports of defence and dual-use material to Israel (in thousands of euro)

YEAR	Authorisations (Defence equipment)	Defence equipment	Dual-use material	Small arms	TOTAL (Exports)
1995	Without data	273,32	Without data	Without data	(partial) 273,32
1996	Without data	2.724,12	Without data	Without data	(partial) 2.724,12
1997	Without data	544,06	2.579,79	Without data	(partial) 3.123,85
1998	Without data	4.497,30	131,39	Without data	(partial) 4.628,69
1999	Without data	1.533,71	128,03	223,15	1.884,89
2000	Without data	4.909,68	822,73	226,57	5.958,98
2001	1.314,19	487,97	99,20	165,99	753,16

27 EFE Agency: *Op. Cit.*

28 M. Abizanda (1998): "España e Israel buscan acuerdos en el campo espacial y sobre aviones militares sin piloto", Israeli Embassy in Spain, Bulletin no. 27, March-April, available at: [www.embajada-israel.es/economia/t-be-27.html](http://www.embajada-israel.es/economia/t-be-27.html) [Consulted: 7 October 2008].

29 "Ingenieros de España e Israel establecen contratos técnicos para el desarrollo de un futuro misil español", *El País*, 2 February 1989.

30 "Fin del contencioso entre IAI y CEDELSA", *Tecnología Militar – TECML*, no. 1/92, January–February 1992, pp. 76–77.

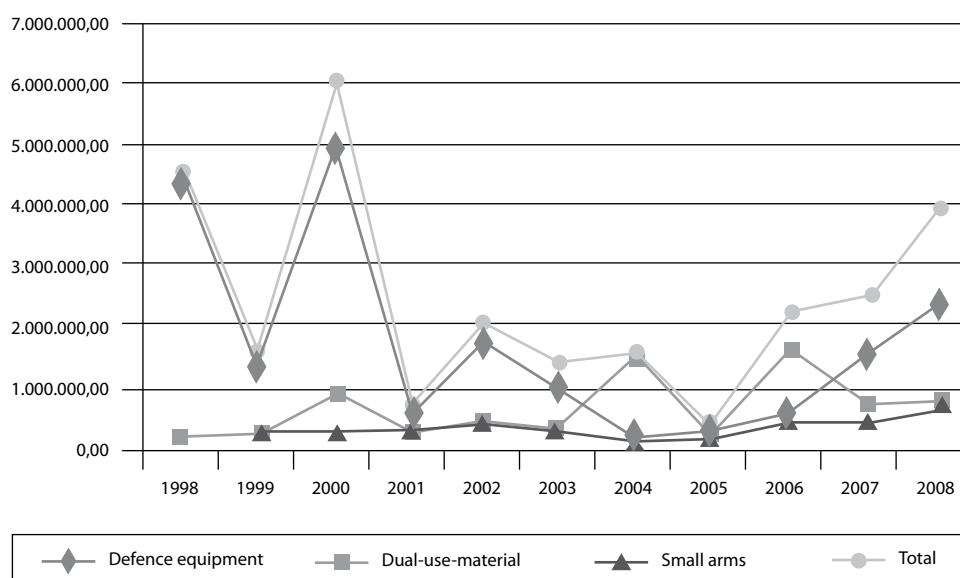
31 According to the data of the website of the Centre for Peace Studies JM Delàs; available at [www.centredelas.org/index.php?option=com\\_wrapper&view=wrapper&Itemid=99&lang=es](http://www.centredelas.org/index.php?option=com_wrapper&view=wrapper&Itemid=99&lang=es) [Consulted: 10 March 2009].

32 According to the data of the Secretary of State for Trade (2009): *Estadísticas españolas de exportación de material de Defensa, de otro material y de productos y tecnologías de doble uso, año 2008*, Ministry of Industry, Tourism and Trade.

33 The totals include only available data and it should be considered that some results might be higher than shown. The sources used for this table are based on: Tica Font (2008): *Report 2008. Spanish Exports of Defence Material 1998–2007*, Justice and Peace, Barcelona; statistics of the website of the Centre for Peace Studies JM Delàs: *Op. Cit.*; and Secretary of State for Trade (several years): *Op. Cit.*

2002	2.530,86	1.597,10	152,56	298,16	2.047,82
2003	734,48	1.005,80	244,29	289,30	1.539,39
2004	175,54	35,26	344,06	106,40	485,72
2005	953,12	273,73	41,32	173,64	488,69
2006	1.109,57	441,34	1.587,32	247,27	2.275,93
2007	4.365,31	1.515,93	576,81	274,08	2.366,82
2008	157,20	2.358,99	801,57	903,20	4.063,76
<b>TOTAL</b>	11.340,27	22.198,31 (1995-2008)	7.509,07 (1997-2008)	2.907,76 (1999-2008)	(partial) 32.615,14 (Exports)

### Evolution of Spanish arms exports to Israel (euros)



### Spanish exports to Israel of defence equipment by product categories

(in thousands of euro, current value)<sup>34</sup>

Category	Description	2004	2005	2006	2007	2008	TOTAL
15	Imaging or countermeasure equipment		132,49	160,42	1.239,28	2.194,42	3.726,61
1	Smooth-bore weapons of calibres smaller than 20 mm	35,26	83,74	74,91	163,60	128,17	485,68
8	Energy-producing materials and related substances		50,76	50,76	87,59		189,11
4	Bombs, torpedoes, rockets, missiles		6,74	155,26	25,479		187,47
3	Munitions, devices and components					36,4	36,4
<b>TOTAL</b>		35,26	273,73	441,35	1.515,93	2.358,99	4.625,27

<sup>34</sup> General Subdirectorate for Foreign Trade in Defence and Dual-Use Material. Secretary of State for Trade (several years): *Op. Cit.*

**Category 1: Smoothbore weapons of calibres smaller than 20 mm** (rifles, carbines, revolvers, pistols, machine pistols, machine guns, silencers, magazines, sights, and flash suppressors).

**Category 3: Munitions, devices and components** (Munitions for weapons subject to control under articles 1, 2 or 12. Devices for placing decoys, including sheaths, links, ties, high-power sources, sensors, submunitions).

**Category 4: Bombs, torpedoes, rockets, missiles** (Bombs, torpedoes, grenades, smoke pots, rockets, mines, missiles, depth charges, demolition charges, "pyrotechnical products", cartridges, and simulators, smoke grenades, incendiary bombs, rocket and missile pipes, and nosecones for re-entry vehicles).

**Category 8: Energy-producing materials and related substances** (Explosives, propellants, pyrotechnical products, fuels and related materials, perchlorates, chlorates and chromates, oxidants, binders, additives and precursors).

**Category 15: Imaging or countermeasure equipment** (imaging recorders and equipment, cameras, photographic equipment, image intensification equipment, infrared or heat imaging equipment, radar-based image sensing equipment).

### **Integer fragment of exports declared by the Government of Spain:**<sup>35</sup>

#### ***Year 2005 (authorized: 173,116 euro)***

- Components of sporting pistols, which an Israeli company assembles to subsequently re-export to the United States.
- Gunpowder and 120 mm ammunition of the Leopard tank, which are tested by a public Israeli company in firing ranges not available in Spain as a result of an agreement between the Spanish and Israeli company for the supply by the first of its ammunition to Spanish Ministry of Defence.
- Infrared cameras to be integrated into the EF-2000 aircraft system (Eurofighter programme), subsequently re-exported to the UK.

#### ***Year 2006 (authorized: 1.1 million euro)***

- Components of sporting pistols, which an Israeli company assembles to subsequently re-export to the United States.
- 105 mm ammunition for the Spanish m-60 tank for tests in a laboratory of Israel.
- Gunpowder and 120 mm ammunition for the Spanish Leopard tank.
- Missiles and its parts whose warhead has an inert filler, to test the firing in the Tiger helicopter produced Spain (Eurocopter programme).
- Infrared cameras and systems to be integrated into the EF-2000 aircraft system (Eurofighter programme), subsequently re-exported to the UK and Netherlands.

#### ***Year 2007 (authorized: 4.4 million euro)***

- Components of sporting pistols, which an Israeli company assembles to subsequently re-export to the United States.
- Gunpowder and 120 mm ammunition for the Spanish Leopard tank.

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<sup>35</sup> Government of Spain (2009): Answer of 8 July to the written question to the Spanish Parliament 184/54281 by Gaspar Llamazares Trigo, 24 February 2009, pp. 2-3.

- Receivers and transmitters, with zero value, being returned to origin because of being mistakenly material sent from Israel to the Spanish Army Headquarter.
- Infrared camera parts to be integrated into systems of various aircrafts belonging to Air Forces of Brazil, Hungary, South Africa and Italy.
- Infrared cameras to be integrated into the EF-2000 aircraft system (Eurofighter programme) and Tornado, subsequently re-exported to the UK.

**Año 2008 (authorized: 157,200 euro)**

- Components of sporting pistols, which an Israeli company assembles to subsequently re-export to the United States.
- Gunpowder and 120 mm ammunition for the Spanish Leopard tank.
- Infrared cameras of the EF-2000 aircraft as part of this programme of cooperation between four European Union countries (UK, Germany, Italy and Spain) integrated in Israel and re-exported to the UK.
- Electronic cards for image processing, with zero value, to be integrated into equipments that are then re-exported to Italy, Colombia and Brazil for certain Air Force aircrafts in these countries.

**Spanish exports to Israel of dual-use material by product category**

(in thousands of euro, current value)<sup>36</sup>

Category	Description	2004	2005	2006	2007	2008	TOTAL
2	Materials Processing			1.500,00			1.500,00
5	Telecommunications and "information security"	340,5		68,90			409,40
4	Computers				283,05	796,60	1.079,65
3	Electronics				252,00		252,00
1	Materials, chemicals, "microorganisms" and "toxins"	3,56	41,32	18,42	41,76	4,97	110,03
<b>TOTAL</b>		344,06	41,32	1.587,32	576,81	801,57	3.351,08

**Category 1. Materials, chemicals, "microorganisms" and "toxins"** (gas masks, body armour, personal dosimeters, prepreg, tools, dies, moulds, continuous mixers, filament winding machines, lubricating fluids and substances, fluorides, sulphides, cyanides and halogenated derivatives).

**Category 2. Materials Processing** (bearings, crucibles, machine tools, isostatic presses, measuring instruments, robots, motion simulators and machining centres).

**Category 3. Electronics** (Electronic components, integrated circuits, Microprocessor microcircuits, Field Programmable Gate Arrays, microwave components, Converters and mixers and electrically driven explosive detonators).

**Category 4. Computers** (electronic, hybrid, digital, analogical, systolic, neural and optical computers).

<sup>36</sup> General Subdirectorate for Foreign Trade in Defence and Dual-Use Material; Secretary of State for Trade (several years): *Op. Cit.*

**Category 5. Telecommunications and “information security”**(equipment and transmission systems for telecommunications, underwater communication systems, radio equipment, fibre optic cables, telemetry and telecontrol equipment and security systems).

**Exports of defence equipment indicating the nature of end user<sup>37</sup>**

(In percentage)

	2006	2007	2008
Private company	35,58%	70,19%	1,54%
Public company	25,80%	7,46%	0,00%
Armed Forces (public)	36,35%	22,25%	93,03%
Armoury (private)	2,27%	0,10%	5,43%

The above table shows the percentage exports of defence equipment (excluding dual-use material and small arms) assigned to public or private nature of the end user. It is important to highlight the high percentage of 2007 assigned to private companies (70.19%). It is worrying that Spain has exported military equipment of the category 4 (rocket bombs, torpedo, missiles) to private recipients (as is the case), especially considering that there is a significant number of private military companies in Israel<sup>38</sup>, which also perform combat roles.

**3.4 Financing of arms exports**

One of the essential phases of the arms cycle is the financing of exports. Companies that manufacture weapons and obtain authorisation from the Spanish Government to export them, do not receive money from the sales immediately, but over a certain, usually prolonged, period of time. To compensate for these drawbacks, the arms companies need financial institutions to provide the necessary funds to remain functional.

Spain does not publish funding provided by various entities, which make arms exports possible. Practically no country in the world publishes these data, not even the European Union. However, the Italian Government has committed itself to this practice and every year the Ministry of Finance prepares a report for the Parliament based on the information received obligatorily by other ministries such as Defence, Treasury or Foreign Affairs. In 1990, Italy adopted the Law 185/90, which regulates the system of arms imports and exports and the publication of information regarding these commercial transactions (such as manufacturing and production company, the volume of each transaction and the destination country). However, it is worth noting that, according to several authors, the Law 185/90 does not regulate small arms; it does not include all the financing mechanisms facilitated by the banks; it does not affect the arms brokers; and it also presents a gap in the participation of export credit agencies (which in Italy means that private banks have to give more information than state agencies).<sup>39</sup> Despite these limitations, we may know that in 2006, Banco Bilbao Vizcaya Argentaria (BBVA) funded Italian exports of military equipment to Israel for a value of 329,066 euro.<sup>40</sup> Therefore it is possible to know what the Spanish financial institutions do with the Italian military equipment, but not what they do with the Spanish military equipment.

<sup>37</sup> Tica Font (2008): *Op. Cit.*; General Subdirectorato for Foreign Trade in Defence and Dual-Use Material; Secretary of State for Trade (several years): *Op. Cit.*

<sup>38</sup> Some companies of this type are Security and Intelligence Advising, Levdan, GIR S.A. (Israel Military Industries Ltd.), Spearhead Ltd. (Hod He'hanitin). See Daniel Pereyra (2007): *Mercenarios Guerreros del Imperio. Los ejércitos privados y el negocio de la guerra*, El Viejo Topo; and Rolf Uessler (2007): *La Guerra como Negocio. Cómo las empresas militares privadas destruyen la democracia*, Belacqva, Barcelona.

<sup>39</sup> Interview with Andrea Baranes and Giorgio Beretta, researchers of the campaigns for disarmament of banking in Italy, July 2007.

<sup>40</sup> Government of Italy (2007): "Relazione Sulle Operazioni Autorizzate E Svolte Per Il Controllo Dell'esportazione, Importazione E Transito Dei Materiali Di Armamento, Nonché Dell'esportazione E Del Transito Dei Prodotti Ad Alta Tecnologia (Anno 2006)", Doc. LXVII, no. 2, 30 March.

## 4. European and Spanish legislation on arms exports

In Spain there is a specific legislation concerning the export of Spanish arms and its evaluation, based on safety criteria (when transfers may pose a threat to Spain or other countries) and respect for human rights (when exports might have a negative impact on the population of the country of final destination). On the contrary, there is no specific legislation on imports or on relations between military industries, although these practices may also have, as we shall see in a later chapter, a significant negative effect in the mentioned areas.

Exporting arms to a country that does not meet the criteria specified in the Spanish legislation is a violation of law. In this section we will tackle the question of whether Spanish arms exports to Israel were in contravention of these regulations. To address this problem, once compiled statistics on Spanish arms exports to Israel, first we will briefly review the European (which affects Spain) and Spanish legislation on arms exports, to try to analyse the degree of compliance by the State of Israel with mandatory criteria in Spanish and EU laws. The chapter concludes with a resume of the most important facts about Israel for each binding criterion.

### 4.1 European legislation

Adopted on 8 June 1998, the Code of Conduct of the European Union<sup>41</sup> is the most advanced and complete document regarding arms exports. It is also one of the most commonly used due to the enormous volume of arms exported by EU member countries (more than a third of the global total).<sup>42</sup> It consists of eight criteria for determining the convenience of authorizing exports and twelve operational disposals to assist member states in implementing the Code of Conduct and to promote cooperation between them. Furthermore, the Code of Conduct has several supporting documents, such as a User's Guide (to assist in the implementation), a Common List of Military Equipment (to unify criteria) and a Common Agreement on Arms Brokers, among others.

Although this is a very important tool, in some cases has proved inefficient in achieving more responsible exports, and this inefficiency has been promoted by some of these states, which should strengthen the Code of Conduct. The first limitation of the Code was, until December 2008 that it was not binding for EU Member States. Their obligations were subjected to International Public Law, not to Community law and it was merely a political, not legal agreement, a *gentleman's pact*.<sup>43</sup> This situation, however, changed on 8 December 2008 with the adoption of a Common Position by the Council of the European Union, after nine presidential shifts receiving pressure from civil society and some politicians. Member states are obliged to ensure the consistency of their national legislation with a Common Position. The approved draft text existed since 2003 and was completed in June 2005 under the title "Common Position defining the Common Rules Governing Control of Exports of Military Technology and Equipment", in order to replace the 1998 code. One of the most important reasons why the text was not adopted earlier was, according to Close and Isbister<sup>44</sup> and the MEP Raül Romeva<sup>45</sup>, was the opposition of France, who sought to use negotiations to lift the EU embargo on China. As the Common Position is adopted by consensus, even if Paris was relatively isolated, an agreement was not reached before this time. The text establishes that "according to this Common Position, each Member State shall assess the export licence applications made to it

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<sup>41</sup> European Union (1998): "European Union code of conduct on arms exports", available at: [www.consilium.europa.eu/uedocs/cmsUpload/08675r2en8.pdf](http://www.consilium.europa.eu/uedocs/cmsUpload/08675r2en8.pdf) [Consulted: 1 August 2008].

<sup>42</sup> SIPRI (Stockholm International Peace Research Institute) (2008): *SIPRI Yearbook 2008*, London, Oxford University Press, p. 325.

<sup>43</sup> Eduardo Melero (2008): *Régimen Jurídico del Control de las Exportaciones de Material de Defensa y de Doble Uso. El secreto negocio de la industria de guerra*, Madrid, Dykinson, p. 2.

<sup>44</sup> Helen Close and Roy Isbister (2008): *Good Conduct? Ten Years of the EU Code of Conduct on Arms Exports*, London, Saferworld, p. 4.

<sup>45</sup> Raül Romeva (2008): "Posició Comuna sobre Control Exportacions d'Armes: FINALMENT", 9 December, available at: <http://blocs.mesvillaweb.cat/node/view/id/115990> [Consulted: 11 December 2008].

for items on the EU Common Military List on a case-by-case basis, in agreement with the following criteria”, and passes to mention the same eight criteria that are collected by the Code of Conduct of 1998, adding an explicit reference in the criterion 2 to violations of International Humanitarian Law, among other minor additions.<sup>46</sup> Other improvements are the requirements for publication of reports, both in national and EU area.<sup>47</sup> In any case, the European Union Common Position on Control of Arms Exports makes clear that its implementation does not prevent each EU member state to adopt a more restrictive internal policy regarding the control of arms exports. Before adopting the Common Position, Close and Isbister<sup>48</sup> highlighted that Belgium had incorporated the complete Code to its national legislation, while Austria, Finland, Germany, the United Kingdom and Spain, among others, had incorporated “elements” of the Code in its laws.

### The eight criteria of the Code of Conduct

**Criterion 1.** Respect for the international commitments of EU Member States.

**Criterion 2.** The respect of human rights in the country of final destination.

**Criterion 3.** The internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts.

**Criterion 4.** Preservation of regional peace, security and stability

**Criterion 5.** The national security of the member states and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries.

**Criterion 6.** The behaviour of the buyer country with regard to the international community.

**Criterion 7.** The existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions.

**Criterion 8.** The compatibility of the arms exports with the technical and economic capacity of the recipient country.

## 4.2 Spanish legislation

The adoption of a Common Position obliges Member States of the European Union to make compatible its legislations with the adopted text. In Spain’s case, the criteria of the Code of Conduct were already binding, because the existing legislation defines it like this. The first state law on arms trade (Law 53/2007 of 28 December 2007) specifies that the Code criteria will be mandatory.<sup>49</sup> However, Professor Eduardo Melero<sup>50</sup> argues that the Code was already previously legally binding in Spain, as a consequence of the explicit reference to the content of Article 8.1.b) and 14.3.a) of the Regulation on the Control of Foreign Trade of Defence Material, Other Material and Dual-Use Technology. In addition, the User’s Guide, in principle of non-normative nature, would also be legally binding due to the explicit reference of Articles 8.1.a) and 8.1.c) of the Law on Control of Foreign Trade of Defence and Dual-Use Material (Law 53/2007). According to Melero, this Guide “could be used by courts as a parameter for judging administrative action”.<sup>51</sup>

<sup>46</sup> Council of the European Union (2008b): “COUNCIL COMMON POSITION 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment”, *Official Journal of the European Union*, 13 December, pp. L 335/99 335/103.

<sup>47</sup> Helen Close and Roy Isbister (2008): *Op. Cit.*, pp. 4-5.

<sup>48</sup> Helen Close and Roy Isbister (2008): *Op. Cit.*, p. 5.

<sup>49</sup> School for a Culture of Peace (2008): *Alerta 2008!*, Barcelona, Icaria, p. 119.

<sup>50</sup> Eduardo Melero (2008): *Op. Cit.*, pp. 2-3.



Valid Spanish Legislation: <sup>52</sup>

- **Law 53/2007 of 28 December 2007 on Control of Foreign Trade of Defence and Dual-Use Material.** Converts the Royal Decree 1782/2004 of 30 July 2004 (approving the Regulation on the Control of Foreign Trade of Defence Material, Other Material and Dual-Use Technology) into a law, in addition to expanding the competence; insists in the obligation of compliance of the EU Code of Conduct and makes reference to the Document on Small Arms and Light Weapons of the OSCE.
- **Royal Decree 2061/08 of 12 December 2008.**
- **A new Royal Decree will enter into force in 2010 incorporating the Common Position 2008/944/CFSP.**

### 4.3 Procedure to export Spanish armament

Companies seeking to export military equipment must apply for authorisation, which include controlling documents (their role is to ensure that the recipient and, where appropriate, end-use of materials, products and technologies will care the boundaries of administrative approval, and they include information about the countries of transit and transportation and used financing methods).<sup>53</sup> Deny or accept export licenses for defence equipment and dual-use material is formally the paper of the General Secretariat of Foreign Trade, of the Ministry of Industry, Tourism and Trade, after binding and mandatory report of the Inter-Ministerial Regulatory Board on External Trade in Defence and Dual-Use Material (*Junta Interministerial Reguladora del Comercio Exterior de Material de Defensa y de Doble Uso, JIMDDU*) (it is, therefore, this body deciding on authorisations). In the JIMDDU, eleven representatives of five ministries are participating: Industry, Tourism and Trade (with 4 members, including one president); Foreign Affairs and Cooperation (2 representatives); Interior (2); Defence (2); and Economy and Finance (1).

#### Composition of the JIMDDU:<sup>54</sup>

1. Secretary of State for Trade of the Ministry of Industry, Tourism and Trade (Chairman)
2. Secretary of State for Foreign Affairs of the Ministry of Foreign Affairs and Cooperation (Vice President)
3. General Director of Strategic Affairs and Terrorism of the Ministry of Foreign Affairs and Cooperation (vocal)
4. Intelligence Director of the National Intelligence Service Centre of the Ministry of Defence (vocal)
5. General Director of Armament and Equipment of the Ministry of Defence (vocal)
6. Director of Customs and Taxes Department of the State Agency for Tax Administration, Ministry of Economy and Finance (voice)
7. Operative Corps Deputy Director of the Civil Guard of the Ministry of Interior (vocal)
8. Operative Deputy Director of National Police of the Ministry of Interior (vocal)

<sup>51</sup> Eduardo Melero (2008): *Op. Cit.*, p. 3.

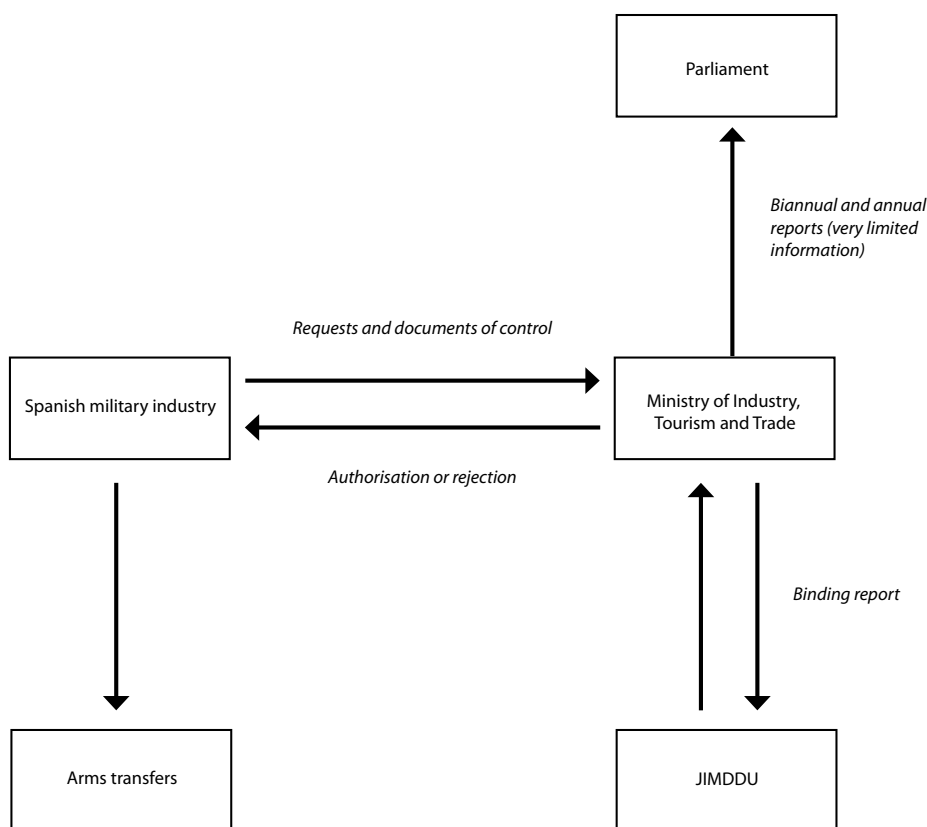
<sup>52</sup> "Eleventh annual report according to article 8(2) of council common position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment", *Official Journal of the European Union*, p. C265/414.

<sup>53</sup> Eduardo Melero (2009): "La Administración y el comercio exterior del material de defensa y los productos y tecnologías de doble uso", unpublished chapter of forthcoming publication.

9. General Secretary of Foreign Trade of the Ministry of Industry, Tourism and Commerce (vocal)
10. General Technical Secretary of the Ministry of Industry, Tourism and Trade (vocal)
11. General Subdirector of Foreign Trade of Defence and Dual-Use Material of the General Secretariat of Foreign Trade, Ministry of Industry, Tourism and Commerce (Secretary, with voice but without vote)

The five ministries are able to veto any export (decisions are taken by consensus). An agreement of the Council of Ministers of 12 March 1987 classified as secret the minutes of the JIMDDU, which means that these minutes cannot be notified, published or broadcasted. If deemed appropriate, the JIMDDU can convene meetings with other representatives of the administration or experts in the field, acting with voice but without vote.<sup>55</sup> The list of Spanish military items is updated annually, and takes into account the occurred changes in the lists of the Common Military List of the European Union and the Munitions List of the Wassenaar Arrangement.<sup>56</sup>

### Procedure to export Spanish weaponry



<sup>54</sup> Eduardo Melero (2009): *Op. Cit.*

<sup>55</sup> *Ibid.*

<sup>56</sup> Mark Bromley (2008): *The Impact on Domestic Policy of the EU Code of Conduct on Arms Exports: The Czech Republic, the Netherlands and Spain*, SIPRI Policy Paper no. 21, Stockholm, SIPRI, p. 39.

<sup>57</sup> Tica Font and Eduardo Melero (2007): "La llei d'ocultació d'armes", 23 November, available at Centre for Peace Studies JM Delas, *Materials de Treball*, no. 33, February 2008, pp. 8-9.

Critics of the ways of working of JIMDDU and the Law on Arms Exports are numerous, but we would like to highlight three. Firstly, the state secret on arms trade prohibit talking about transparency and also provides the coverage needed to hide what some authors have called the "existing disorder of arms trade".<sup>57</sup> To keep in secret the minutes of the JIMDDU means that information about arms trade can not be known by the public opinion nor subjected to parlia-

mentary scrutiny. Only armament industries and the administration know the details of arms transfers, which in practice make it impossible to carry out a judicial control of administrative authorisations of granted exports. Legally, this classification of secrecy undermines the Official Secrets Law, which allows declaring as secret information for public knowledge only when this information “may damage or endanger the security and defence of the State” (Article 2)<sup>58</sup> The law obliges the government to send to the parliament statistical information on arms exports (Article 16), but this information is very limited and does not provide the type of exported arms (only the category to which it belongs), the selling company and the public or private identity of the buyer. The statistic secret is not expressly mentioned in the text of the law, but it is applicable under Article 13 of Law 12/1989, dated May 9, about the function of the public statistics.<sup>59</sup>

The second critic is that JIMDDU can decide not to issue reports for a specific operation and is able to exempt exporters from the obligation to provide the documents of control (Article 14, paragraph 3). The Law does not prevent the JIMDDU to decide not controlling certain exports, which could be used to its free will.<sup>60</sup> Finally and thirdly, the significant influence of the Ministry of Industry, Tourism and Trade is demonstrated in the process of licensing, which made appear criticism on the preference of commercial considerations over other issues such as armed conflicts and respect for human rights.<sup>61</sup> Indeed, support policies to the arms industry (investment, research and development (R&D), European projects...) and the promotion of Spanish arms exports, through the Office of Foreign Support of the Defence Ministry, Defence aggregations at embassies, two public companies (DEFEX SA and ISDEFE - Management of Industrial Cooperation), and the Company Spanish Export Credit Insurance (ECESB), a mostly public entity, which facilitates and ensures Spanish exports, a part of these consisting in military equipment, are significant. In addition, the operative disposition 10 of the Code of Conduct opens the door to prioritize the Spanish economic, social, commercial or industrial criteria on the protection of human rights, peace and international security and disarmament.<sup>62</sup>

According to sources of the Ministry of Industry, Tourism and Trade, “the EU Code of Conduct has . . . 90 per cent [of the] main role in the Spanish export control mechanism.”<sup>63</sup> However, since 1988 the used criteria for authorize Spanish arms exports (before the adoption of the EU Code of Conduct) include references to the restriction of sales to countries at armed conflict or where human rights violations are carried out.<sup>64</sup>

Mark Bromley, in a report for the prestigious Stockholm International Peace Research Institute (SIPRI), describes as follows the relevance of the Code of Conduct for Spanish exports:

*“Nonetheless, officials are wary of ascribing any causal role to the EU Code of Conduct in the overall developments in either Spanish export markets or the government’s treatment of certain types of equipment or destinations. Rather, the officials describe a model in which the EU Code of Conduct is a mechanism that enables government officials to enact preferences already developed at the national level. (...) **Hence, when it comes to arms export policy outcomes, the EU Code of Conduct is primarily seen as a tool to facilitate the implementation of policies, rather than a source of policies** [emphasis added].”*<sup>65</sup>

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<sup>58</sup> The argument that the classification as secret of the JIMDDU’s acts violates the Official Secrets Act is widely developed in Eduardo Melero (2008): *Op. Cit.*, pp. 182-209.

<sup>59</sup> Tica Font and Eduardo Melero (2007): *Op. Cit.*

<sup>60</sup> *Ibid.*

<sup>61</sup> Mark Bromley (2008): *Op. Cit.*, p. 42.

<sup>62</sup> Centre for Peace Studies JM Delàs (2007): “Primera llei que regula el comerç d’armes en Espanya”, Editorial, *Materials de Treball*, no. 33, February 2008.

<sup>63</sup> Mark Bromley (2008): *Op. Cit.*, p. 47.

<sup>64</sup> Mark Bromley (2008): *Op. Cit.*, p. 40.

<sup>65</sup> Mark Bromley (2008): *Op. Cit.*, p. 47.



## 5. Compliance with the Code of Conduct on Arms Exports in the case of Israel

This section examines each of the eight criteria of the EU Code of Conduct to analyse, criteria by criteria, the degree of compliance of the military equipment export in Israel. It is important to note that it is not just the eight criteria of the Code of Conduct, as these are also part of the Common Position on Arms Exports and Spanish legislation. Therefore, we are talking about that the non-compliance of the eight criteria would mean a violation of the Spanish Law on arms exports. The texts of the criteria of the Common Position differ very occasionally from the Code of Conduct's criteria, as in general contents are the same.<sup>66</sup> However, we prefer to use here the exact text of the Code of Conduct because they apply and applied directly to the Spanish case and referred to the Spanish legislation. In the corresponding sections for each criterion, any possible change in the text and the corresponding analysis for the case of Israel is specified. Furthermore, we must recognize that the analysis of the criteria is not intended to be exhaustive, but critical, and does not include any eventual arguments that could be used to justify such exports. Therefore, we merely state, as intended by the Code of Conduct, certain realities that affect Israel and its environment.

The criteria of the Code of Conduct are generally susceptible to being interpreted in different ways depending on the observer's view and the holding/representing post. The JIMDDU, for example, has not considered Spanish exports to be a violation of the Code of Conduct when authorizing them. While recognizing that there are different possible interpretations (and that the prevailing one is the exporting authority's one), the aim of this section is to analyse, criteria by criteria, possible violations of the Spanish and European laws on arms exports to Israel could mean. In this interpretation, we have tried to provide arguments to facilitate rigorous elements that, while accepting other opinions, allow space for the necessary debate to solve a particularly problematic issue.

### CRITERION 1: Respect for the international commitments by Israel

Criterion 1. Respect for the international commitments of EU Member States, in particular the sanctions decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations.

An export licence should be refused if approval would be inconsistent with, *inter alia*:

- a) the international obligations of member states and their commitments to enforce UN, OSCE and EU arms embargoes;
- b) the international obligations of member states under the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention;
- c) their commitments in the frameworks of the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Wassenaar Arrangement;
- d) their commitment not to export any form of anti-personnel landmine.

Israel is not object of arms embargo in force by the UN, OSCE or the European Union, despite the 20 April 2002 the European Parliament drafted a resolution asking the Council to

<sup>66</sup> Council of the European Union (2008b):  
*Op. Cit.*

declare an arms embargo on Israel. In this sense, the arms exports have not violated the Code of Conduct.

Israel has not ratified any of the eight agreements mentioned in the points b) c) and d) of the criterion 1:

- It has not signed the Biological and Toxin Weapons Convention.<sup>67</sup>
- It has signed but not ratified the Chemical Weapons Convention (it must be added that in the same situation are only Burma, Bahamas and the Dominican Republic and without signing Somalia, Iraq, North Korea, Angola, Egypt and Syria).<sup>68</sup>
- It has not signed the Nuclear Non-Proliferation Treaty<sup>69</sup> and does not cooperate with the International Atomic Energy Agency.
- Israel is not part of the Wassenaar Arrangement.<sup>70</sup>
- It is not part of the Australia Group on control of biological and chemical weapons.<sup>71</sup>
- It is not part of the Missile Technology Control Regime.<sup>72</sup>
- It is not part of the Nuclear Suppliers Group.<sup>73</sup>
- It has not signed the Convention against landmines.<sup>74</sup>

- In addition, neither has it signed the Oslo Treaty banning cluster munitions (furthermore, they were massively used in Lebanon in 2006).<sup>75</sup> Cluster munitions present, among others, a problem similar to antipersonnel mines, as a lot of the submunitions do not explode at the time of impact.

It is very likely that the Code of Conduct refers to that only Spain, as a EU member state, should not violate the content of these treaties and agreements, with which it has a compromise. From this point of view, there is no evidence that Madrid has exported arms to Israel, which have violated these treaties. However, it is worrying that Spain has cooperated with Israel in “nuclear, biological and chemical war” programmes<sup>76</sup> or that between 2004 and 2008 has exported more than 110,000 euro of dual-use materials of the “materials, chemicals, ‘micro-organisms’ and toxins” category.<sup>77</sup>

Not taking into account the possibility that these materials could have been transferred, it is reasonable to assume that the spirit of the first criterion is to give legitimacy to these important treaties, and these agreements aim to promote global compliance of its dispositions and some even encourage its member states to stimulate non member states to ratify the agreements. From this point of view, the fact that Spain, as a state that has ratified all the agreements and being part of all the aforementioned mentioned groups<sup>78</sup>, military equipment exports to Israel, which has not ratified any nor is part of any of the preceding groups, casts doubts about the compliance of the first criterion and therefore about the legality of these exports.

Between 2001 and 2008, the Member States of the European Union **referred to the criterion 1 in seven occasions to justify the refusal** of export licences of defence and dual-use material to Israel.

*(See the global balance in the section on European initiatives to limit arms sells to Israel)*

<sup>67</sup> Biological and Toxin Weapons Convention (BTWC), [www.opbw.org/](http://www.opbw.org/) [Consulted: 5 December 2008].

<sup>68</sup> Chemical Weapons Convention, [www.opcw.org/about-opcw/non-member-states/](http://www.opcw.org/about-opcw/non-member-states/) [Consulted: 5 December 2008].

<sup>69</sup> United Nations: Status of Multilateral Arms Regulation and Disarmament Agreements, <http://disarmament.un.org/TreatyStatus.nsf> [Consulted: 5 December 2008].

<sup>70</sup> Wassenaar Arrangement, [www.wassenaar.org/participants/index.html](http://www.wassenaar.org/participants/index.html) [Consulted: 5 December 2008].

<sup>71</sup> Australia Group, [www.armscontrol.org/factsheets/australiagroup](http://www.armscontrol.org/factsheets/australiagroup) [Consulted: 5 December 2008].

<sup>72</sup> Missile Technology Control Regime, [www.mtrc.info/english/partners.html](http://www.mtrc.info/english/partners.html) [Consulted: 5 December 2008].

<sup>73</sup> Nuclear Suppliers Group, [www.nuclearsuppliersgroup.org/member.htm](http://www.nuclearsuppliersgroup.org/member.htm) [Consulted: 5 December 2008].

<sup>74</sup> International Campaign to Ban Landmines (ICBL), [www.icbl.org/tools/databases/country/israel](http://www.icbl.org/tools/databases/country/israel) [Consulted: 5 December 2008].

<sup>75</sup> Convention on Cluster Munitions, [www.clusterconvention.org/pages/pages\\_i/i\\_states-signing.html](http://www.clusterconvention.org/pages/pages_i/i_states-signing.html) [Consulted: 10 March 2009].

<sup>76</sup> Europa Press (2009): “ERC e ICV exigen que se corte la exportación de armas a Israel y piden explicaciones a Sebastián”, 12 January, available at: [www.europapress.es/noticiaprint.aspx?ch=00066&cod=20090112181057](http://www.europapress.es/noticiaprint.aspx?ch=00066&cod=20090112181057) [Consulted: 10 March 2009].

<sup>77</sup> See the data of the chapter about Spanish arms exports to Israel.

<sup>78</sup> See the member states of the treaties and groups on the websites mentioned in previous notes.

## CRITERION 2. Respect of human rights in Israel

Criterion 2. The respect of human rights in the country of final destination.

Having assessed the recipient country's attitude towards relevant principles established by international human rights instruments, Member States will:

- a) Not issue an export licence if there is a clear risk that the proposed export might be used for internal repression.
- b) Exercise special caution and vigilance in issuing licences, on a case-by-case basis and taking account of the nature of the equipment, to countries where serious violations of human rights have been established by the competent bodies of the UN, the Council of Europe or by the EU.

For these purposes, equipment which might be used for internal repression will include, inter alia, equipment where there is evidence of the use of this or similar equipment for internal repression by the proposed end-user, or where there is reason to believe that the equipment will be diverted from its stated end-use or end-user and used for internal repression. In line with operative paragraph 1 of this Code, the nature of the equipment will be considered carefully, particularly if it is intended for internal security purposes. Internal repression includes, inter alia, torture and other cruel, inhuman and degrading treatment or punishment, summary or arbitrary executions, disappearances, arbitrary detentions and other major violations of human rights and fundamental freedoms as set out in relevant international human rights instruments, including the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

***The Common Position adopted on 8 December 2008 adds to that criterion 2 of the Code of Conduct an explicit reference to violations of International Humanitarian Law (IHL).<sup>79</sup> The original text of the Code of Conduct already included the respect for IHL in the criterion 6, maintained also in the new Common Position. To respect the original text and to be able to analyse the compliance of the Code since the beginning, references to a possible non-compliance with IHL by Israel will be contained in the analysis of criterion 6 (see below).***

Israel has been object of numerous complaints and criticism from the Office of the United Nations High Commissioner for Human Rights. A large compendium of reports indicating these violations of human rights and fundamental freedoms can be consulted on the website of the Office.<sup>80</sup> At the session of April 2005, for example, were issued three condemnatory resolutions on violation of human rights and International Humanitarian Law through the Government of Israel.<sup>81</sup> The last report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, concluded in a one of the last reports on the situation of human rights in Israel of November 2007:<sup>82</sup>

*"[The Special Rapporteur] (...) has identified serious situations of incompatibility of the country's obligations pertaining to human rights and fundamental freedoms with its counter-terrorism law and practice. Such situations include the prohibition of torture or cruel, inhuman or degrading treatment; the right to life and humanitarian law principles concerning*

<sup>79</sup> Council of the European Union (2008b): *Op. Cit.*

<sup>80</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), site about Israel available at: [www.ohchr.org/EN/countries/MENARRegion/Pages/ILIndex.aspx](http://www.ohchr.org/EN/countries/MENARRegion/Pages/ILIndex.aspx) [Consulted: 5 December 2008].

<sup>81</sup> Albert Caramés (2005): "Industria militar y comercio de armas", School for a Culture of Peace – Armas bajo Control, p. 7, available at: [www.escolapau.org/img/programas/desarmed/informes/05informe012.pdf](http://www.escolapau.org/img/programas/desarmed/informes/05informe012.pdf) [Consulted: 8 November 2008].

<sup>82</sup> Martin Scheinin (2007): "Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin", Human Rights Council of the United Nations – General Assembly, Sixth session, agenda item 3, A/HRC/6/17/Add.4, 16 November, p. 23, paragraph 54, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/149/30/PDF/G0714930.pdf?OpenElement> [Consulted: 5 December 2008].

*legitimate targeting; the right to liberty and fair trial; and the severe impact of the construction of the barrier in the West Bank and associated measures on the enjoyment of civil, cultural, economic, political and social rights and freedoms in the Occupied Palestinian Territory. Addressing the full range of those situations is imperative, not only to secure compliance by Israel with its international obligations but also to address conditions that may be conducive to recruitment to terrorism.”*

During the 60th period of sessions of the Commission / Council on Human Rights (Geneva, from 15 March to 23 April 2004), the human rights situation in four contexts, one of which were the Occupied Territories of Palestine (the others, Somalia, the Democratic Republic of the Congo and Burundi) was condemned. The 2004/10 resolution condemned Israel for the practice of extrajudicial executions, the establishment of settlements, the use of torture in custody centres of Palestinians, the mass murder of civilians –including children– in Palestinian refugees camps, the violation of freedom of movement of Palestinians, the destruction of infrastructure and building of the separation wall and its impact on the lives of the Palestinian population.<sup>83</sup>

Finally, the European Union has also expressed concern about the violation of human rights and International Humanitarian Law in Israel. In a report denounces “serious concern about the continued high rate of casualties, particularly among civilians, and urges the Israeli Government to put an end to extrajudicial killings”.<sup>84</sup>

#### The human rights situation in Israel:<sup>85</sup>

	2003	2004	2005	2006	2007	2008
Country with serious human rights violations according to the condemnatory reports and resolutions of the <b>UN Commission / Council on Human Rights</b>	x	x	x	x	x	x
Country with serious human rights and fundamental freedoms violations according to the <b>European Union</b>	x	x	x	x	x	x
Country with serious and systematic violations of human rights according to <b>non-governmental sources</b> (Amnesty International – Human Rights Watch)	x	x	x	x	x	x

Israel on the Political Terror Scale, between 1 (minimum) and 5 (maximum):<sup>86</sup>

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Amnesty International	4	4	5	5	5	4	4	4	5
US State Department	4	5	5	4	4	4	4	4	5

*Level 4. Civil and political rights violations have expanded to large numbers of the population. Murders, disappearances, and torture are a common part of life. In spite of its generality, on this level terror affects those who interest themselves in politics or ideas.*

*Level 5. Terror has expanded to the whole population. The leaders of these societies place no limits on the means or thoroughness with which they pursue personal or ideological goals*

It is very difficult to prove that military equipment exported to Israel ends up being used (exactly the same equipment) in the Occupied Territories or to violate the human rights of the Palestinian population. However, it is legitimate to ask governments **how they can disprove**

<sup>83</sup> School for a Culture of Peace (2005): *Alerta 2005!*, Icaria, Barcelona, pp. 100–101.

<sup>84</sup> Albert Caramés (2005): *Op. Cit.*, p. 7.

<sup>85</sup> Indicators of the School for a Culture of Peace, available in its reports *Alerta 2004!*, *Alerta 2005!*, *Alerta 2006!*, *Alerta 2007!*, *Alerta 2008!* and *Alerta 2009!*, all published by Icaria, Barcelona.

<sup>86</sup> Political Terror Scale, available at: [www.politicalterror scale.org/](http://www.politicalterror scale.org/) [Consulted: 27 November 2009].



**this suspicion.** The British example does not seem acceptable in this regard: in November 2000 and April 2002, the British Government protested against the use of components manufactured in the UK for tanks, military aircraft and helicopters used by the Israelis in the Occupied Territories.<sup>87</sup> In a parliamentary session, in which he questioned the pertinence of British arms exports to Israel, Jack Straw said, “we are still searching new information about **which** F-16 was used in the attack” [emphasis added], although recognising that it was “entirely possible” that British components were used for the F-16 mentioned above.<sup>88</sup> The spirit of the criterion 2 does not relate entirely to the question of whether a component or specific military equipment has used to violate human rights or the International Humanitarian Law, but its intention is to ask whether arms exports are targeted at a country where those rights are violated, because the importing country (in this case Israel) will have this exported material at its disposal to be able to use, directly or indirectly, without any foreign government making an intromission of its military sovereignty.

There is no doubt about the gross and systematic violations of human rights committed by the State of Israel, as confirmed each year, by various reports of the European Union, the UN Commission / Council on Human Rights or reports of the most prestigious non-governmental organisations defending human rights. Therefore, exporting arms to Israel represents a flagrant violation of criterion 2 of the EU Code of Conduct.

Between 2001 and 2008, the Member States of the European Union **referred to the criterion 2 in 159 occasions to justify the refusal** of export licences of defence and dual-use material to Israel.

*(See the global balance in the section on European initiatives to limit arms sells to Israel)*

### CRITERION 3. Existence of tensions or armed conflicts in Israel

Criterion 3. The internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts.

Member States will not allow exports, which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination.

Centres who classified the situation between Israel and the OPT (Occupied Palestinian Territories) as an armed conflict (in italics the name of their respective publications):

	2003	2004	2005	2006	2007	2008
Stockholm International Peace Research Institute (SIPRI) Stockholm, Sweden - <i>SIPRI Yearbook</i> <sup>89</sup>	x	x	x	x	x	x
School for a Culture of Peace Autonomous University of Barcelona Report - <i>Alerta!</i> <sup>90</sup>	x	x	x	x	x	x
Heidelberg Institute for International Conflict Research Heidelberg, Germany - <i>Conflict Barometer</i> <sup>91</sup>	x	x	x	x	x	x
Centre for International Development & Conflict Management (CIDCM), University of Maryland, USA - <i>Peace and Conflict</i> <sup>92</sup>	x	No report	x	x	No list of conflicts	No list of conflicts

<sup>87</sup> Mark Davies (2002): “Straw defends arms sales change”, *BBC*, 9 July, available at: [http://news.bbc.co.uk/2/hi/uk\\_news/politics/2110081.stm](http://news.bbc.co.uk/2/hi/uk_news/politics/2110081.stm) [Consulted: 29 November 2008].

<sup>88</sup> Declarations of Jack Straw at the British Parliament, available at: [www.parliament.the-stationery-office.co.uk/pa/cm200102/cmhansrd/vo020723/debtext/20723-03.htm](http://www.parliament.the-stationery-office.co.uk/pa/cm200102/cmhansrd/vo020723/debtext/20723-03.htm) [Consulted: 29 November 2008].

<sup>89</sup> Classification as ‘armed conflict’. *SIPRI Yearbook*, London, Oxford University Press, reports of the years 2004, 2005, 2006, 2007, 2008 and 2009.

<sup>90</sup> Classification as ‘armed conflict’. *Alerta!*, Barcelona, Icaria, reports of the years 2004, 2005, 2006, 2007, 2008 and 2009.

<sup>91</sup> Classification as ‘severe crisis’ or ‘war’, which corresponds to a situation of armed conflict. *Conflict Barometer*, University of Heidelberg. Reports of the years 2003, 2004, 2005, 2006, 2007 and 2008.

<sup>92</sup> Classification as ‘armed conflict’. Centre for International Development & Conflict Management (CIDCM), University of Maryland, reports of the years 2003, 2005, 2006, 2008 and 2009.

All consulted study centres agree in defining the lived situation in Israel and the Occupied Territories of Palestine as “armed conflict”, although each centre defines this concept in a different way. Therefore, exporting arms to Israel represents a flagrant violation of the criterion 3 of the EU Code of Conduct.

Between 2001 and 2008, the Member States of the European Union **referred to the criterion 3 in 176 occasions to justify the refusal** of export licences of defence and dual-use material to Israel.

*(See the global balance in the section on European initiatives to limit arms sells to Israel)*

#### **CRITERION 4. Israel and the preservation of regional peace and stability**

Criterion 4. Preservation of regional peace, security and stability.

Member States will not issue an export licence if there is a clear risk that the intended recipient would use the proposed export aggressively against another country or to assert by force a territorial claim.

When considering these risks, EU Member States will take into account inter alia

- a) the existence or likelihood of armed conflict between the recipient and another country;
- b) a claim against the territory of a neighbouring country which the recipient has in the past tried or threatened to pursue by means of force;
- c) whether the equipment would be likely to be used other than for the legitimate national security and defence of the recipient;
- d) the need not to affect adversely regional stability in any significant way.

In recent years Israel has been involved in confrontations with countries in the region:

- During the summer 2006, Israel unleashed a war against Hezbollah in Lebanon. At present, there is a UN international force, which watches for the maintenance of peace in the area. However, we must not forget that this military operation is an extension of another UN mission, the existence of which did not prevent Israel's attacks on another sovereign territory. Furthermore, we have to remember that there are one million unexploded cluster submunitions in southern Lebanon, of the four million that Israel launched, according to the UN, in the last three days of armed conflict in 2006, with the ceasefire already agreed to. Israel has refused to provide information to help demining.<sup>93</sup> These weapons are an extension of the suffering and cause tensions.

- From 1979 on, since the time of Ayatollah Khomeini, Iran and Israel have threatened each other with the use of military force against each other.<sup>94</sup> This situation has worsened in recent years with the decision of Iran to enrich uranium.<sup>95</sup>

<sup>93</sup> "Lebanon: Deminers find new cluster bomb sites without Israeli data", *Irin* (news agency of the UN), 22 January 2008.

<sup>94</sup> The websites of the ministries of Foreign Affairs of both countries contain explicit references to these threats: Israel has a section on the front page with the heading "The Iranian threat," while Iran has one titled "Gaza". See, respectively: [www.mfa.gov.il/MFA/](http://www.mfa.gov.il/MFA/) and [www.mfa.gov.ir/cms/cms/Tehran/en/index.html](http://www.mfa.gov.ir/cms/cms/Tehran/en/index.html) [Consulted: 10 March 2009].

<sup>95</sup> See Peter Finn (2009): "U.S., Israel Disagree on Iran Arms Threat", *The Washington Post*, 11 March, p. A04.

- Israel has made military incursions into Syrian territory several times. Among others, two stand out: In October 2003, Israel attacked a so-called terrorist camp in Syria, a country that defined the attack as an act of aggression that violated the UN Charter and Disengagement Agreement of 1974 that followed the 1973 Middle East war, and accused Israel of "exporting its internal crisis to the entire region". Israel described the action as a "measured defensive operation".<sup>96</sup> In September 2007, Israel bombed what it described as a "suspected nuclear site" in northern Syria.<sup>97</sup>

Secondly, Israel maintains occupied territories that belong to other sovereign states. These territories have been occupied by force or the threat of using it. We must remember that Israel's withdrawal to the boundaries prior to 1967 remains still a requirement of the UN, as clearly stated in the resolutions 242 (1967) and 338 (1973), both of the Security Council and therefore of mandatory compliance. The international community has not recognized the occupation of these territories:

- Golan Heights, Syrian sovereignty, occupied in 1967.
- Shebaa Farms, Lebanese sovereignty.

Finally, it is necessary to highlight, the Israeli military and political tensions with other highly militarized countries in Middle East such as Saudi Arabia or Iraq, besides those mentioned (Iran, Syria and Lebanon). These and other countries (Egypt, Jordan,...) have maintained historical armed clashes, some of which have not yet healed. After the attacks in Gaza in late December 2008 and January 2009, the King of Saudi Arabia announced that the initiative of 2002 which had foreseen global peace between the Arab world and Israel in exchange for the creation of an independent Palestinian State in the Occupied Territories by Israel in 1967, would not be in force for a long time.<sup>98</sup> However, all mentioned countries in this paragraph, with the exception of Iraq, imported Spanish military or dual-use material in 2006 and 2007.<sup>99</sup> Between 2003 and 2006, Saudi Arabia received by the members of the EU imports of military equipment for around 6700 million euro (4,000 million of France), while between 2002 and 2007 Israel received more than 1,000 million.<sup>100</sup> Regarding the most worrying arms, it is noteworthy that the possession of weapons of mass destruction by Israel has been an incentive for its neighbours to also acquire these types of weaponry.<sup>101</sup>

The possibility of confrontation between the State of Israel and other sovereign countries has been a reality during recent years, going to the extent as becoming a reality. The resolutions of the Security Council evidence this fact.<sup>102</sup> Tel Aviv maintains military occupations in other countries despite the disapproval of the international community and having been required to withdraw from these territories through resolutions already four decades old. From this point of view, it seems reasonable to conclude that arms export to Israel represents a flagrant violation of the criterion 4.

Between 2001 and 2008, the Member States of the European Union **referred to the criterion 4 in 74 occasions to justify the refusal** of export licences of defence and dual-use material to Israel.

*(See the global balance in the section on European initiatives to limit arms sells to Israel)*

<sup>96</sup> "Security Council meets on Israeli attack in Syria", *CNN.com*, 5 October 2003, available at: [www.cnn.com/2003/WORLD/meast/10/05/mideast/index.html](http://www.cnn.com/2003/WORLD/meast/10/05/mideast/index.html) [Consulted: 6 December 2008].

<sup>97</sup> Glenn Kessler and Robin Wright (2007): "Israel, U.S. Shared Data On Suspected Nuclear Site", *The Washington Post*, 21 September, p. A01, available at: [www.washingtonpost.com/wp-dyn/content/article/2007/09/20/AR2007092002701.html](http://www.washingtonpost.com/wp-dyn/content/article/2007/09/20/AR2007092002701.html) [Consulted: 6 December 2008].

<sup>98</sup> Alain Gresh (2009): *Op. Cit.*, p. 7.

<sup>99</sup> Tica Font (2008): *Op. Cit.*

<sup>100</sup> See statistics in the appendix 2.

<sup>101</sup> John J. Mearsheimer and Stephen M. Walt (2007): *The Israel Lobby And U.S. Foreign Policy*, London, Penguin Books – Allen Lane, p. 36.

<sup>102</sup> In the appendix 4 is available a list of the Security Council's resolutions which were not respected by Israel.

## CRITERION 5. Israel and the national security of the member states and allied countries

Criterion 5. The national security of the member states and of territories whose external relations are the responsibility of a member state, as well as that of friendly and allied countries.

Member States will take into account:

- a) the potential effect of the proposed export on their defence and security interests and those of friends, allies and other member states, while recognising that this factor cannot affect consideration of the criteria on respect of human rights and on regional peace, security and stability;
- b) the risk of use of the goods concerned against their forces or those of friends, allies or other member states;
- c) the risk of reverse engineering or unintended technology transfer.

Israel has diplomatic relations only with three of the 22 states of the Arab League: Egypt, Mauritania<sup>103</sup> and Jordan, and it neither has relations with at least a dozen of the major countries.<sup>104</sup> Some countries, which do not have relations with Israel, are in constant conflict with this state, including some 'allies' countries of the Member States of the European Union, as the Maghreb and the Persian Gulf.

On the other hand, we must consider that the conflict between the Israelis and the Palestinians stands at the forefront of the international polarization between a part of the Islamic world and a part of the West. This situation of ongoing conflict is present in speeches that most of the international players use to increase tensions. As an extreme case, even Al-Qaeda demands, among its claims, the creation of a Palestinian state, despite the Palestinian cause was not among their initial demands.<sup>105</sup> The threat that this interested (but available) manipulation represents for the West, including Spain, is widely recognized. Due to its relevance, Israel has the potential to destabilize the region and, ultimately, the globe.

We doubt that European arms exports to Israel, including the Spanish ones, do not represent a threat to any friend or ally state, which makes us question the fulfilment of the criterion 5.

Between 2001 and 2008, the Member States of the European Union **referred to the criterion 5 in four occasions to justify the refusal** of export licences of defence and dual-use material to Israel.

*(See the global balance in the section on European initiatives to limit arms sells to Israel).*

<sup>103</sup> However, Mauritania ordered on 6 March 2009 the closure of the Israeli embassy, giving 48 hours for the Israeli personnel to leave the country, and "freezing" bilateral relations with Israel. "Mauritania ordena el cierre de la Embajada israelí", *El País*, 7 March.

<sup>104</sup> The Arab League countries without diplomatic relations with Israel are Iraq, Lebanon, Saudi Arabia, Syria, Yemen, Libya, Sudan, Morocco, Tunisia, Kuwait, Algeria, United Arab Emirates, Bahrain, Qatar, Oman, Somalia, Djibouti and Comoros. In addition, Israel has no relations with Afghanistan, Iran, Pakistan, Bangladesh, Indonesia, Malaysia, Chad, Mali, Niger, Guinea, North Korea, Cuba, Bolivia and Venezuela, among others. Israel Ministry of Foreign Affairs, available at: [www.mfa.gov.il/MFA/About+the+Ministry/Diplomatic+missions/Israel-s+Diplomatic+Missions+Abroad.htm](http://www.mfa.gov.il/MFA/About+the+Ministry/Diplomatic+missions/Israel-s+Diplomatic+Missions+Abroad.htm) [Consulted: 5 December 2008].

<sup>105</sup> Paul Rogers (2005): "Endless War. The global war on terror and the new Bush Administration", briefing paper, *Oxford Research Group*, March.

## CRITERION 6. Israel's international behaviour

Criterion 6. The behaviour of the buyer country with regard to the international community, as regards in particular to its attitude to terrorism, the nature of its alliances and respect for international law.

Member States will take into account inter alia the record of the buyer country with regard to:

- a) its support or encouragement of terrorism and international organised crime;
- b) its compliance with its international commitments, in particular on the non-use of force, including under international humanitarian law applicable to international and non-international conflicts.
- c) its commitment to non-proliferation and other areas of arms control and disarmament, in particular the signature, ratification and implementation of relevant arms control and disarmament conventions referred to in sub-paragraph b) of Criterion One.

Israel has breached a series of binding UN resolutions<sup>106</sup> among which by its relevance stand out:<sup>107</sup>

- UN Security Council Resolution 242 (1967), which demanded Israeli withdrawal from occupied territories.
- UN Security Council Resolution 338 (1973), which calls for the cessation of hostilities and the Israeli withdrawal from occupied territories.

It must also be added that the U.S. has used its veto in at least 42 resolutions that sought to criticize or condemn harshly actions of the State of Israel. The first dates back to 1972, when paragraph 74 of resolution S/10784 was not approved and which sought to condemn Israel for its attacks on Syria and southern Lebanon. One of the most recent was the refusal to adopt the resolution S/878 of 2006 calling for a mutual ceasefire in the Gaza Strip.<sup>108</sup>

With regard to point c) of this criterion, we must remember that Tel Aviv has not ratified any of the three instruments that are specified explicitly to be taken into account (point b) criterion 1), because Israel:

- Has not signed the Biological and Toxin Weapons Convention.<sup>109</sup>
- Has signed, but not ratified the Chemical Weapons Convention.<sup>110</sup>
- Has not signed the Nuclear Non-Proliferation Treaty<sup>111</sup> and does not cooperate with the International Atomic Energy Agency. We must insist on the fact that Israel has nuclear weapons.

Other non-ratified agreements related to military aspects:<sup>112</sup>

- Rome Statute of the International Criminal Court, 1998.
- Additional Protocol I to the Geneva Conventions of 1949 relating to the Protection of Victims of International Armed Conflicts, 1977.
- Additional Protocol II to the Geneva Conventions of 1949 relating to the Protection of Victims of Non-International Armed Conflicts, 1977.

**106** In the appendix 4 is available a list of the Security Council's resolutions which were not respected by Israel.

**107** Casa Árabe (2007): *Palestina 181. 60 años después. Recopilación de documentos de las Naciones Unidas sobre la cuestión palestina*, Madrid, Casa Árabe-IEAM (Instituto Internacional de Estudios Árabes y del Mundo Musulmán), November.

**108** Palestine Monitor (2007): "US aid to Israel", *Palestine Monitor Factsheet*, 31 October, available at: [www.palestinemonitor.org/spip/IMG/pdf/FS\\_usaid\\_31102007\\_light.pdf](http://www.palestinemonitor.org/spip/IMG/pdf/FS_usaid_31102007_light.pdf) [Consulted: 29 November 2008].

**109** Biological and Toxin Weapons Convention (BTWC), *Op. Cit.*

**110** Chemical Weapons Convention, *Op. Cit.*

**111** United Nations: Status of Multilateral Arms Regulation and Disarmament Agreements, *Op. Cit.*

**112** Actualized in December 2007. Source: BICC, available at: [www.bicc.de/ruestungsexport/data-base.php?action=land\\_detail&auswahl=Israel&topic=E](http://www.bicc.de/ruestungsexport/data-base.php?action=land_detail&auswahl=Israel&topic=E) [Consulted: 8 December 2008].

- United Nations Convention against Corruption, 2003.
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, 1997.
- Comprehensive Nuclear-Test-Ban Treaty, 1996.
- Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof (Seabed Treaty), 1972.
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the 2000 UN Convention against Transnational Organized Crime (in force: 2003).
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the 2000 UN Convention against Transnational Organized Crime (in force: 2004).
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the 2000 UN Convention against Transnational Organized Crime (in force: 2005)
- Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, 1978.
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1991.
- International Convention Against the Taking of Hostages, 1979.
- Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty), 1967.

**113** BICC, available at: [www.bicc.de/ruetzungsexport/database.php?auswahl=Israel](http://www.bicc.de/ruetzungsexport/database.php?auswahl=Israel) [Consulted: 8 December 2008].

**114** With the new inclusion of the Common Position, respect for international humanitarian law is also, along with respect for human rights, the goal of Criterion 2.

**115** International Court of Justice (2004): "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory", 9 July, available at: [www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&case=131&k=5a](http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&case=131&k=5a) [Consulted: 29 November 2008].

**116** Article 49, IV Convention relative to the Protection of Civilian Persons in Time of War, available at: [www.unhcr.ch/html/menu3/b/92.htm](http://www.unhcr.ch/html/menu3/b/92.htm) [Consulted: 5 December 2008].

**117** Philip Alston, Paul Hunt, Walter Kälin and Miloon Kothari (2006): "Mission To Lebanon And Israel. Implementation Of General Assembly Resolution 60/251 Of 15 March 2006 Entitled "Human Rights Council". Report Of The Special Rapporteur On Extrajudicial, Summary Or Arbitrary Executions, Philip Alston; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt; the Representative of the Secretary-General on human rights of internally displaced persons, Walter Kälin; and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari", *Human Rights Council of the United Nations – General Assembly, second session, A/HRC/2/7*, 2 October de 2006, p. 22, paragraph 99, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G06/141/95/PDF/G0614195.pdf?OpenElement> [Consulted: 5 December 2008].

The BICC (Bonn International Centre for Conversion) believes that Israel's participation in the conventions on human rights and arms control is in a "very serious" situation.<sup>113</sup>

However, respect for International Humanitarian Law is the most questioned point of criterion 6.<sup>114</sup> Many evidences show the non-compliance of Israel with International Law. Many of the allegations of IHL violations by Israel are related to the construction of the separation wall between Israel and the West Bank (although it does not respect the recognized borders). In July 2004, the International Court of Justice in The Hague, spoke, as asked by the UN about the legality of the Israeli wall. The Court stated that the wall was "contrary to International Law" and also stressed that States being part of the Fourth Geneva Convention on protecting civilians in wartime, had an obligation "to ensure compliance by Israel of International Humanitarian Law."<sup>115</sup> Moreover, one of the most ongoing complaints concerns the establishment of permanent settlements in the occupied territories, which violated Article 49 of the Fourth Geneva Convention, which specifies:<sup>116</sup>

***"The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies"***

However, in recent years the most common evidences have been related to the aggression in Lebanon in 2006 and the Gaza attacks that lasted three weeks from 27 December 2008 on. In the first case, the report of the Human Rights Council of 2 October 2006 on the conflict in the Mission to Lebanon and Israel, specified that:<sup>117</sup>

*"The mission concludes that serious violations of both human rights and humanitarian law have been committed by Israel. Available information strongly indicates that, in many instances, Israel violated its legal obligations to distinguish between military and civilian objectives; to fully apply the principle of proportionality; and to take all feasible precautions to minimize injury to civilians and damage to civilian objects."*

As for the attacks in Gaza in late 2008 and early 2009, we highlight three different points. The first concerns the scale of devastation. Lawyer Gonzalo Boyé, of a private prosecution of victims of another attack on Gaza (in this case 2002) in the Spanish National Audience, was part of a group that made an assessment of consequences of events between 27 December 2008 and 19 January 2009:

*"1440 dead, more than 5300 wounded, 37 of the 221 existing schools destroyed, 4 major hospitals attacked and with serious damage, 22 mosques razed and a total of 48 damaged, over 40% of agricultural production destroyed, 63% of children have symptoms of post-traumatic stress".<sup>118</sup>*

According to Boyé, of 1440 deaths, 431 were children and only 152 fighters (the 10.55%)<sup>119</sup>, which affects the principle of discrimination between combatants and civilians, one of the pillars of International Humanitarian Law. The second point is about the other pillar of IHL, the principle of proportionality. On numerous occasions, Israeli authorities have acknowledged the disproportionate attacks, and even made reference to this violation of IHL openly in their speeches: the former Head of the Israeli National Security Council, Giora Eiland, said on 20 January 2009 that "if our civilians are attacked, we will not respond in a proportional way, but with all the means at our disposal to cause some havoc that you will think two times before attacking us."<sup>120</sup> The statements by Israeli Prime Minister Ehud Olmert were even more worrying, threatening to respond in a "severe and disproportionate way" to the rockets thrown by Palestinian armed groups in Gaza.<sup>121</sup> Finally, the third point refers to the various allegations and accusations of war crimes against Israel. Amnesty International said that Israel "may have committed war crimes" when using arms in a manner that would violate IHL. Among others, this organisation found evidence of the use of white phosphorus munitions, mortar fins or antitank mines in residential areas.<sup>122</sup> Meanwhile, Richard Falk, UN Rapporteur for Human Rights in the Occupied Territories, accused Israel of war crimes, claiming that the attacks on Gaza "represent severe and massive violations of international humanitarian law as defined in the Geneva Conventions, both in regard to the obligations of an Occupying Power and in the requirements of the laws of war", violations involving the collective punishment, the selection of civilians as a goal and disproportionate military response.<sup>123</sup> It is important to note that Falk already stated before the attacks, that the Israeli siege on Gaza and the policy of collective punishment represented "a continuing, flagrant and massive violations of International Humanitarian Law, as specified in Article 33 of the Fourth Geneva Convention".<sup>124</sup> After the attacks, the so-called Goldstone Report provides an extensive collection of events in Gaza and Israel, concluding that Israel and the Palestinian armed groups have committed war crimes and crimes against humanity.<sup>125</sup>

Israel is not a collaborating state in disarmament policies, given its commitment to valid international treaties. Neither has it complied with the mandatory provisions of the Organisation of the United Nations and other international obligations. While it is an ally of the West, evidences of violations of International Humanitarian Law or the "non-use of force," conditions expressly mentioned in the text of this criterion (although they are only recommendations), point to the non-compliance of the criterion 6 through arms exports to Israel.

**118** Gonzalo Boyé (2009): written lecture "El cas de Gaza davant l'Audiència Nacional", *Jornada sobre justícia penal universal i internacional*, Centre d'Estudis Jurídics i Formació Especialitzada, Barcelona, Generalitat de Catalunya (Government of Catalonia), 13 March, p. 2.

**119** Gonzalo Boyé (2009): *Op. Cit.*, pp. 2 and 4.

**120** *International Herald Tribune*, 20 January 2009, cited in Alain Gresh (2009): *Op. Cit.*

**121** "Olmert amenaza con una 'respuesta desproporcionada", *Público*, 1 February 2009.

**122** The use of white phosphorus in residential areas is prohibited by the Additional Protocol I to the Geneva Conventions and the Third Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which can cause excessive damage or have indiscriminate effects. See Amnesty International (2009): "Fuelling conflict: Foreign arms supplies to Israel/Gaza", document MDE 15/012/2009, 23 February, pp. 3-15.

**123** Richard Falk (2008): "Israel's War Crimes", *The Nation*, 29 December 2008, available at: [www.thenation.com/doc/20090112/falk?rel=hp\\_currently](http://www.thenation.com/doc/20090112/falk?rel=hp_currently) [Consulted: 9 March 2009].

**124** Richard Falk (2008b): "Gaza: Silence is not an option", press release of United Nations, 9 December, available at: [www.unhcr.ch/hurricane/hurricane.nsf/0/183ED1610B2BCB80C125751A002B06B2?opendocument](http://www.unhcr.ch/hurricane/hurricane.nsf/0/183ED1610B2BCB80C125751A002B06B2?opendocument) [Consulted: 11 March 2009].

**125** United Nations Fact Finding Mission on the Gaza Conflict (2009): "Human rights in Palestine and other occupied Arab territories", *Human Rights Council*, 12th session, reference A/HRC/12/48, 15 September, available at: [www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/docs/UNFFMGC\\_Report.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/docs/UNFFMGC_Report.pdf) [Consulted: 18 November 2009].



Between 2001 and 2008, the Member States of the European Union **referred to the criterion 6 in 21 occasions to justify the refusal** of export licences of defence and dual-use material to Israel.

*(See the global balance in the section on European initiatives to limit arms sells to Israel)*

## **CRITERION 7. Risks of diversion and re-export in undesirable conditions of transfers to Israel**

Criterion 7. The existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions.

In assessing the impact of the proposed export on the importing country and the risk that exported goods might be diverted to an undesirable end-user, the following will be considered:

- a) the legitimate defence and domestic security interests of the recipient country, including any involvement in UN or other peace-keeping activity;
- b) the technical capability of the recipient country to use the equipment;
- c) the capability of the recipient country to exert effective export controls;
- d) the risk of the arms being re-exported or diverted to terrorist organisations (antiterrorist equipment would need particularly careful consideration in this context).

This section must be addressed through two perspectives: the probability that Israel re-exports the imported military goods to a third undesirable country, and the possibility that a transfer of military equipment to another country is re-exported to Israel.

In the former case, it seems that the Israeli Government has few restrictions in respect to the recipients of its exports of military equipment.<sup>126</sup> The Berlin Information-Centre for Transatlantic Security (BITS) demonstrated that half of the engines for warships transferred to Israel in the nineties ended in third countries, among which some were at war. Among others, re-exports to Eritrea (1993), Sri Lanka (1995 and 1996) or India (1996) stand out.<sup>127</sup> In the last years, Israel has also exported defence material to questionable destinations being themselves in situations of political tension or armed conflict.<sup>128</sup>

Spanish exports to Israel also may end up in other countries. In fact, 100% of Spanish exports in the first half of 2008 were re-exported, according to statements by the Minister of Industry, Miguel Sebastian, who cited as final destinies of the material the U.S., UK, Brazil, South Africa and "other countries".<sup>129</sup> In respect of Israel's historic potential to export to questionable destinations, allegations claiming that Tel Aviv was transferring arms to the Rwandan genocide (violating the UN embargo), the drug barons of Medellin, the army of Guatemala during the last genocide, transfers of \$ 500 million annually to South Africa during the apartheid, to the Chile of Pinochet, to Samoja's Nicaragua, Noriega's Panama, the dictatorship of Burma

**126** Harald Molgaard (2005): "Arms exports and collaborations: the UK and Israel", *CAAT* (Campaign Against Arms Trade), London, June, available at: [www.caat.org.uk](http://www.caat.org.uk).

**127** Christopher Steinmetz (2002): "German-Israeli Armaments Cooperation", *BITS*, no. 6, November-December, available at: [www.bits.de/public/articles/cast06-02.htm](http://www.bits.de/public/articles/cast06-02.htm) [Consulted: 29 November 2008].

**128** Among many others, it is important to highlight exports of different types of missiles to India (each year between 2003 and 2006), Colombia (2005 and 2006) and Venezuela (2004); warplanes to Sri Lanka (2000, 2001 and 2005); combat helicopters to Angola (2004 and 2005) and other heavy weapons to Nigeria (2006 and 2007), Chad (2005) and Uganda (2002 and 2005). FIRST database (SIPRI), available at: <http://first.sipri.org> [Consulted: 15 September 2009].

**129** Europa Press (2009): "Industria asegura que el material de Defensa vendido a Israel no era armamento y además no se utilizó en su territorio", 10 March, available at: [www.europapress.es/epsocial/politica-social/noticia-industria-asegura-material-defensa-vendido-israel-no-era-armamento-ademas-no-utilizo-territorio-20090310151930.html](http://www.europapress.es/epsocial/politica-social/noticia-industria-asegura-material-defensa-vendido-israel-no-era-armamento-ademas-no-utilizo-territorio-20090310151930.html) [Consulted: 10 de March de 2009].



(which would have received Israeli missile technology in 2002 and electronic technology and intelligence training in 2006) and to the current regime of Zimbabwe (riot vehicles valued at \$ 10 million).<sup>130</sup> Israel even exported 1308 missiles to Iran in 1985 and 1986, 500 of them financed by the United States.<sup>131</sup> Those years Iran opened a war against Iraq.

Regarding to the possibility that an export to a country ends up being re-exported to Israel, we must mention the discussions in various European countries about the pertinence of exporting components for the U.S. *F-16* fighter aircraft and the combat helicopter *Apache*, models exported to Israel and which are used in the Occupied Territories: Ireland produces, through the delegation of U.S. Company Data Device Corporation, a crucial component for the F-16 and the Apache,<sup>132</sup> and the Netherlands based company Philips announced on its website that it was exporting components for Israeli Apaches.<sup>133</sup> In any case, we have to remember that the standards regulating the components to be integrated into products that will be re-exported were devalued in the new guide, of 2004. In the guide was specified that if the recipient country (in this case the U.S.) had a control system of cash transfers, it was matter of this country to decide on future re-exports, which seems to contradict the criterion 7. This new guide of 2004 could have its origins in another new guide adopted in the UK after the debates (due to the Israeli incursions in the Occupied Territories of Palestine in 2002), questioning the export of components of the F-16 in the United States.<sup>134</sup> With the increasing trend<sup>135</sup> of exporting components and not finished military products it is very difficult to determine the military use of some of these components, to list them and to track their use. In fact, in many cases they do not require export licenses. Regarding the Spanish case, the company Indra Sistemas has produced mission simulators, in service, of the Lockheed Martin F-16 fighter aircraft,<sup>136</sup> which are, as mentioned, often exported to Israel and used in the Occupied Territories of Palestine. In this section, it is important to note that the United States is an important importer of European arms and that Israel it is to the U.S., and that – and this is one of the most controversial points – Israel is the only recipient of U.S. aid not having to give account of how the U.S. supplies are used.<sup>137</sup>

Israel has great potential for re-exports to countries that should not be destinations of arms of EU Member States. Therefore, exports of military equipment to Israel could violate the criterion 7 of the Code of Conduct.

Between 2001 and 2008, the Member States of the European Union **referred to the criterion 7 in 26 occasions to justify the refusal** of export licences of defence and dual-use material to Israel.

*(See the global balance in the section on European initiatives to limit arms sells to Israel)*

**130** Mary Brennan (2005): "The Israeli Arms Trade", in Palestine Solidarity Campaign; Campaign for Nuclear Disarmament: *Israel Weapons of Mass Destruction. Cause of Concern*, briefing paper, no. 21, 13 July, p. 13; Palestinian Grassroots Anti Apartheid Wall Campaign (2008): "Exporting occupation: the Israeli arms trade", p. 3, available at: [www.stophthewall.org](http://www.stophthewall.org) [Consulted: 9 March 2009].

**131** FIRST database (SIPRI), available at: <http://first.sipri.org> [Consulted: 15 de September de 2009].

**132** However, Ireland does not officially export defence material to Israel.

**133** Helen Close and Roy Isbister (2008): *Op. Cit.*, p. 18.

**134** *Ibid.*

**135** Helen Close and Roy Isbister (2008): *Op. Cit.*, pp. 17-8.

**136** According to Indra's own website, available at: [www.indra.es/servlet/ContentServer?pagename=IndraES/SolProductos\\_FA/DetalleSolucionProductoFoto&cid=1083830071059&pid=1083830065073&Language=es\\_ES](http://www.indra.es/servlet/ContentServer?pagename=IndraES/SolProductos_FA/DetalleSolucionProductoFoto&cid=1083830071059&pid=1083830065073&Language=es_ES) [Consulted: 6 December 2008].

**137** John J. Mearsheimer and Stephen M. Walt (2007): *Op. Cit.*, p. 28.

## CRITERION 8. Compatibility with the economic and technical capacity of Israel

Criterion 8. The compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources.

Member States will take into account, in the light of information from relevant sources such as UNDP, World Bank, IMF and OECD reports, whether the proposed export would seriously hamper the sustainable development of the recipient country. They will consider in this context the recipient country's relative levels of military and social expenditure, taking into account also any EU or bilateral aid

Israel is a wealthy country and has financial (at position 26 in the 2005 world ranking of GDP per person, with 25,864 dollars PPP, while Spain ranked at position 24 with 27,169<sup>138</sup>), technological and military technical (it is one of the states with the most developed military technology) ability.

Furthermore, although expenditure on health and on education is lower than military spending, indicators of social spending in Israel have often been higher than those registered in Spain. Thus, relative expenditures to the GDP in 2004 (we take this as a reference year) in Spain and Israel were as follows:

Year 2004	Health spending <sup>139</sup>	Education spending <sup>140</sup>	Military spending <sup>141</sup>
Israel	6,1% GDP	7,3% GDP	8,7% GDP
Spain	5,7% GDP	4,5% GDP	1,1% GDP <sup>142</sup>

It is questionable whether the military expenditure in Israel is more important than spending on health or education, and certainly, this country has social problems that require better estate care and greater concern about the budget. However, the spirit of the text of the Code of Conduct was probably addressed to a situation of generalized poverty in the country of destination of European arms exports and, from this perspective, it is less questionable that Spanish exports to Israel have violated the criterion 8 of this Code.

Between 2001 and 2008, the Member States of the European Union **referred to the criterion 8 in two occasions to justify the refusal** of export licences of defence and dual-use material to Israel.

*(See the global balance in the section on European initiatives to limit arms sells to Israel).*

### Note

*The contents of the above criteria are not established with the same degree of obligation (note that several of them specify that they will only "take into account" certain issues before deciding whether or not to export). Therefore, although indicating that a criterion is violated, this does not necessarily mean that the Law has been breached in its strictest sense, since the deliberations of the JIMDUU in the process of authorizing exports are unknown since they are secret. However, given the numerous serious arguments and the extent of the problem, it must be assumed that exports of military equipment to Israel are, in general, a flagrant violation of both the criteria and, as a whole, the aims and objectives of the Spanish and European law on arms export control.*

<sup>138</sup> UNDP - United Nations Development Programme (2008): *Human Development Report 2007/2008*, Palgrave Macmillan, New York, p. 229.

<sup>139</sup> Year 2004. UNDP (2008): *Op. Cit.*, pp. 294-7.

<sup>140</sup> Year 2004. UNDP (2006): *Human Development Report 2006*, Palgrave Macmillan, New York, pp. 348-351.

<sup>141</sup> Year 2004. UNDP (2006): *Op. Cit.*, pp. 348-351.

<sup>142</sup> It is important to mention that the military expenditure associated with Spain by UNDP considers only the budget of the Ministry of Defence, and does not add various military items found in other ministries (the total value can be twice the Defence's ones) and does not take in account the differences between the budget and the final spending, which usually is increased between 8% and 17%. See Pere Ortega (2007): "Inercia y deriva del gasto militar. España en el orden militar mundial", in Arcadi Oliveres and Pere Ortega (eds.): *El Militarismo en España*, Barcelona, Icaria, pp. 113-142. The reality of Israeli military spending is not known.

## Summary of the application of the criteria of the Code of Conduct in the case of Israel

No violation of the criterion	
Possible violation of the criterion	
Violation of the criterion	
Flagrant violation of the criterion	

Criterion	Non-compliance
<b>Criterion 1.</b> <i>Respect for international commitments of EU Members</i>	<p>Israel has not ratified any of the eight agreements referred to in points b), c) and d) of this criterion: Biological and Toxin Weapons Convention, Chemical Weapons Convention, Nuclear Non-Proliferation Treaty, the Convention against landmines. Israel is not part of the Wassenaar Arrangement, the Australia Group, the Control Regime of Missile Technology or the Nuclear Suppliers Group.</p> <p>Spanish cooperation in chemical weapons programmes.</p>
<b>Criterion 2.</b> <i>Respect for human rights in the country of final destination</i>	<p>Systematic annual sentences by the UN Commission / Council on Human Rights</p> <p>Systematic annual sentences by the European Union.</p> <p>Systematic annual sentences by Amnesty International or Human Rights Watch.</p> <p>Political Terror Scale (Amnesty International and U.S. State Department) between levels 4 and 5 on a scale from 1 to 5 (highest).</p>
<b>Criterion 3.</b> <i>Internal situation in the country of final destination (existence of tensions or armed conflicts)</i>	<p>Existence of armed conflict in accordance with the main centres (SIPRI, Heidelberg University, University of Maryland, IISS, School for a Culture of Peace of Barcelona...)</p> <p>External armed conflicts (Lebanon: 2006).</p>
<b>Criterion 4.</b> <i>Regional peace, security and stability</i>	<p>Recent regional armed conflicts (Lebanon: 2006).</p> <p>Mutual threat and permanent tension with Iran. Probability of an international armed conflict.</p> <p>Israeli military incursions in Syria. Military occupations in Syria and Lebanon.</p> <p>Latent tensions with Syria, Saudi Arabia, Lebanon (Hezbollah), Iran... particularly after the Israeli military incursions in the Occupied Territories.</p> <p>Regional arms race, including weapons of mass destruction.</p>
<b>Criterion 5.</b> <i>National security of Member States and the territories under their responsibility, and of friends and allied countries</i>	<p>Some European Union Member States' allies have no diplomatic relations with Israel and are in permanent tension with Tel Aviv.</p> <p>Israeli-Palestinian conflict is key in the polarization between part of the Islamic world and part of the West. This is instrumentalised by extremist organisations.</p> <p>For its relevance, Israel has the potential to destabilize regional and, ultimately, globally</p>
<b>Criterion 6.</b> <i>Behaviour of buyer country, especially with respect to terrorism and international law</i>	<p>Israel has violated numerous mandatory UN resolutions, as resolution 242 (1967) and resolution 338 (1973). The U.S. has vetoed a minimum of 42 resolutions, which sought to condemn or castigate Israel.</p> <p>Israel has not ratified any of the three instruments mentioned explicitly: Biological and Toxin Weapons Convention, Chemical Weapons Convention, and Nuclear Non-Proliferation Treaty.</p> <p>Severe and massive violations of International Humanitarian Law (especially in Lebanon in 2006 and in Gaza in 2008-2009)</p> <p>The establishment of permanent settlements in occupied territories violates Article 49 of the Fourth Geneva Convention.</p> <p>The separation wall between Israel and the West Bank violates International Law.</p>
<b>Criterion 7.</b> <i>Risk of diversion or re-exportation under unwanted conditions</i>	<p>Re-export to countries at war or which systematically violate human rights.</p> <p>Record of exports to questioned regimes.</p> <p>Spain exports military equipment and components that can be re-exported to Israel (especially from the U.S.).</p> <p>Many of Spanish exports are re-exported to third countries.</p>
<b>Criterion 8.</b> <i>Compatibility of arms exports with the economic and technical capacity</i>	<p>Israel is an enriched country, and has military power and technique.</p> <p>Despite the Israeli military expenditure is higher than its health and educational expenditure, the social expenditure in Israel is higher than in Spain.</p> <p>Despite the Israeli social budget should be perhaps increased, it is possible that arms exports to Israel do not violate the spirit of this criterion's text.</p>

Elaborated by the author.

## 6. European initiatives to limit arms exports to Israel

Arms exports to Israel do not comply in general with all the criteria stipulated in the Code of Conduct. As a result, several Member States of the European Union have denied authorisations to export weapons to Israel. The European Parliament has also taken some initiatives to limit arms transfers to Israel.

The number of refusals of European arms exports licenses to Israel and the criteria which need to be fulfilled in order to gain approval to export arms, are included in the reports that the European Union issues each year to analyse the adequacy of the Code of Conduct by its member states. As we can see in the following table, these refusals are systematic and, in the case of some criteria, the number of appeals is very high.

Refused licenses to Israel and appealed criteria by countries of the European Union<sup>143</sup>

Year	2001	2002	2003	2004	2005	2006	2007	2008	Total 2001-08	
Refused licenses	51	66	26	26	14	27	28	22	<b>260</b>	
Appealed criteria	Criterion 1	2	0	0	1	0	1	2	1	<b>7</b>
	Criterion 2	35	41	18	19	6	18	13	9	<b>159</b>
	Criterion 3	12	57	23	23	10	19	20	12	<b>176</b>
	Criterion 4	1	18	1	6	6	17	18	7	<b>74</b>
	Criterion 5	0	0	0	0	0	1	3	0	<b>4</b>
	Criterion 6	1	16	0	0	0	3	0	1	<b>21</b>
	Criterion 7	0	4	3	2	3	3	4	7	<b>26</b>
	Criterion 8	0	0	0	1	0	0	1	0	<b>2</b>
<b>Total appeals</b>	<b>51</b>	<b>136</b>	<b>45</b>	<b>52</b>	<b>25</b>	<b>62</b>	<b>61</b>	<b>37</b>	<b>432</b>	

<sup>143</sup> Reports of the Council of the European Union (several years): "Annual report according to operative provision 8 of the European Union Code of Conduct on arms exports", *Official Journal of the European Union*, reports of the years 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009, containing data for the previous year.

<sup>144</sup> Statements by Ann Clwyd, a British parliamentarian, in discussions with Foreign Affairs Minister Jack Straw in 2002, questioning the pertinence of British arms exports to Israel. Available at: [www.parliament.the-stationery-office.co.uk/pa/cm200102/cmhansrd/vo020723/debtext/20723-03.htm](http://www.parliament.the-stationery-office.co.uk/pa/cm200102/cmhansrd/vo020723/debtext/20723-03.htm) [Consulted: 29 November 2008].

<sup>145</sup> Difference between the total of military equipment exported 2002 (2,047,820 euro) over the previous year (753,160 euro).

Unfortunately, it is impossible to ascertain, except in a few isolated cases, which countries have denied Israel licenses and the criteria used to justify these rejections. In this chapter we aim to analyse the different way EU Member States have evaluated arms export to Israel. These practices differ in a very conspicuous manner. A prime example: the Israeli armed forces declared that they had used more arms and more ammunition against the Palestinians in April 2002 than in the prior ten years.<sup>144</sup> In response to this bellicose escalation, the European Union reacted and several countries including UK, Belgium, France and Germany suspended partially or totally its exports of military equipment to Israel. The Spanish Government, however, multiplied its transfers by 2,7.<sup>145</sup>

## 6.1 Europe

On 11 April 2002, the European Parliament adopted a resolution, which called for the suspension of trade relations with Israel as a way to voice their disapproval in relation to the army offensives on the Palestinian population in this country. The resolution adopted by 269 against 208 votes and with 22 abstentions, was not binding and had the symbolic purpose of pressuring European governments. The Spanish government was president of the European Union at that time and the then Spanish Foreign Minister Josep Piqué said that “sanctions against Israel were a possible scenario,” but despite these threats they were never carried out.<sup>146</sup> On 20 April 2002 the European Parliament elaborated a resolution to ask the Council of the European Union to declare an arms embargo on Israel.

### Norway

In 2004, the Labour Party, the Agrarian Party and the Socialist Left Party (the majority coalition in the Norwegian Parliament) agreed to stop all exports of military equipment to Israel.<sup>147</sup> Since then, Norway has not exported arms to Israel. This decision was not made on the basis of bureaucratic criteria, but through a common policy, and did not make any official reference to the criteria of the Code of Conduct. However, in the previous year, 2003, Israel was one of 13 destination states who were denied licenses to export military equipment based on this Code of Conduct, even if the violated criteria were not specify.<sup>148</sup>

### Finland

According to official reports, Finland has not exported military equipment to Israel since 2001, the last year of transfers until 2007.<sup>149</sup> However, according to the UN trade database, Finland has exported between 2002 and 2007, 4,415,499 USD to Israel, filling tenth position in the ranking of exporters.<sup>150</sup>

### Sweden

Sweden does not (officially) sell military equipment to Israel. The reports of the European Union do not include any transfer and the last record in the database of trade of the UN dated 2003. In 2002, there was a denial under criterion 4 of the Code of Conduct, according to the Swedish Government’s report on arms exports in 2003. However, between 1995 and 2001 Israel was the third country of origin after the U.S. and Norway of military equipment imported by Sweden.<sup>151</sup>

### United Kingdom

The United Kingdom has frequently questioned arms exports to Israel. In fact, it is one of 21 territories included in the chapter “major countries of concern” of the British reports on arms exports.<sup>152</sup> In 1982 a formal arms embargo on Israel was declared as a direct consequence of the invasion of Lebanon.<sup>153</sup> In 2002, London imposed a de facto embargo (officially denied) for military equipment that could be used in the Occupied Territories of Palestine. Israel had used British military equipment against Palestinians. This was not a formal or complete embargo, and the decisions were made in a certain way, authorisation for authorisation.<sup>154</sup> In any case, the United Kingdom has delayed some export licenses of defence equipment.<sup>155</sup> This cau-

<sup>146</sup> Data of the paragraph of Ellis Shuman (2002): *Op. Cit.*

<sup>147</sup> Interview with Alexander Harang, Norges Fredsråd-The Norwegian Peace Alliance, 25 November 2008.

<sup>148</sup> Ministry of Foreign Affairs of Norway (2004): Report on Arms Exports, St.meld. no. 41(2003–2004). Thanks to Alexander Harang for facilitating and translating this report.

<sup>149</sup> See reports *Annual Report According to the EU Code of Conduct on Arms Exports National Report of Finland between the years 2001 and 2006*, available at: [www.sipri.org/contents/armstrad/atlinks\\_gov.html](http://www.sipri.org/contents/armstrad/atlinks_gov.html) [Consulted: 15 de November de 2008].

<sup>150</sup> See the table on exports to Israel of all countries in the appendices.

<sup>151</sup> Interview with Rolf Lindahl, head of the arms trade and disarmament section of the Swedish Peace and Arbitration Society (SPAS), 22 December 2008.

<sup>152</sup> United Kingdom (2008): *United Kingdom Strategic Export Controls. Annual report 2007*, p. 83.

<sup>153</sup> John Hooper and Richard Norton-Taylor (2002): “Secret UK ban on weapons for Israel. Blocking of sales mirrors German action”, *The Guardian*, 13 April, available at: [www.guardian.co.uk/uk\\_news/story/0,683668,00.html](http://www.guardian.co.uk/uk_news/story/0,683668,00.html) [Consulted: 18 November 2008].

<sup>154</sup> John Hooper and Richard Norton-Taylor (2002): *Op. Cit.*

<sup>155</sup> Robin Hughes, Ilan Ostfeld, Michael Sirak and Sharon Sadeh (2003): “Israeli defence industry: In the lion’s den”, *Jane’s Defence Weekly*, 26 February.

sed serious problems in the Israeli industry, deprived sometimes of essential components for which they had no alternative.<sup>156</sup>

Arms exports licenses to Israel rejected in the United Kingdom:<sup>157</sup>

Period	Total number of rejected cases	Percentage of rejected cases	Period	Total number of rejected cases	Percentage of rejected cases
2009 (1st half)	6	6%	2004	13	8%
2008	15	6%	2003	26	12%
2007	14	5%	2002	84	31%
2006	22	8%	2001	31	10%
2005	9	5%	2000	6	-

## Netherlands

This country is one of the few that makes public the criteria of the EU Code of Conduct which have been referred to deny export licenses for Dutch arms. Due to the interest they arouse, some examples are shown below, with the specification of the appealed criteria.

Arms exports licenses to Israel rejected in the Netherlands:<sup>158</sup>

Date	Reference	Description	Destination	Final user	Appealed criteria
February 2008	NL 16/2007	Infrared cameras	-	M. of Defence	2, 3 and 4
February 2008	NL 15/2007	Helicopter Parts	-	Airforce	2, 3 and 4
July 2007	NL 09/2007	Parts of satellite communication system	-	Marine / Airforce	2, 3 and 4
July 2007	NL 08/2007	Parts of thermal camera	Electro-Optics Industries	Unknown	2, 3 and 4
June 2007	NL 17/2006	Self navigable parachutes	M. of Defence	M. of Defence	2, 3 and 4
June 2007	NL 14/2006	Thermal camera	M. of Defence	Army	2, 3 and 4
February 2006	NL 03/2006	Parts of satellite communication system	M. of Defence	Airforce	2, 3 and 4
September 2004	NL 02/2004	2nd generation image intensification tubes	Armed Forces	Armed Forces	2, 3, 4 and 7
September 2004	NL 03/2004	2nd generation image intensification tubes	Ortek	Unknown	2, 3 and 7
May 2003	NL 05/2003	F-100 jet engine components	Chromalloy Israel	Airforce	2, 3 and 4
April 2002	NL 04/2002	Smokeless gunpowder	Israel Military Industries	-	3, 4 and 6
April 2002	NL 05/2002	Simulation grenades	Hakirya	M. of Defence	3, 4 and 6

## Belgium

In April 2002, the Belgian Foreign Minister Louis Michel, issued an order suspending the sales of military equipment to Israel. The rationalisation behind this decision was the guarantee that if weapons were not sold to Israel then they could not be used on Palestinians.<sup>159</sup>

In **Flanders** (it has own structures in Belgium), in 2007 five exports to Israel were rejec-

<sup>156</sup> Robin Hughes et al. (2003): *Op. Cit.*

<sup>157</sup> Data of the Government of the United Kingdom (several years): *Information on Refusal Percentages and Standard Individual Export Licence Application Processing Times by Destination*, quarterly reports between 2004 and 2008, both years included, available at the database of the *Department of Business Innovation & Skills*, available at: <http://bis.ecgroup.net/Search.aspx> [Consulted: 5 November 2009]; data of 2002 and 2003 of Harald Molgaard (2005): *Op. Cit.*, based on the reports *UK Strategic Export Controls Annual Reports* of 2002 and 2003; data of the denials of 2000 and 2001 of Jack Straw, in declarations in the British Parliament, available at: [www.parliament.the-stationery-office.co.uk/pa/cm200102/cmhansrd/v020723/debtext/20723-03.htm](http://www.parliament.the-stationery-office.co.uk/pa/cm200102/cmhansrd/v020723/debtext/20723-03.htm) [Consulted: 29 November 2008]; data approved licenses in 2001 in "Sanctioning arms to Israel", *The Muslim News*, 22 July 2003, available at: [www.muslimnews.co.uk/paper/index.php?article=1254](http://www.muslimnews.co.uk/paper/index.php?article=1254) [Consulted: 29 November 2008]; data of 2009 of the ECO's database, available at: [www.exportcontroldb.berr.gov.uk/eng/fox/sdb/SDBHOME](http://www.exportcontroldb.berr.gov.uk/eng/fox/sdb/SDBHOME) [Consulted: 5 November 2009].

<sup>158</sup> Data of the Government of the Netherlands (several years): *Annual report on The Netherlands arms export policy*, years 2002, 2003, 2004, 2005, 2006 and 2007, available at: [www.sipri.org/research/armaments/transfers/transparency/national\\_reports/national\\_reports\\_deafult#the-netherlands](http://www.sipri.org/research/armaments/transfers/transparency/national_reports/national_reports_deafult#the-netherlands) [Consulted: 20 November 2008].

ted (four of them were addressed to the Israeli army) and two involved Flemish companies. Among the materials subjected to denial were optical devices, some of which fall into the category of dual-use of the European Union, but which are considered by Belgian law as military purposes, and require therefore a military export license. The arguments presented by the responsible minister were the internal use in Israel and other similar refusal of other European Union countries.<sup>160</sup>

We must specify that not all exports to Israel have been rejected by the Flemish Government, and it seems that they have followed a pattern in the recent years: those exports destined to Israeli army as end-user are rejected, while the parts to be assembled in weapons systems that are then sold to other countries are generally approved (in 2007, 14 of 15 applications for exports to Israeli companies to re-export to third countries as end user were admitted).

## Germany

On 9 April 2002 it was made public that Germany had suspended its arms sales to Israel. Up until that time Berlin had been Tel Aviv's biggest European supporter (in 2000 weaponry for a value of 170 million dollars were transferred).<sup>161</sup> Even though it was clear that this was not an embargo, the words of rejection used regarding the Israeli incursions by German politicians were very forceful and illustrated that the suspension of arms exports was a result of Israeli policy in the Occupied Territories. In addition, German military exports to Israel have decreased radically since 2004, the year that recorded eleven times less export authorisations and 240 times less exports than in the previous year.<sup>162</sup>

Germany also refused export licenses to Israel for 120 parts needed to build the Merkava tank. In 2002, it froze the components produced by MTU Friedrichshafen affecting the production of Merkava 4.<sup>164</sup> This type of tank (Israel's most important land programme) involves some 200 Israeli companies.<sup>165</sup> Merkava tanks have often been used in the Occupied Territories of Palestine. The blockade of these sales was not new: in 2000 the German company Buck said that it could not transfer smoke grenades because it was impossible to get an authorisation from the German Government for exporting military equipment from the German Government to Israel.<sup>166</sup>

## France

On 17 December 2000 it was announced that France and Germany initiated an unofficial embargo on arms exports, among which included non-lethal devices for crowd control. Not long before, the newspaper *Le Monde* had reported that the Ministry of Foreign Affairs and the responsible inter-ministerial committee for exports of French military equipment blocked, without giving further explanation, the transfer to Israel of 100,000 tear gas grenades of the company Nobel Security to Israel. According to the French newspaper, this measure was intended to protect the image of France.<sup>167</sup> However, while after 2003 Germany radically reduced its arms exports to Israel, Paris took the opportunity to raise them and become the largest exporter in Europe. Between 2004 and 2008, 64% of military exports to Israel made by European Union members came from France.<sup>168</sup>

<sup>159</sup> Ellis Shuman (2002): *Op. Cit.*

<sup>160</sup> *Vlaamse buitenlandse handel in wapens en goederen van tweerlei gebruik 2007*, March 2008, p. 44, available at: [www.vlaamsvredesinstituut.eu](http://www.vlaamsvredesinstituut.eu). Thanks to Inez Louwagie for facilitating and translating this report.

<sup>161</sup> Peter Finn (2002): "Germany, in protest, suspends arms sales to Israel", *The Washington Post*, 10 April.

<sup>162</sup> See details on German exports in the appendix 2.

<sup>163</sup> John Hooper and Richard Norton-Taylor (2002): *Op. Cit.*

<sup>164</sup> Robin Hughes et al. (2003): *Op. Cit.*

<sup>165</sup> *Ibid.*

<sup>166</sup> Nicole Krau (2000): "France and Germany stop arms sales to Israel (including non-lethal crowd control devices)", *Ha'aretz*, 17 December, based on information of *Le Monde*.

<sup>167</sup> Nicole Krau (2000): *Op. Cit.*, based on information of *Le Monde*.

## 6.2 Refusal of Spanish exports to Israel?

### **Answer (full text) of 6 November 2008 to 184/022464 parliamentary question of 18 September 2008 by Deputy IU-ICV Joan Herrera Torres on criteria used by the government to authorize arms sales to Israel.<sup>169</sup>**

“The policy followed by the organ that informs on export operations of these products, the JIMDDU and the General Secretary of Foreign Trade, in charge of the processing, has been very assiduous since January 2001, anticipating most of the EU countries in the establishment of restrictions on exports to Israel. Since that day no final arms or equipment exports which prove to be lethal or could be employed as anti-riot material have been authorized. The main authorized items have corresponded to electronic equipment for aircrafts, temporary exports for repairing components or testing of ammunition, as well as items of sporting weapons components (re-exported to the United States once they are assembled), expressly excluding paramilitary and anti-riot equipment. Most of these operations are the result of agreements between the Defence Ministries of both countries.

The JIMDDU has taken into account, since the adoption on 8 June 1998 of the Code of Conduct of the European Union on arms exports, the eight criteria contained in it, and the criteria of the OSCE Document on Small Arms and Light Weapons. Applications for export of defence equipment are reviewed case by case by the JIMDDU, carrying out a thorough examination of the convenience of a specific export in accordance with those criteria and, in particular, criteria 2 (respect for human rights), 3 (internal situation), 4 (regional situation) and 7 (risk of diversion).

Israel has not been subjected in recent years nor is currently to any embargo on the export of any defence material, although almost all European Union countries have implemented cautious policies in all this time when authorizing armament or even dual-use products and technologies shipments to that country and neighbouring countries.

Madrid, 10 October 2008.

The Secretary of State for Constitutional and Parliamentary Affairs.”

The number of denied authorisations has been published in Spain since 1999 and since 2001, the type of equipment whose export was denied and the Code criteria used to justify the refusal is specified (very vaguely).<sup>170</sup> For example, the three export licence denials issued by Spain in 2006 are all related to transfers of small arms and light weapons.<sup>171</sup> However, no information is given on the planned destinations and on other relevant details. **Thus, no refusal of authorisation of Spanish military exports to Israel is known.**

<sup>168</sup> See details on French exports in the appendix 2.

<sup>169</sup> Published in the *Boletín Oficial de las Cortes Generales* (BOCG), serial D, no. 99, 6 November 2008, p. 610. There are two recent similar answers to other parliamentary questions: the one of 184/067416, by Isaura Navarro, on 5 April 2006 (see BOCG, serial D., no. 386, 16 May 2006, pp. 235-236); and 184/54281, by Gaspar Llamazares, 24 February 2009 (Consulted in a copy of the original document).

<sup>170</sup> Mark Bromley (2008): *Op. Cit.*, p. 43.



Denied Spanish exports (to all countries):<sup>172</sup>

Defence equipment				Dual-use products and technology			
Year	Applications	Refusals	% of refusals	Year	Applications	Refusals	% of refusals
2001	658	31	4,7	2001	462	33	7,1
2002	568	13	2,3	2002	327	19	5,8
2003	511	10	1,9	2003	341	13	3,8
2004	473	4	0,8	2004	363	18	4,9
2005	604	16	2,6	2005	318	21	6,6
2006	812	3	0,4	2006	343	12	3,5
2007	675	6	0,9	2007	363	24	6,6
2008	934	6	0,6	2008	465	8	1,7
Total	5,235	89	1,7	Total	2,982	148	5,0

After the events of January 2009 in Gaza and the controversy reignited as a consequence of Spanish arms being exported to Israel, the State Secretariat of Commerce in 2009, Silvia Iranzo, ensured that since 2001, Spain had not authorized any export to Tel Aviv of “any lethal arms or equipment.”<sup>173</sup> In this regard, we must ask ourselves what kind of weapon is not lethal, particularly bearing in mind some of the categories of exported material, like the first (firearms) or fourth (bombs, rockets, torpedo, missiles). In any case, we must insist that all exported defence material is, either directly or as an integrated component, able to kill.

Furthermore, Spain does not follow the guidelines of the Code of Conduct regarding realised consultations. The following table lists all the questions and answers by Spain and all Member States of the EU (consultations for all countries).

Consultations made or received by Spain on refusal of licenses:<sup>174</sup>

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
Number of licenses granted by Spain to Israel	?	?	?	18	13	10	5	7	13	22	21	109
Number of realised consultations on Israel by all countries	?	?	?	?	?	?	?	6	2	4	4	16
Number of licenses to Israel rejected by all countries	?	?	?	51	66	26	26	14	27	28	22	260
Total number of realised consultations by Spain	1	0	0	0	0	0	0	0	0	0	0	1
Total number of responses obtained by Spain	-	0	1	0	2	4	3	2	3	0	0	15
Total number of realised queries (all countries)	18	33	36	47	68	100	151	132	75	125	101	886
Total number of answers (all countries)	-	27	25	45	48	95	151	133	75	125	101	825

However, according to sources from the Ministry of Industry, Tourism and Trade, Spain consults the database of denials on European arms exports and, according to state officials in the Mi-

<sup>171</sup> Mark Bromley (2008): *Op. Cit.*, p. 47.

<sup>172</sup> Eduardo Melero (2009): *Op. Cit.*, based on official Spanish statistics on exports; data of 2008 of the Secretary of State for Trade (2009): *Op. Cit.*

<sup>173</sup> EFE Agency (2009): “Desde 2001 no se autoriza la exportación de armas letales a Israel, según Comercio”, *El Día*, 24 February, available at: [www.eldia.es/2009-02-24/NACIONAL/NACIONAL9pm.htm](http://www.eldia.es/2009-02-24/NACIONAL/NACIONAL9pm.htm) [Consulted: 10 March 2009].

<sup>174</sup> Council of the European Union (several years): “Annual report according to operative provision 8 of the European Union Code of Conduct on Arms Exports”, *Official Journal of the European Union*, reports of the years 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009, containing data of the previous year.

nistry, has never approved an export licence application that is 'essentially identical' to one previously denied by another member state.<sup>175</sup> In accordance with the Code of Conduct a Member State receiving an application to authorize the export of material, which is 'essentially identical' to another, the export of which (to the same recipient country) was denied by another Member State, shall consult that Member State before approving the authorisation. These consultations are not public.

- EU Member States have rejected 260 export licenses of defence equipment to Israel; unauthorized products presumably are very diverse.
- Spain has approved, at least between 2001 and 2008, 109 licenses of defence equipment to Israel, of at least five different categories.
- Spain declares that queries the rest of the member states in the case that "essentially identical" exports to those countries that rejected them, should be authorized. Since 1998, Spain has not conducted any inquiry on "essentially identical" authorisations to those of other countries. So it can be assumed that these situations have not occurred, according to the Spanish authorities.
- It is therefore prudent to conclude that Spain has not denied any authorisation to export military goods to Israel or, if having done so, the reason for this refusal was so obvious that did not require a consultation.

**175** Mark Bromley (2008): *Op. Cit.*, p. 47.

**176** School for a Culture of Peace (2002), available at: <http://unicornio.freens.org/profpcmaux/Palestina/InformeArmas.pdf> [Consulted: 24 December 2008].

**177** Europa Press (2005): "Un grupo de 41 ONG pide que cese la venta de armas de España a Israel", *El Mundo*, 7 March, available at: [www.elmundo.es/elmundo/2005/03/07/solidaridad/11110190045.html](http://www.elmundo.es/elmundo/2005/03/07/solidaridad/11110190045.html). [Consulted: 8 March 2005].

**178** See Global BDS Movement, [www.bdsmovement.net](http://www.bdsmovement.net) [Consulted: 15 December 2008].

**179** Palestinian Grassroots Anti Apartheid Wall Campaign (2008): *Op. Cit.*, p. 4.

**180** *Ibid.*

**181** "UN General Assembly President Calls for BDS against Israeli Apartheid State", 26 November 2008, available at: <http://bdsmovement.net/?q=node/221> [Consulted: 24 December 2008].

**182** Amnesty International, Greenpeace and Intermon-Oxfam (2007): "Comercio de Armas en España: Una ley con agujeros", February, p. 13, available at: [www.greenpeace.org/raw/content/espana/reports/comercio-de-armas-en-espana-a-u.pdf](http://www.greenpeace.org/raw/content/espana/reports/comercio-de-armas-en-espana-a-u.pdf) [Consulted: 6 December 2008].

**183** This organisation claims that there is no evidence of arms transfers to Palestinian armed groups by any government (although other reports mention Iran in this respect), and that transfers are made by clandestine sources. Amnesty International (2009): *Op. Cit.*, pp. 30-31.

Several Spanish organisations have called for the withdrawal of Spanish arms exports to Israel. On 15 March 2002, the School for a Culture of Peace of the Autonomous University of Barcelona called for the immediate interruption of the Spanish arms sales to Israel, and urged other EU countries to take the same measure.<sup>176</sup> In March 2005, a total of 41 Spanish non-governmental organisations, gathered at the I National Encounter of Solidarity with Palestine (promoted by the Social Forum of Malaga), demanded the end of the arms sales to Israel.<sup>177</sup> In addition, several organisations of different countries proposed to develop a campaign of "boycott, divestment and sanctions" (BDS),<sup>178</sup> pressuring to reverse (economic, commercial, academic, security, diplomatic, etc.) relations with Israel and condition them to respect the human rights and international treaties. The arms transfers are central in these claims. In July 2006, the Liberal Democrats Party of the United Kingdom requested the suspension of all arms exports to Israel as one of the three Norwegian ruling parties and the Confederation of Trade Unions of Norway did.<sup>179</sup> On 10 November 2006 the UN Special Rapporteur John Duggard called for an arms embargo on Israel<sup>180</sup> and recently the President of the UN General Assembly, Miguel D'Escoto Brockmann, urged to support the BDS campaign to pressure Israel.<sup>181</sup> Moreover, some of the organisations involved in monitoring Spanish arms exports, such as Greenpeace, Intermon-Oxfam and Amnesty International have asked repeatedly regarding arms exports to Israel:

***"Which guarantees do we have that this material will not contribute directly or indirectly to commit human rights violations in the context of the continuing escalation of violence in the region?"***<sup>182</sup>

The three weeks events in Gaza which started on 27 December 2008 have led to a proliferation of requests for establishing a mandatory embargo on exports of defence equipment to Israel. Amnesty International has asked the UN to impose an immediate arms embargo on Israel, Hamas and other Palestinian armed groups,<sup>183</sup> and on exporting countries to abolish all its arms

transfers.<sup>184</sup> In the UK, lawyers representing 30 Palestinian families have led to court the British Foreign Secretary, David Miliband, and other officials accusing them of having acted illegally by failing to suspend arms exports to Israel.<sup>185</sup> In the Spanish Congress of Deputies, the spokespersons of the political groups Republican Left of Catalonia (ERC, Spanish acronym), Joan Ridaó, and Initiative for Catalonia Greens (ICV, Spanish acronym), Joan Herrera, asked the Government to suspend the sale of military equipment to Israel, accusing of having violated the Law on the control of foreign trade of defence and dual-use material.<sup>186</sup>

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**184** Amnesty International (2009): *Op. Cit.*, p. 31.

**185** Afua Hirsch and David Pallister (2009): "Miliband accused over arms exports to Israel", *The Guardian*, 25 February, available at: [www.guardian.co.uk/politics/2009/feb/25/david-miliband-accused-israel-arms/print](http://www.guardian.co.uk/politics/2009/feb/25/david-miliband-accused-israel-arms/print) [Consulted: 9 March 2009].

**186** Europa Press (2009): "ERC e ICV exigen que se corte la exportación de armas a Israel y piden explicaciones a Sebastián", *Op. Cit.*

## 7. Other forms of military collaboration between Spain and Israel

Arms exports to destinations that do not fulfil certain criteria are clearly outlined in Spanish law and, therefore, can appeal to the law when questioning military exports to Israel, a country that, as we analysed in the preceding chapter, does not fulfil the requirements. However, apart from the legal aspects, there are other aspects of military cooperation, which may also be questionable, as they contradict the ethos of Spanish law itself. The main reason why a specific legislation on arms exports was adopted was to avoid counterproductive effects that such transfers could have on the population of the importing country of the weapons. As we shall see, there are other practices that have a similar effect as arms exports and therefore violate the spirit of Spanish law. We refer here to two different practices:

The first is the industrial collaboration and commercial military agreements. Spain and Israel have strong ties and the business volume is much greater than the official Spanish exports. Recalling the words of Itamar Graff, chief counsel of the delegation of the Defence Ministry of Israel in Spain in 2008: "The average annual turnover between Spanish and Israeli companies ranges between 50 and 70 million dollars."<sup>187</sup> Spanish exports in 2007, however, were 2.3 million. The second important way to establish military relations are Israeli arms imports by Spain. The volume of imports could not be calculated because, in contrast to exports, the Spanish Government does not publish this information and no other source knowing that data is identified. In any case, these transfers are much higher than exports, and only the purchase of Spike missiles from the Israeli company Rafael in 2006 represented a cost of 324 million euro.<sup>188</sup>

The following pages address these two problems: business cooperation and Israeli arms imports. The first also includes a brief overview on security relations. In the two sections we will make constant reference to the Israeli military industry, a schematic description of which is available in the first appendix to this report.

### 7.1 Business cooperation and military trade agreements

The policies implemented by different manufacturing countries of weaponry of promoting local industry have made the access to other markets more difficult. As a result we have seen an increase in the number of common agreements and joint ventures between local and foreign military companies. Israel is one of the countries using more this commercial logic, a vital condition to guarantee contracts, and it has established ties of joint production with companies from many countries such as Romania, Georgia and Spain. In the words of Shimon Eckhaus, vice president of marketing and business development of the company Israel Aerospace Industries (IAI), "the only mechanism that allows a successful penetration [in other countries] is to enable local factors in each country and sign cooperation agreements with them."<sup>189</sup> The most important links are, without doubt, with the United States: the major Israeli industry IAI was established 35 years ago in the U.S. with the name of IAI International. In the words of the IAI assistant vice president of communications Doron Suslik, "if you want to sell in the U.S., you have to satisfy the election appetite of the U.S. legislators, producing locally and creating working places in the U.S."<sup>190</sup> IAI has established strategic agreements with Boeing, Israel Military Industries (IMI) has done the same with General Dynamics Ordnance and Tactical Systems, Rafael with Raytheon

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<sup>187</sup> José María Navarro (2008): *Op. Cit.*, p. 18.

<sup>188</sup> See the details of this and other operations later in the chapter on imports.

<sup>189</sup> Harald Molgaard (2005): *Op. Cit.*

<sup>190</sup> Alon Ben-David (2005): "Israeli Defence Industry – Partner power", *Jane's Defence Weekly*, 23 November.

or General Dynamics Armament and Technical Products, and Elisra Electronic Systems with Raytheon, among other examples.<sup>191</sup>

In Europe the conditions make buying certain military items all the more difficult, particularly those capable of being used in the Occupied Territories of Palestine. Therefore, the cooperation and the establishment of alliances with European enterprises is both essential and inconsistent: referring to the consortium Eurospike (between Rafael and the German Diehl Munitionssysteme and Rheinmetall Defence Electronics) for trading anti-tank missiles, the spokesman of Rafael, Amit Zimmer, recognized that “it is simply more convenient for European customers to buy Eurospike than at the Israeli Rafael”.<sup>192</sup>

Partnerships to improve established trade relations between the Israeli and Spanish military industry are prosperous. In fact, the turnover of these collaborations is higher than the arms transfers between the two countries. To increase the trading options of the Israeli military industry means to cooperate in the development of military products that have two characteristics: specific weaponry to be used in the Occupied Territories of Palestine and take advantage of the enormous technological capabilities developed by Israel as a result of their long dispute in the Occupied Territories and the wars with various Arab countries.

### Business cooperation between Israel and Spain

As aforementioned, military trade relations between Spain and Israel are not really based on arms exports but on industrial cooperation.<sup>193</sup> The Israeli Defence Ministry has cooperated with a high number of Spanish companies, among others with Indra and Tecnobit. In the opposite direction, many Israeli military companies collaborate with the Spanish industry, mainly on electronic warfare systems, missiles, and protection of vehicles, unmanned aerial vehicles or border protection, among others.<sup>194</sup> In this regard, it must be remembered that the Israeli military industry is mostly public (and the private is strongly intervened by the State), while Spanish companies involved in these military consortia, although they are usually private companies, receive public funds and other facilities of the Spanish Government structures.<sup>195</sup>

Valid collaborations between the Spanish government and Israeli companies in 2008:

- Rafael is responsible for developing various projects for the Spanish army, such as the missile systems Spike LR, Spike ER and turrets of arms of the new Spanish armoured vehicles.<sup>196</sup>
- IAI is working on the project PASI about unmanned aerial vehicles and collaborates with the Civil Guard.<sup>197</sup> It also remains in charge of modernizing the two-seated Northrop F-5 aircraft, to accommodate the avionics systems and the precision of navigation, as well as its presentation in the cockpit to be similar to those used by modern fighter aircraft C.15 (F - 18) and C.16 (MS-2000), so they can be used as an advanced coach of the crew. Also to modernize the structure of 20 aircrafts and prolong its life until 2015.<sup>198</sup>
- Elbit Systems cooperating “very closely” with the Spanish Army in telecommunications systems, particularly the radio-telephone for infantry.<sup>199</sup>
- Tadiran. Through this Israeli enterprise the Spanish company RYMSA providing large units a system of automatic and digital transmission, with protection measures for electronic

<sup>191</sup> Robin Hughes et al. (2003): *Op. Cit.*; Alon Ben-David (2005): *Op. Cit.*

<sup>192</sup> Alon Ben-David (2005): *Op. Cit.*

<sup>193</sup> José María Navarro (2008): *Op. Cit.*, p. 20.

<sup>194</sup> José María Navarro (2006): *Op. Cit.*, p. 20.

<sup>195</sup> To learn more about public-private relations in the Spanish military industry, see Pere Ortega (2007b): “La ineficiencia de la industria de guerra”, in Arcadi Oliveres and Pere Ortega: *El Militarismo en España*, Barcelona, Icaria, pp. 159-189.

<sup>196</sup> See chapter on imports later.

<sup>197</sup> José María Navarro (2008): *Op. Cit.*, pp. 19-20.

<sup>198</sup> General Directorate of Armament and Equipment of the Ministry of Defence, available at: [www.mde.es/dgam/principalesprogramasaym.htm](http://www.mde.es/dgam/principalesprogramasaym.htm) [Consulted: 22 December 2008].

<sup>199</sup> José María Navarro (2008): *Op. Cit.*, pp. 19-20.

warfare, acquired means of antennas. The Basic Net Area, a programme's name of the Spanish Ministry of Defence, is the modern concept of tactics communications.<sup>200</sup>

- The Israeli company Aeronautics has begun to build a factory in Valladolid.<sup>201</sup> This company provides services to the regional government of Castilla y León on civil protection and environment.<sup>202</sup>
- Some Israeli companies have agreements with the Spain Government. In this way, the export of their material to Spain is tied to the purchase of assorted materials of Spanish manufacture.<sup>203</sup>

The following table shows a relation of some Spanish companies, which have stated that they export military equipment to Israel. We include this table here and not in the paragraph on arms export because the exporting companies are clearly identified. The subsequent section will focus on the specific problem of business collaboration in accessing concessions for military products.

Spanish military companies declaring to have Israel as a client:<sup>204</sup>

- **Compañía Española de Sistemas Aeronáuticos (CESA)**, Getafe (Madrid). It has approximately 70% of military production (aircraft equipment) and 246 employees. The shareholders are EADS CASA (60%) and Goodrich (40%, a company of the military aviation industry in Ohio, USA). Turnover 2006: 34 million euro.
- **European Security Fencing**, Est. of Cártama (Málaga). 40% of military production. 20 employees. Turnover 2006: 2.800.000 euro.
- **UAV Navigation**, Alcobendas (Madrid). 20 employees and 55% of military turnover. Israel Aerospace Industries as a direct client. Manufactures control systems and other products for aviation. Turnover 2006: 1 million euro (80% in exports).
- **Tecnobit**, Madrid. 370 employees. Turnover 2006: 50.4 million euro. Production: Equipment and flight simulators. 90% military turnover.
- **Extremeñas Fabrications S.A.** (within Explosivos Alaveses S.A. (EXPAL, Madrid), now in Maxam Corp.). EXPAL is a 100% military company with 558 employees and sales of 31.35 million euro in 2006. Between 1991 and 1997 pistols worth 5.1 million euro were exported; between 1997 and 2000 it sold to Israel radar equipment for 12.8 million euro; in 2001 projectiles for 0'49 million euro and 2002 military technology for 1.6 million euro.<sup>205</sup>
- Other companies that have in the past imported military equipment from Israel:<sup>206</sup> **Enosa** (night vision systems), **Inisel** (military communications), **Talbot** (modernization of tanks), **Santa Bárbara** (imported components and ammunition from the Israeli IMI company).

As aforementioned, the policies pursued by different arms manufacturing countries to promote local industry has forced the establishment of partnerships between military and foreign companies to access other markets. Therefore, the bonds of joint production between Spanish and Israeli companies have been numerous, often through consortia involving firms from other countries. We also have to remember that the turnover of these collaborations is far superior to the arms transfers between the two countries.

<sup>200</sup> General Directorate of Armament and Equipment of the Ministry of Defence: *Op. Cit.*

<sup>201</sup> José María Navarro (2008): *Op. Cit.*, pp. 19-20.

<sup>202</sup> Daniela Berdugo (2009): *Estudio de mercado: La industria aeroespacial en Israel*, Economic and commercial office of the Spanish embassy in Tel Aviv - ICEX, September, p. 17.

<sup>203</sup> Daniela Berdugo (2009): *Op. Cit.*, p. 14.

<sup>204</sup> Military Business Directory of the Centre for Peace Studies JM Delas, available at: [www.centredelas.org/index.php?option=com\\_wra&view=wrapper&Itemid=101&lang=ca](http://www.centredelas.org/index.php?option=com_wra&view=wrapper&Itemid=101&lang=ca) [Consulted: 13 October 2009]; José María Navarro (2009): "Directorio de empresas de Defensa en España 2009", *Fuerzas de Defensa y Seguridad*, special number 84, July, pp. 37-66; José María Navarro (2007): "Directorio de empresas de Defensa en España 2007", *Fuerzas de Defensa y Seguridad*, special number 81, July, pp. 33-66; José María Navarro (2006b): "Directorio de industrias de Defensa en España 2006", *Fuerzas de Defensa y Seguridad*, special number 78, July, pp. 43-66; Díez, O. (2002): "Directorio de industrias de Defensa en España 2002", *Fuerzas de Defensa y Seguridad*, special number 63, July, pp. 47-66.

<sup>205</sup> School for a Culture of Peace (2002): *Op. Cit.*

<sup>206</sup> "Ingenieros de España e Israel establecen contratos técnicos para el desarrollo de un futuro misil español", *El País*, 2 February 1989.

Collaborations between Israeli and Spanish companies:<sup>207</sup>

Spanish company	Israeli company	Reason
General Dynamics Santa Bárbara	IMI	Supply of 120 mm ammunition for Leopard combat vehicles for the Army.
EADS-CASA	IAI	Modernization of the F-5 of the Air Force.
Tecnobit	Rafael	Maintain "since a long time" electro optical-technology cooperation agreements. <sup>208</sup>
Amper	Tadiran Com.	In 1997, military communications systems worth \$ 35 million. <sup>209</sup> Part of a higher transfer to do in the next five years. <sup>210</sup>
Amper	Tadiran Com.	License to distribute Light Unprotected Tactical radiotelephones for Spanish troops in Afghanistan. 270 delivered in 2008, 3,500 will be delivered between 2009 and 2010 and 2730 from 2010 on. <sup>211</sup>
Indra and Amper	Elbit Systems <sup>212</sup>	Electronic warfare.
EADS-CASA	Elbit Systems	Contract with a subsidiary of Elbit, El-Op. Also sale of special helmets to Spanish helicopter company. <sup>213</sup>
Telefónica Soluciones	Tadiran Com.	Using Snapshield Ltd. technology (100% of Tadiran) for mobile applications. Announced in 2005. <sup>214</sup> Civilian and military applications.
General Dynamics Santa Bárbara	Rafael	Medium-range Spike missiles.
Iberia	IAI	They participated in the modernization of 12 transport C-130 Hercules aircrafts in Spain in 1994. <sup>215</sup>
Indra and EADS-CASA	IAI	Searcher Mk II unmanned aerial vehicles.

In 2008, the Spanish company **Indra** allied with the French Dassault Aviation and Thales to build an unmanned aircraft MALE (medium altitude, long duration) for French and Spanish forces. This construction is based on the model of the Heron TP of Israel Aerospace Industries (IAI), to compete with the model EADS, and which would exceed the cost and time in product development. Each device would be built by IAI, equipped by Thales and Indra and built and certificated by Dassault in order to be available in 2012.<sup>216</sup>

In 2004, **Santa Bárbara Sistemas**, a former Spanish public company taken over by the American company General Dynamics, was part of an international consortium to sign a contract in the U.S. on small arms ammunition. The consortium also included another division of General Dynamics, Winchester (part of Olin, USA), the Canadian SNC Technologies and Israel Military Industries (IMI).<sup>217</sup> Santa Barbara continues to be the supplier of ammunition and tanks of the Spanish army.

In July 2006, it was reported that the Israeli company Rafael was looking for partners in Germany, Italy, UK and Spain because these companies could produce locally the bullet casing selection of air-land shot called *Litening III* in the Eurofighter Typhoon, property of each of these countries. **Indra** was the most likely partner, with which Rafael had cooperated in the past by providing older versions of Litening to Spanish air forces. Another Spanish company with relations with Israel, which could also have formed part of the project, was **Tecnobit**.<sup>218</sup>

As mentioned in the previous table, the competition for unmanned aerial vehicles has been won by the Union Temporal de Empresas (UTE), formed by **Indra**, IAI and **EADS-CASA**. The strong business relations between the two countries are significant: from all Spanish companies that opted for the contest, in three of five cases, associates of Israel were chosen (Amper allied with Elbit Systems and became second, and General Dynamics Santa Bárbara with the Israeli Aeronautics).

<sup>207</sup> If no alternative source is specified, José María Navarro (2006): *Op. Cit.*, p. 16.

<sup>208</sup> Daniela Berdugo (2009): *Op. Cit.*, p. 37.

<sup>209</sup> Shai Feldman and Yiftah Shapir (eds.) (2001): *The Middle East Military Balance 2000-2001*, Cambridge (Mass.)-London, Tel Aviv University and The Mit Press, p. 168.

<sup>210</sup> According to Hezi Hermoni, president of Tadiran Com. "Contracts awarded, Communications Tadiran Com, Holon, Israel", *Jane's Defence Weekly*, 1 March 1997, p. 9.

<sup>211</sup> "Amper entrega al Ejército de Tierra los primeros 270 Radiotelefonos Ligeros Tácticos", *Infodefensa.com*, 6 November 2008, available at: [www.infodefensa.com/esp/noticias/noticias.asp?cod=815&n=Amper-entrega-al-Ejército-de-Tierra-los-primeros-270-Radiotelefonos-Ligeros-Tácticos](http://www.infodefensa.com/esp/noticias/noticias.asp?cod=815&n=Amper-entrega-al-Ejército-de-Tierra-los-primeros-270-Radiotelefonos-Ligeros-Tácticos) [Consulted: 22 December 2008].

<sup>212</sup> "Let's stop the import and export of weapons between Spain and Israel", *Red Solidaria contra la Ocupación de Palestina*, available at: [www.nodo50.org/csca/agenda08/palestina/pdf/exportaen.pdf](http://www.nodo50.org/csca/agenda08/palestina/pdf/exportaen.pdf) [Consulted: 20 November 2008].

<sup>213</sup> Daniela Berdugo (2009): *Op. Cit.*, p. 16.

<sup>214</sup> "Expanded Deployment of Snapshield's Secure Communication Solutions by Telefónica Soluciones SARL in Spain", press release of Tadiran Communications, 28 November 2005, available at: [www.army-technology.com/contractors/navigation/tadiran/press13.html](http://www.army-technology.com/contractors/navigation/tadiran/press13.html) [Consulted: 22 December 2008].

<sup>215</sup> "CASA wins C-130 contract", *Jane's Defence Weekly*, 4 November 1995, p. 15.

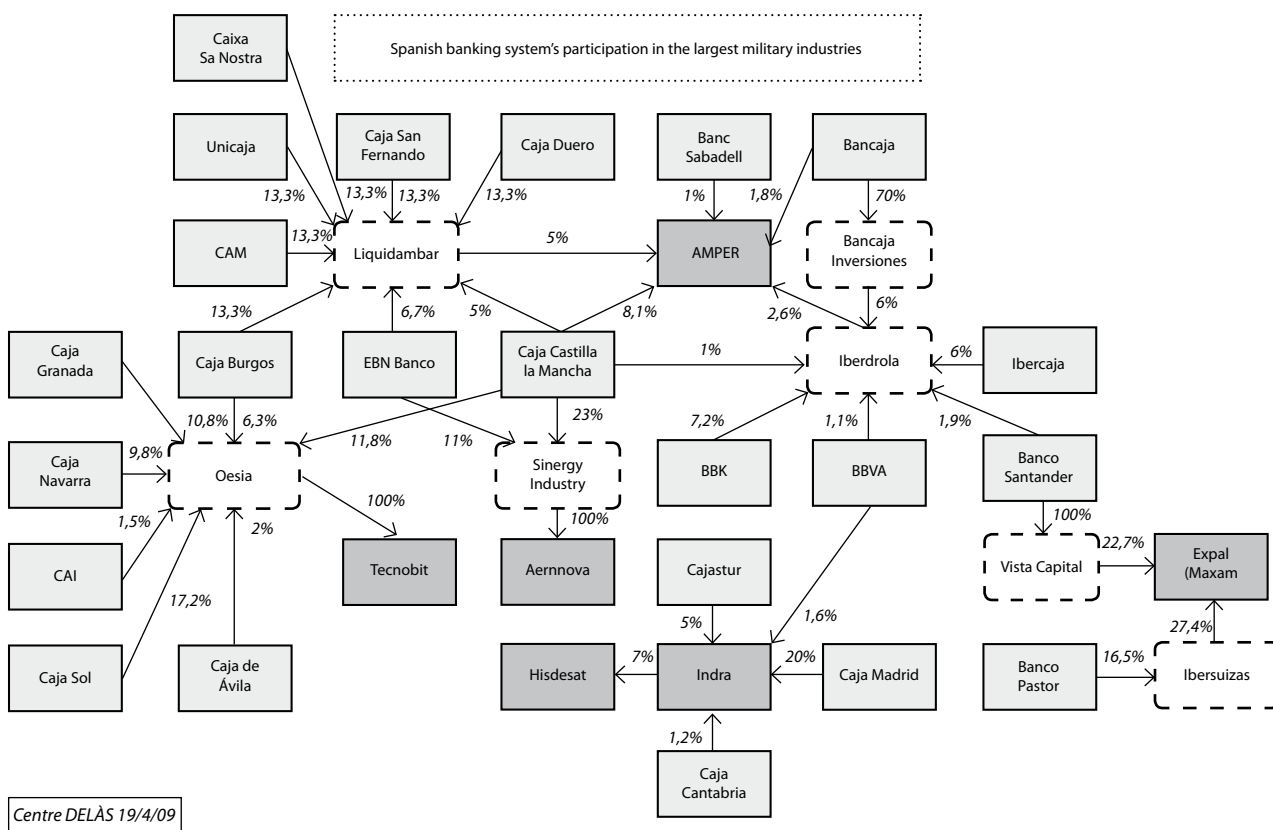
<sup>216</sup> J. A. C. Lewis (2008): "Dassault, Thales, Indra unveil MALE UAV project", *Jane's Defence Weekly*, 11 June.

<sup>217</sup> David Ing (2004): "Santa Bárbara bids to supply munitions to US", *Jane's Defence Weekly*, 21 July.

<sup>218</sup> Tim Ripley (2006): "Litening strikes Typhoon partners", *Jane's Defence Weekly*, 19 July.

One of the first collaborations of companies in the military area date back to 1989, when the company Ibermisil contacted Israeli military companies to develop the first Spanish missile. Ibermisil was created in 1987 to develop this missile for the then Spanish public companies Construcciones Aeronáuticas S.A. (CASA), Santa Bárbara, Bazán, Nacional de Óptica (Enosa) and Inisel, all integrated in the National Institute of Industry (INI, Spanish acronym). In 1989 they had invested already 4,000 million pesetas (approx. 24 million euro).<sup>219</sup>

### Connections between the military industry and financial institutions<sup>220</sup>

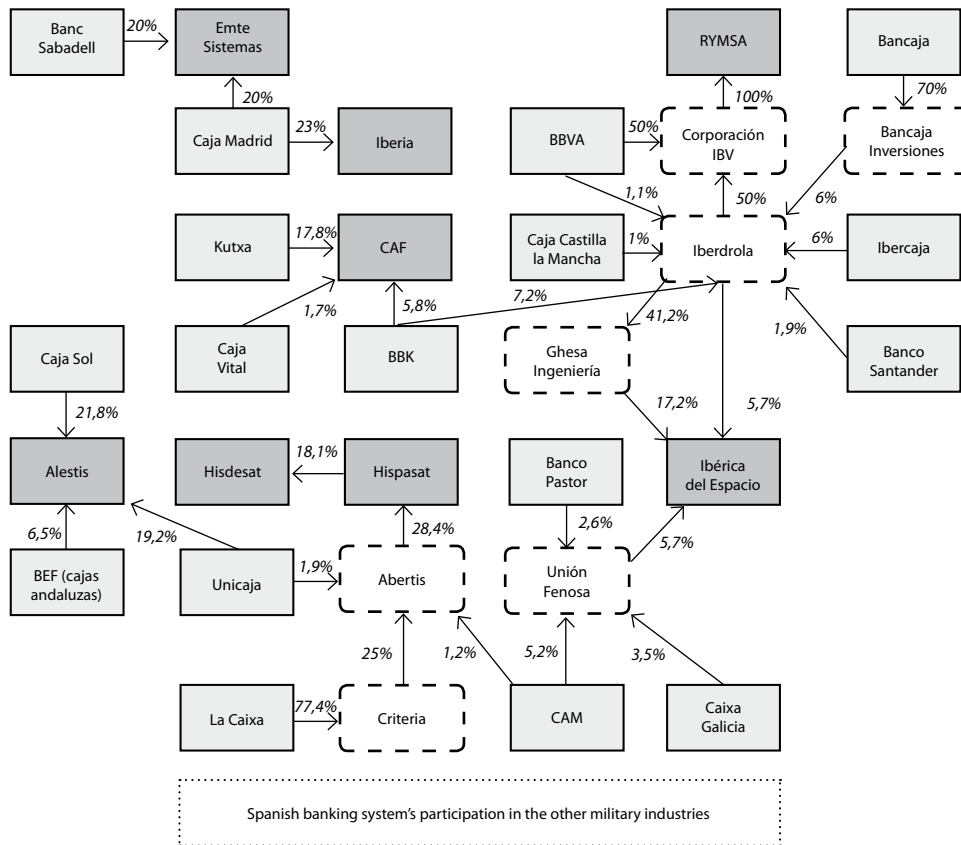


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<sup>219</sup>"Ingenieros de España e Israel establecen contratos técnicos para el desarrollo de un futuro misil español", *Op. Cit.*

<sup>220</sup> Centre for Peace Studies JM Delàs, *Statistics: Military Industry: Financing*, available at: [http://www.centredelas.org/index.php?option=com\\_wrapper&view=wrapper&Itemid=115&lang=en](http://www.centredelas.org/index.php?option=com_wrapper&view=wrapper&Itemid=115&lang=en) [Consulted: 8 November 2009].



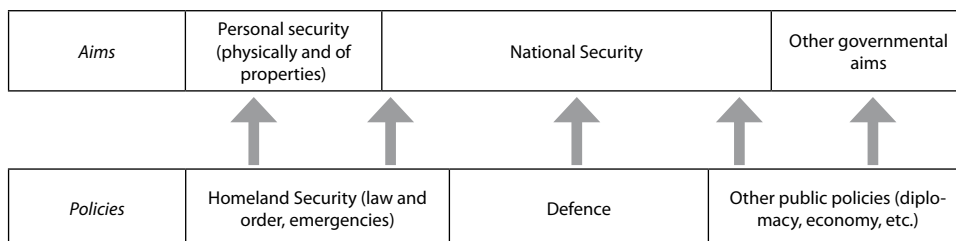


## 7.2 Relations in the security field

The traditional boundaries between internal security (departments or ministries of Interior) and the military world (Ministry of Defence) are increasingly blurred. One of the arguments most often used to justify this trend is the emergence of new threats that escape, as emphasized, from the two areas previously mentioned. Among these “new” threats are “terrorism”, organized crime, and proliferation of certain types of armament, immigration and so-called fragile states. As a result, some countries have created a department or ministry between the Interior and Defence to deal with these new threats. This department is called Homeland Security. In parallel, an associated private industry has emerged dramatically to develop products and market this “new” field of security, although a big part of these companies were traditionally in charge (and continue to be) of the Defence industry. This new increasing market is financed largely by public funds. Overall government spending on goods and services of Homeland Security could reach in 2009 141,600 million dollars.<sup>221</sup> The following graphic can help to outline the new scenario that has become most prevalent since the attacks of 11 September 2001 in the U.S..<sup>222</sup>

<sup>221</sup> Ben Hayes (2009b): *NeoConOpticon. The EU Security-Industrial Complex*, Amsterdam-London, Transnational Institute – Statewatch, p. 4.

<sup>222</sup> Scheme based on another scheme published in the White Paper on Defence and National Security of France, collected by Ben Hayes (2009b): *Op. Cit.*, p. 74.



Here are shown three quotes that can help to understand the business boom of Homeland Security, and which come from a report by Ben Hayes about the growing security-industrial complex (in reference to the traditional military-industrial complex:<sup>223</sup>

- European Defence Agency: *“The European Defence Agency encourages, together with the European Commission, to establish a European Framework for Cooperation for Research in Security and Defence. This new framework will provide the overall structure to maximize synergy and complementarity between the defence and civilian research activities on security.”*
- Eminent Persons Group About Security Research:<sup>224</sup> *“Technology often has multiple objectives. Defence and civilian applications are drawn from the same technological base and there is a growing cross-fertilization between the two areas... As a result, the base technology for defence, security and civilian applications are increasingly a continuum... applications in one area can often be transformed.”*
- Tim Robinson, Vice President of the Security Division of Thales: *“‘Security’ is a politically more acceptable way of describing what was traditionally the defence.”*

### The leading role of Israel in the field of Homeland Security

The leading role of Israeli industry in terms of internal security technology is quite clear. You could even say that the country is the most relevant in the sector. According to Naomi Klein, Israel has raised after the 11-S, a conversion of its already very important computer technology industry and of communications technology related to security and surveillance, experiencing a real business boom becoming “a sort of shopping centre of security technologies for internal consumption.” A big part of the technology exports (about 60% of total Israeli exports) are related to security. The logic shown by Israel to other countries in the world was, according to Klein: “the war on terror in which you have just embarked is on what we have been fighting since our birth. Let our high-tech companies and our privatized espionage enterprises will demonstrate how it has been done.”<sup>225</sup> Since 2002, Israel has organized annually in its territory at least half dozen of major conference on internal security targeted at legislators, police chiefs and presidents of corporations worldwide, converting its territory in a destination of “official tourism against terror.”<sup>226</sup> Klein cites the words on CNN of Len Rosen, a major Israeli financial: “Safety is more important than peace (...) [during the Oslo process] people seek peace in order to provide growth. Now you’re looking for security, violence does not reduce its growth.”<sup>227</sup>

According to the governmental website “Invest in Israel”: “As a top national priority, Homeland Security in Israel is more than just an exportable commodity. Israel’s self-reliance has created a diversified and cutting edge security industry, adding innovation to existing technologies as well as developing new ones.”<sup>228</sup> It should be noted that in many cases, the big companies involved in this market are the same as those that characterises the Defence market, which produce

<sup>223</sup> Ben Hayes (2009b): *Op. Cit.*, pp. 11, 72 and 75.

<sup>224</sup> The Eminent Persons Group includes delegates from the European Commission, military companies, research institutions, politicians or observers of political and military institutions. Formed in 2003 it served to cement the structure, objectives and ideology of the future of the European Union Program for Research on Security. Ben Hayes (2009b): *Op. Cit.*, pp. 9-10.

<sup>225</sup> Naomi Klein (2007): *La Doctrina del Shock*, Barcelona, Paidós, p. 566-568.

<sup>226</sup> Naomi Klein (2007): *Op. Cit.*, p. 567.

<sup>227</sup> Naomi Klein (2007): *Op. Cit.*, p. 568.

<sup>228</sup> Government of Israel: *Invest in Israel*, available at: [www.investinIsrael.gov.il/NR/eres/7C2F6937-A259-4AAA-9C29-DE351032B87A.htm](http://www.investinIsrael.gov.il/NR/eres/7C2F6937-A259-4AAA-9C29-DE351032B87A.htm) [Consulted: 25 November 2009].

technological derived innovations. The working areas of this Homeland Security are, according to Israel's own government: aviation, maritime and transportation safety, emergency and crisis management, counter terrorism, CBRN (chemical, biological, radioactive, nuclear), EMS (emergency medical services) and public awareness, law enforcement, IT security & anti-fraud and critical infrastructure protection. Some of the products offered by these companies are:<sup>229</sup>

<ul style="list-style-type: none"> <li>• Physical Barriers and Fencing</li> <li>• Sensors</li> <li>• Intrusion Detection</li> <li>• Image processing</li> <li>• Tracking and Motion Control</li> </ul>	<ul style="list-style-type: none"> <li>• Observation</li> <li>• Access Control</li> <li>• Biometrics</li> <li>• Smart Cards</li> <li>• Anti-forgery</li> </ul>	<ul style="list-style-type: none"> <li>• Commodity Protection</li> <li>• Surveillance</li> <li>• Crowd Control</li> <li>• Command and Control Rooms</li> </ul>
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These security companies have been responsible for example for the protection of the Buckingham Palace, the Vatican, the Eiffel Tower, the Olympic Games of Athens 2004 (15 Israeli companies participated in a project of \$ 200 million dollars), the Olympic Games of Barcelona (1992), Sydney (2000), Beijing (2008) and it is expected also of London (2012).<sup>230</sup> Its technology is used in communications of the police in London, New York and Los Angeles; the surveillance systems of the City of London and the metro in Montreal; the Capitol and the U.S. Department of Defence; also in identification systems of people at airports of Heathrow (London), Athens, Glasgow, Boston, among others; and Israeli companies have formed to police corps of the FBI, the Canadian Mounted Police and U.S. soldiers and marines.<sup>231</sup> Some statistics of this sector in Israel include:<sup>232</sup>

<ul style="list-style-type: none"> <li>• Estimated 600 Israeli companies are active in the security sector, with the following breakdown: 35% technology, 35% products, 20% information technology and software, and 10% services.</li> <li>• Approximately 350 Israeli security companies export their products to the world.</li> <li>• The annual turnover of the security industry is about 4,000 million dollars, with 25%, or 1,000 million dollars of exports.</li> <li>• The sector's market growth was expected in 10-15% per year until 2010.</li> </ul>
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### Relations between Israel and Spain in the field of Homeland Security

Relations between Israel and Spain are also important in the area of Intelligence and Homeland Security, especially taking into account that while in the past the main (and sometimes the only) customer of the arms industry were the Ministries of Defence, today Interior ministries are also an important client (the chief counsel of the Israel Defence delegation in Spain, Yitzhak Soroka said the turnover of the two ministries was "almost identical").<sup>233</sup> As a result of this trend, in Israel (as in the U.S.) the department of Homeland Security, a concept with a clear tendency to be globalised, was established. Soroka's successor, Itamar Graff said in January 2009, referring to the area of Homeland Security that "Spanish companies have great potential to succeed in this market. The best way for them to gain market in Israel is to search an Israeli company as local partner, as do Israeli companies in Spain".<sup>234</sup>

<sup>229</sup> *Ibid.*

<sup>230</sup> *Ibid.*

<sup>231</sup> Naomi Klein (2007): *Op. Cit.*, pp. 568-570.

<sup>232</sup> Government of Israel: *Invest in Israel, Op. Cit.*

<sup>233</sup> José María Navarro (2006): *Op. Cit.*, p. 20.

<sup>234</sup> Joaquín Mirkin (2009): *Op. Cit.*

## Cooperation agreement on security between Spain and Israel<sup>235</sup>

Signature: 18 April 2007, entry into force: 29 January 2008.

Creation of a Spanish Interior counselling in Tel Aviv (within the framework started in mid-2004 by the Ministry of Interior to extend the police network abroad).

Scope (Articles 1.2 and 3.2):

- Information exchange on strategic and operational intelligence.
  - Coordination of activities in the fight against drug trafficking and other serious crimes such as terrorism (with technical and scientific assistance, expertise and transfer of specialized technical equipment, with the exchange of experiences, experts and consultations; and cooperation in professional training).
  - Sharing knowledge and experiences and promote the study and joint research.
  - Organizing meetings, conferences, seminars and courses.
  - Cooperate and assist each other between the prison services.
  - Develop joint working groups of experts.
- Article 9: "Neither party will discover confidential information with respect to another, or assign to a third party without the consent of the concerned party, unless it is established in advance through a written consent".

Security relations between Spain and Israel are bound by numerous collaborations, not being objective of this study, we will not describe in this section. However, it is noteworthy that these links even precede the establishment of diplomatic relations between the two countries: in the late 1980s, engineers of the Spanish Digicom group (consisting of Alcatel, INISEL, Eria and Marconi) frequently visited Israel with the aim to cooperate on security technology. Digicom at that time was responsible for developing the communications network of the Army.<sup>236</sup> Also in the 1980s, the company MYDAS (Methods and Developments of High Security) acted as an intermediary company between Spain and Israel in military and security matters. This company was founded in Madrid in 1985, one of its main promoters was Abraham Erel and its president was Juan Jose Izarra del Corral, former undersecretary of the Spanish Interior Ministry between 1981 and 1982.<sup>237</sup>

<sup>235</sup> "Acuerdo entre el Reino de España y el Estado de Israel de Cooperación en Materia de Lucha contra la Delincuencia", 18 April 2007, available at: [http://noticias.juridicas.com/base\\_datos/Penal/a190407-1-aec.html](http://noticias.juridicas.com/base_datos/Penal/a190407-1-aec.html) [Consulted: 3 November 2008].

<sup>236</sup> "Ingenieros de España e Israel establecen contratos técnicos para el desarrollo de un futuro misil español", *Op. Cit.*

<sup>237</sup> *Ibid.*

<sup>238</sup> Ben Hayes (2009): *Op. Cit.*

<sup>239</sup> The detail of all mentioned projects can be searched in the database CORDIS of the European Union: <http://cordis.europa.eu/search/index.cfm?fuseaction=search.simple>.

## Collaborations within the framework of the European Union

The European Union's Security Research Programme (ESRP) has duration of seven years (2007-2013) and a cost of 1,400 million euro. It is part of the Framework Programme 7 (FP7) of R&D and one of its objectives is to promote business growth in the domestic security industry in Europe. Public and private entities of the Defence sector and technology are involved.<sup>238</sup> In late 2009, of more than fifty projects in process, 13 saw the collaboration of Israeli and Spanish public or private entities, and at least five of these projects were led by an Israeli entity.<sup>239</sup> Below are listed some of the common projects between Israeli and Spanish groups with funding from the European Union, and other joint projects beyond the FP7-security programme that are related to Homeland Security. In each case, the group coordinator is mentioned when it is Israeli or Spanish and also the number of other participating groups (of other countries).

Research projects funded by the European Union in the field of Homeland Security with the participation of Spanish and Israeli entities:<sup>240</sup>

Name /Start and end of the project	Description	Total cost (Funded)	Israeli or Spanish participation
<b>Projects FP7-Security</b>			
TALOS 01-06-2008 31-05-2012	Mobile, modular, scalable, autonomous and adaptive border control system. Uses unmanned vehicles and aircraft.	19.906.815 € (12.898.332 €)	TTI Norte S.L. (Santander) Israel Aerospace Industries Ltd. (IAI) (Other 12)
SEREN 01-02-2008 31-07-2009	Aim of linking the various national contact points on safety research programme (ESRP, the European Union's Security Research Programme) to improve coordination and quality.	743.597 € (557.692 €)	Centro para el Desarrollo Tecnológico Industrial (Madrid) Matimop, Israeli Industry Center for Research & Development (Tel Aviv) (Other 26)
ESS 01-06-2009 31-05-2013	The Emergency Support System (ESS) provides real time information on how to respond to crisis managers during abnormal situations, in coordination with field forces (police, rescue, and fire).	14.025.625 € (9.142.126 €)	Verint Systems Ltd. (Herzeliya, Israel) (coord.) Maden David Adom In Israel (Tel Aviv) Ernst & Young (Israel) Ltd. (Tel Aviv) Aeronautics Defense Systems Ltd. (Yavne, Israel) Grupo Mecánica del Vuelo Sistemas S.A. (Tres Cantos, Madrid) (Other 14)
EUSECON 01-03-2008 29-02-2012	Analyses the emerging sector of the economy of European security, to establish an operational network of European researchers in economics and security affairs as a basis for research on safety, specifically on terrorism and organized crime.	3.000.736 € (2.357.188 €)	University of the Basque Country (Vizcaya) Ingeniería de Sistemas para la Defensa de España S.A. (ISDEFE, Madrid) The Hebrew University of Jerusalem (Other 11)
IDETECT 4ALL 01-07-2008 31-12-2010	Warning and surveillance technology and 3D intrusion detection in critical infrastructures. Optical sensor technology systems and authentication of intruders.	3.239.571 € (2.298.014 €)	Halevi Dweck & Co. Arttic Israel Company Ltd. (Jerusalem) C.A.L. Cargo Airlines Limited (Hayarden, Israel) Azimuth Technologies Limited (Raana-na, Israel) Motorola Israel Ltd. (Tel Aviv) Everis Spain S.L. (Madrid) (Other 5)
INFRA 01-04-2009 31-03-2011	Technologies and systems to support emergency and crisis in some critical infrastructures under all circumstances. Technologies to standardize equipment and answers.	3.820.811 € (2.642.895 €)	Athena GS3-Security Implementations Ltd. (Holon, Israel) (coord.) Ingeniería de Sistemas para la Defensa de España S.A. (ISDEFE, Madrid) Everis Spain S.L. (Madrid) Halevi Dweck & Co. Arttic Israel Company Ltd. (Jerusalem) Opgal Optronics Industries Ltd. (Karmiel, Israel) (Other 5)
SAFE-COMMS 01-04-2009 31-03-2011	Effective communication strategies after terrorist attacks, through a manual, other materials and training modules.	1.397.232 € (1.088.244 €)	Bar Ilan University (Ramat Gan, Israel) (coord.) University of Burgos (Other 4)
<b>Other non FP7 projects with application in Homeland Security</b>			
CAPECON 01-05-2002 31-12-2005	The identification of potential untapped civilian commercial applications of unmanned aircrafts, used so far for military purposes	5.136.539 € (2.899.992 €)	Israel Aircraft Industries Ltd. (coord.) Tadiran Spectralink Ltd. (Holon, Israel) Technion - Israel Institute Of Technology (Haifa) Tadiran Electronic Systems Ltd. (Holon, Israel) Instituto Nacional de Técnica Aeroespacial Esteban Terradas (Torrejón de Ardoz, Spain) (Other 14, including EADS and Eurocopter)

BIOSEC 01-12-2003 30-11-2005	Biometric technology in the intelligence field, safe access and customization, through 3D methods of face, hands, voice, finger, iris, and its combinations.	9.676.213 € (5.549.995 €)	Telefónica Investigación y Desarrollo S.A. Unipersonal (Madrid) (coord.) University Carlos III of Madrid Polytechnic University of Madrid Ibermatica S.A. (Guipúzcoa) ETRA Investigación y Desarrollo, S.A. (Valencia) VCON Telecommunications Ltd. (Herzliya, Israel) Polytechnic University of Catalonia (Other 16)
BEMOSA 01-09-2009 31-08-2012	Programme risk elimination of hostile action in the air transport system for security threats at airports, through advanced software that prevents social behaviour in stressful emergencies.	4.215.906 € (3.399.934 €)	Technion - Israel Institute of Technology (Haifa) (coord.) Fundación Cartif (Boecillo, Spain) (Other 8)
SECURE-FORCE 01-01-2006 28-02-2009	Promotes the participation of SMEs in European projects of R&D in the field of security, with special attention to crime and cyber terrorism, hardware management and crisis management	2.045.095 € (1.637.705 €)	Instituto Andaluz de Tecnología (Sevilla). Consen EEIG Euro-Group A.E.I.E. (Barcelona) Alma Consulting Group Ltd. (Rehovot, Israel) Econet S.L. (Madrid) (Other 18)
VULCAN 01-10-2006 31-03-2010	Improved aircraft structures against explosions and fires caused by terrorist or other incidents.	4.916.529 € (2.987.383 €)	Fundación Inasmet (Donostia) Israel Aircraft Industries Ltd. Sener Ingeniería y Sistemas (Getxo) (Other 12)
MEDSI 01-01-2004 31-10-2005	Development of software services as a tool to improve the skills of crisis managers and planners in public and private organisations through the integration of GIS (Geographical Information System).	4.266.217 € (2.199.476 €)	Telefónica Investigación y Desarrollo S.A. Unipersonal (Madrid) (coord.) Grupo Apex S.A. (Pozuelo de Alarcón, Madrid) Holon Municipality (Israel) (Other 8)
SAFEE 01-02-2004 30-04-2008	Building an advanced security system in aircrafts to operate in scenarios of a terrorist threat aboard.	35.839.375 € (19.450.976 €)	GS-3, Global Security Services Solutions (Tel Aviv) Ingeniería de Sistemas para la Defensa de España S.A. (ISDEFE, Madrid) (Other 26)

## Bilateral cooperation

**Training in Israel.**<sup>241</sup> Favourable conditions of Israeli law regarding the use of weapons: on the one hand, live ammunition can be freely used, while in Spain it is limited to 19 shots per quarter (it is estimated that in Israel take place between 1200 and 1500 shots a week). On the other hand, shooting in motion, from vehicles and combined scenery or with a partner close is practiced, while in Spain live ammunition can only be used in shooting galleries with straight lines and always with the presence of the Civil Guard. Civil Guard officers (individually) or bodyguards of businessmen, politicians and judges in the Basque Country were students in courses conducted in Israel. Security and Intelligence Advising provided a course in Israel, attended by representatives of the Spanish firms BBVA, Telefónica and Renfe.<sup>242</sup>

**Training in Spain.** Although the conditions are more stringent, training programmes were also carried out in Spanish territory. For example, in April 2008, two Hebrew experts instructed agents of the National Intelligence Centre (CNI, Spanish acronym) and civil guards, mainly in the management of express kidnappings and the detection of "Islamist terrorist groups."<sup>243</sup>

**Cooperation with Catalonia.** According to Israel Business Today, in 1992, the company *Israel Military Industries* (IMI) won a contract of \$ 40 million to revise the security system of three

241 "Israel, escuela de seguridad para escoltas españoles", *EFE*, 11 April 2008, available at: [www.canarias7.es/articulo.cfm?id=91687](http://www.canarias7.es/articulo.cfm?id=91687) [Consulted: 4 October 2008].

242 According to SIA (Security and Intelligence Advising). See: "Curso de Security Management en Español en Israel culmina con participación de altísimo nivel española, estadounidense y latinoamericana", note of SIA on 19 July 2004, available at: [www.siacorp.com/190704press.htm](http://www.siacorp.com/190704press.htm) [Consulted: 4 October 2008].

243 "Escoltas del País Vasco y guardias civiles entrenan en Israel", *El País*, 12 April 2008.

Catalan prisons (expandable to 13 prisons). IMI has been subcontracted by TENBA.<sup>244</sup> Moreover, several companies proposed Israeli security services and consulting for the 1992 Olympics in Barcelona.<sup>245</sup>

### Some Israeli security companies in Spain

The Israeli Embassy in Madrid says that there are 41 Israeli security companies seeking representation and market in Spain.<sup>246</sup> The Israeli Government does not accept responsibility for external action of security companies run by their nationals.<sup>247</sup> Some of the most significant companies are:

- **Guardián Protección Especial S.A. (GPE)**. Founded by former members of the Shin Bet, the special services of Israel's security, provides protection of persons, branches, facilities and events as well as training, safety products and advice. They offer training in locations like Soria (Alazán) and Madrid (Torrejón, at the same tracks of the National Institute of Aerospace Technology, INTA). A course in Israel for less than two weeks can cost around 4,000 euro, plus transportation. Customers are the personal protection and police members (also available upon request).<sup>248</sup>

- **SIHT – Security Intel Hi Tech**. Based permanently in Israel, Spain, Mexico and Czech Republic and, intermittently, in Colombia, Brazil, USA, Algeria and Morocco. Collaborates with GPE.<sup>249</sup>

- **Intel Hi-Tech (Intelligence High-Technology)**. Based in Madrid, it is dedicated to “catalogue the latest technology in managing global intelligence and privacy and focus them on the Spanish speaking market of security and defence.”<sup>250</sup>

- **International Security Academy (ISA)**. Created in 1992 by former General Tzahal (Israeli army), offering escort services and training. One of the first activities of this company was training in Spain for a month of a group of Spaniards at the border of the Gaza Strip with a team of Israeli Special Forces.<sup>251</sup>

- **ISMS (Information Security Management System)**. Based in Logroño and Gibraltar. Provides security to Kurdish in Iraq<sup>252</sup> (at least eight members of the Patriotic Union of Kurdistan). The salary is 500 dollars a day, plus expenses and allowances.<sup>253</sup> His manager says cooperating with the Spanish National Centre for Intelligence (CNI, Spanish acronym) and working with advisory services to the regime of Teodoro Obiang in Equatorial Guinea.<sup>254</sup>

- **ICTS (International Consultants on Targeted Security)**. Operating in Spain since 1987, although in 1989 still had no permission to do so. Among others, and while illegally, it worked for the Banco Español de Crédito and the Alpha Jet Charter Company, dedicated to private transport of senior executives.<sup>255</sup>

### 7.3 Spanish imports of Israeli arms

To understand the significance of imports of Israeli military equipment, we must highlight how this business works. Firstly, one of the main reasons why a country decides to export military equipment is to lower prices of domestic production. The arms industry's main customers are usually the armed forces. The cost per unit of product produced (paid by the state) will be different if only the amount demanded by the Government is produced than if producing a higher number of equipment and exporting the surplus. For this reason, the government itself often looks favourably on arms exports, because it represents a reduction in costs. In this explanation,

<sup>244</sup> “IMI locks up Spain”, *Israel Business Today*, 29 May 1992, available at: [www.accessmylibrary.com](http://www.accessmylibrary.com) [Consulted: 9 October 2008].

<sup>245</sup> Government of Israel: *Op. Cit.*; “La empresa israelí ICTS se presentó en público hace cuatro meses”, *El País*, 13 October 1989.

<sup>246</sup> Lucas Marco (2007): “Empresas israelíes de ex-altos mandos militares desembarcan en el mercado español de la seguridad”, 23 September, available at: [www.profesionalespcm.org/\\_php/MuestraArticulo2.php?id=9397](http://www.profesionalespcm.org/_php/MuestraArticulo2.php?id=9397) [Consulted: 20 September 2008].

<sup>247</sup> “La empresa israelí ICTS se presentó en público hace cuatro meses”, *Op. Cit.*

<sup>248</sup> Information of the GPE's website, available at: [www.guardianspain.com](http://www.guardianspain.com) [Consulted: 18 September 2008].

<sup>249</sup> Information of the SIHT's website, available at: [www.siht.org](http://www.siht.org) [Consulted: 18 September 2008].

<sup>250</sup> Lucas Marco (2007): *Op. Cit.*

<sup>251</sup> *Ibid.*

<sup>252</sup> “Otras formas de ser mercenario (también en España)”, *Interviu*, available at: [www.interviu.es/default.asp?idpublicacion\\_PK=39&idioma=CAS&idnoticia\\_PK=49525&idseccion\\_PK=547&h=](http://www.interviu.es/default.asp?idpublicacion_PK=39&idioma=CAS&idnoticia_PK=49525&idseccion_PK=547&h=) [Consulted: 3 November 2008].

<sup>253</sup> Lucas Marco (2007): *Op. Cit.*

<sup>254</sup> *Ibid.*

<sup>255</sup> Joaquín Prieto and Ferran Sales (1989): “Una compañía israelí de alta seguridad opera ilegalmente en España con cobertura de Hachuel”, *El País*, 10 October.



we must understand that Israeli arms exports also have an impact on domestic militarization (in Israel). Contrary to what happens in other countries, Israel exports 75% of its weapons production, and its military industry is reliant on these transfers.<sup>256</sup> As the three-time Defence Minister and Foreign Minister in the 1980s and 1990s, Moshe Arens, warned:

*"Every country must do business with those products in which it has a comparative advantage... The greatest comparative advantage of Israel is in military products, because they require advanced technology on the one hand and military experience on the other. Today, one can say that no country is so dependent on arms sales as Israel".*<sup>257</sup>

Secondly, it can be regarded that Israel exports highly developed military technology due to the experience gained by the ongoing conflict with the Palestinians. Itamar Graff, chief counsel of the Israeli Defence Delegation in Spain recognises that Israel (also referring to the Occupied Territories) is "a 'laboratory' of means of warfare and new defence technologies, for one simple reason: the constant and increasingly sophisticated threats to which it has been and is subjected to since its creation as a State and its continuing struggle to survive".<sup>258</sup>

One of the main features of the Israeli industry is "accelerating the development of programmes of research and development [(R&D)] and that projects go to operational status, to be later exported."<sup>259</sup> One explanation for the speed of R&D programmes are frequent military operations of Israeli military forces in armed conflicts.<sup>260</sup> In the words of Itamar Graff: "Unlike other countries, in Israel the engineer who developed a technology, is serving at the same time in the army as a combatant or as head of a unit while serving as a reservist and therefore lives closely and knows the needs of the Israel Defence Forces. This daily interaction between industry and the Army allows flexibility, improvisation, creativity and a substantial reduction in project deadlines."<sup>261</sup>

In 1995, Spain acquired Israeli unmanned aerial vehicles (UAV) and modernized the configuration of its Boeing 707 to the SIGINT system (intelligence signals).<sup>262</sup> The company in charge of this modernization was IAI.<sup>263</sup> This system is based on technology of the Israeli companies Elta Electronics and Tamam.<sup>264</sup> Furthermore, the Spanish army has used the air system for search and rescue ARS 700 of the Israeli company Tadiran Spectralink, as well as the rescue survival radio PRC-434 of the same company. Spanish soldiers serving in Bosnia used the latter.<sup>265</sup> Examples of Israeli imports of military material and other attempts to gain access to contracts<sup>266</sup> by Israeli companies are numerous. What follows is a summary of the most significant imports registered since 2000.

### Some recent examples of Israeli arms imports:

#### 2000

- Contract with IAI of \$ 20 million to improve the Air Force SF-5BS,<sup>267</sup> namely 22 CASA-Northrop aircrafts, with an option to upgrade further 18 aircraft.<sup>268</sup>

- Contract with Rafael of \$ 14 million to equip the planes of the Spanish Air Force EF-18 Hornets Boeing with Long Range Oblique Photography (LOROP).<sup>269</sup> The development of LOROP from *Litening* system allows a dual-purpose system of recognition and targeting.<sup>270</sup>

256 "Israel's Defence Export contracts break an all time record, reaching over \$4.4 billion in 2006", press release of the Israeli Government, 9 January 2007, available at: [www.mod.gov.il/pages/dover/doverEnglish.asp?systype=3](http://www.mod.gov.il/pages/dover/doverEnglish.asp?systype=3) [Consulted: 14 November 2009].

257 Cited in Palestinian Grassroots Anti Apartheid Wall Campaign (2008): *Op. Cit.*, p. 1.

258 Joaquín Mirkin (2009): *Op. Cit.*

259 José María Navarro (2006c): "La industria de Defensa de Israel", *Defensa, Revista Internacional de Ejércitos, Armamento y Tecnología*, no. 337, May, p. 4.

260 José María Navarro (2006c): *Op. Cit.*

261 Joaquín Mirkin (2009): *Op. Cit.*

262 Shai Feldman and Yiftah Shapir (eds.) (2001): *Op. Cit.*, p. 168.

263 "Santiago Damaged", *Jane's Defence Weekly*, 30 July 1994, p. 5.

264 "Spanish SIGINT system is renamed", *Jane's Defence Weekly*, 13 March 1996, p. 30.

265 Damian Kemp (1997): "Israeli ASARS upgrade targets European market", *Jane's Defence Weekly*, 16 July, p. 30.

266 As example, in 1998 the Gali rifle of the company Israel Military Industries (IMI) was one of the candidates in the contest of Defence to replace the model L developed by the Centre for Technical Studies of Special Materials (CETME Spanish acronym), afterwards part of the Santa Barbara public company. "España e Israel buscan acuerdos en el campo espacial y sobre aviones militares sin piloto", no. 27, March-April 1998, available at: [www.embajada-israel.es/economia/t-be-27.html](http://www.embajada-israel.es/economia/t-be-27.html) [Consulted: 7 October 2008]. The Spanish gun, used since 1986, had trouble with the feeding mechanism and loss of precision. Finally, IMI did not receive the contract but the assault rifle G36 from Heckler & Koch, for a value of 15,000 million pesetas. David Ing (1999): "Armed Forces, Spain will adopt H&K G36 5.56 mm assault rifle", *Jane's Defence Weekly*, 24 February, p. 63.

267 Mandy Turner (2002): *Arming the Occupation. Israel and the arms trade*, London, CAAT (Campaign Against Arms Trade), p. 10.

268 Steve Rodan (2000): "IAI to upgrade F-5s for Spanish Air Force", *Jane's Defence Weekly*, 19 July.

269 Mandy Turner (2002): *Op. Cit.*

270 "Spain buys Rafael LOROP", *Flight International*, no. 4742, vol. 157, 15-21 August 2000, p. 15.



- Purchase of two *Litening-2* (airborne systems and innovation of navigation and marksmanship) for combat aircraft AV-8B. Acquired via U.S., U.S. production line. Delivered in 2000 as part of a settlement of \$ 25 million.<sup>271</sup>

### 2001

- Spain was the first customer of *ReccelLite* tactical reconnaissance systems, of the company Rafael, used by the Spanish fleet of Boeing jets.<sup>272</sup>
- Acquisition of 25 *Litening-2*, delivered in 2003-2004 for the F/A-18 fighter aircraft, probably of American production line. These systems (similar versions) have also been installed in the AV-8B Harriers.<sup>273</sup>
- Modernization of the F-5 and T-38 aircrafts; imports of communication systems and ground surveillance radar.<sup>274</sup>

### 2003

- First Leopard 2E tanks, a cross between German and Swedish models, arrive for the Spanish army. Israeli IMI will provide the ammunition for these tanks.<sup>275</sup>

### 2006

- Purchase of 2600 Spike-MR/LR anti-tank missiles of the company Rafael (with General Dynamics Santa Bárbara Sistemas), in the terrestrial version to equip the Tiger combat helicopters. Transaction valued at 324 million euro, including 260 launchers (manufacturing in Spain, probably Tecnobit). Production of components in Spain, also for export to South America (between 50% and 60% of the cost of the programme is expected to remain in Spanish territory).<sup>276</sup> End users are the Army and Marines.

### 2008

- Purchase of four unmanned aerial vehicle (UAV) Searcher Mk II of the company IAI. The winner of the contest was the Unión Temporal de Empresas (UTE), formed by Indra, IAI and EADS-CASA. The total cost was 17 million euro (14.37 million for aircrafts), including a ground station system, launch and landing system, a data-link for information exchange from the ground with a device and remote video terminal. The officers in charge of operating the system attended an IAI training course in Israel. These aircraft have been deployed in Afghanistan in 2008 with 36 Spanish soldiers to operate the system. Indra is in charge of maintenance.<sup>277</sup>
- The Spanish Defence Ministry acquired in July 2008 100 RG-31 MK5E armoured vehicles such as MRAP (Mine resisting attacks) from the South African company BAE Land Systems, at a value of 75 million euro. The RG-31 is equipped with a mini-tower Samson of the Israeli company Raphael, with night-vision system and remote control that prevents the exposure of those shooting. BAE Land Systems was competing the contract with the model Gold of Rafael. The renovation plan includes the purchase of 575 armoured vehicles at 321 million euro.<sup>278</sup>

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**271** FIRST database (SIPRI), available at: <http://first.sipri.org> [Consulted: 15 September 2009].

**272** Mandy Turner (2002): *Op. Cit.*

**273** Alon Ben-David (2005): *Op. Cit.*; FIRST database (SIPRI), available at: <http://first.sipri.org> [Consulted: 15 September 2009].

**274** The year of importation may be different. Shlomo Brom and Yiftah Shapir (eds.) (2002): *The Middle East Military Balance 2001-2002*, Cambridge (Mass.)-London, Tel Aviv University – The MIT Press, p. 181.

**275** David Ing (2003): "Spain finally set to receive tanks", *Jane's Defence Weekly*, 21 May.

**276** "Santa Bárbara invertirá 15 millones en el misil Spike", *La Voz de Asturias*, 8 March 2006, available at: [www.lavozdeasturias.es/noticias/noticia.asp?pkid=258352](http://www.lavozdeasturias.es/noticias/noticia.asp?pkid=258352) [Consulted: 7 October 2008]; FIRST database (SIPRI), available at: <http://first.sipri.org> [Consulted: 15 September 2009].

**277** José María Navarro (2008b): "Aviones sin piloto en España", *Fuerzas de Defensa y Seguridad*, no. 361, May, pp. 22-36; José María Navarro (2007b): "El Searcher Mk II", *Fuerzas de Defensa y Seguridad*, no. 350, June, pp. 6-12.

**278** Miguel González (2008): "Chacón adelanta seis meses la compra de 100 blindados sudafricanos", *El País*, 31 July.



## 8. Conclusions

Military relations between Spain and Israel are relatively new. However, they are now running very smoothly, they are stable and booming and include different agreements for cooperation in the fields of defence and security. Also other European Union members have important military relations with Israel, although different countries have different practices. However, Spain is not among those who use best practices. In addition, there is no significant difference between the Popular Party (PP, Spanish acronym) and the Socialist Party (PSOE, Spanish acronym) in Spain, when it comes to military relations between the two countries.

Although the military relations between Spain and Israel are often reduced to the Spanish arms exports, following the review of this study we can conclude that there are two areas to be dealt with in different ways: the first is the legislative level. Indeed, Spanish law controls arms exports and therefore we can talk about the legality or illegality of exporting arms to Israel. The second is that of ethics and human rights. Although they not regulated by law, there are controversial military relations in that they can encourage the militarization of conflicts in the region and their treatment by violent means, even against the content of International Humanitarian Law and the Universal Declaration of Human Rights. We will discuss these two fields in separate paragraphs.

Regarding the legislative area, one could argue that, in general, exports of military equipment to Israel flagrantly violate four of the criteria of the Code of Conduct (criteria 2, 3, 4 and 6) which are binding in the Spanish legislation. In addition, they violate less clearly other criterion (7), possibly violate other two (1 and 5) and only one criterion would not be violated (8). Therefore, arms exports to Israel do not comply with Spanish legislation itself. Obviously, you can not prove a hundred percent that the exported arms is used (exactly the same) to violate the content of these criteria, but it is important to know that there is no guarantee on the end use of the material imported by Israel, that is, there is no way to prevent the use of Spanish arms in events such as those recently in the Gaza Strip. Furthermore, on the one hand, these exports are covered by a lack of transparency protected in terms of "national security" and, secondly, it expresses the Spanish Government's connivance with the Israeli authorities and industry and the preference of the Spanish Government, when authorizing exports, for trade issues and not others that affect human rights and International Law. While countries within the European Union have refused a total of 260 licenses for arms exports to Israel between 2001 and 2008, it is not known if any of the 89 total licenses refused by the Spanish State have been really destined for Israel. In the past fourteen years, Spain has exported "defence equipment" and small arms to Israel worth over 25 million euro, plus other exports of dual-use material for more than 8.6 million euro. Needless to say, Spain has not exported weapons to Palestinian authorities, a practice which also would have violated Spanish law. In partisan terms, one can say that the PP showed similar, but higher figures for arms exports during his legislative period (1996-2004) than the PSOE (-1996 and 2004-).

The second area of treatment of military relations between Spain and Israel would not be regulated by law but its questioning would be more related to ethical factors and to human rights. These relationships are imports of Israeli military equipment by Spain, the business collaborations between Israeli and Spanish industry (and with the governments of both countries) and the connections in the field of Homeland Security. As for imports, the exact volume of transfers from Israel to Spain is unknown, as this information is not public in Spain. However, are well known, among others, some sales in the form of missiles and unmanned aerial vehicles (used

by Spain in Afghanistan). Only those items exceeded 340 million euro, and therefore can be said that the turnover of Israeli arms imports by Spain is much higher than exports in the opposite direction. Firstly, these imports cheaper domestic production of arms in the Israeli industry: Israel exports more than three quarters of its military production and thus, its industry is highly dependent on exports. On the other hand, we wish to emphasize here that if Spain imports Israeli military equipment is because this country boasts one of the most "advanced" military industries of the world. A partial explanation for this advanced level of cutting edge technology is based on Israeli military effort (about eight times higher than the Spanish, in terms of percentage of expenditure on GDP), which receives its domestic legitimacy by the constant threat (real or figurative) that the Israeli population perceives both abroad (Iran, some Arab countries ...) and inside (the Occupied Territories of Palestine, stressing the particularity of the Gaza Strip). Thus, it is important to note that there also exists, albeit indirect, a clear link between the Spanish imports of Israeli armament and the occupation of Palestine.

With regard to industrial cooperation, relations are even more significant. In a situation where each country prioritises its own local defence industry, the consortia that are materialized between Israeli and Spanish companies to access each of the respective markets are highlighting, and even to third markets after joining the consortium of other companies of those countries. Turnover of these collaborations can reach fifty million per year, much higher than that recorded by Spanish exports of military equipment. In this connection it is important to remember that the Israeli military industry is mostly public (and the private part is intervened strongly by the state), while Spanish companies involved in these military consortia (Indra, Amper, EADS - CASA, Santa Bárbara, Tecnobit and Telefónica, among others), even if they are generally private companies, they are publicly funded and receive other facilities by the Spanish government structures.

Finally, the Homeland Security sector represents a very successful business, following the identification of "new" threats related to "terrorism", organized crime, and immigration or trafficking of illegal products, among others. Although it was not possible to determine the volume of business between Spain and Israel in this sector, it is estimated that it is approaching the turnover of the defence sector, and that the companies involved are often the same that benefit in the military and defence sector. In the field of Research & Development (R&D), Israel often participates in programmes funded by the European Union in cooperation with Spanish companies and institutions. With respect to business collaborations between the two countries on security issues, we conclude that relations are strong, growing and stable, as is the establishment of Israeli industry in Spain.

In the television programme to which we referred in the introduction, the president of the Spanish Government, José Luis Rodríguez Zapatero, said that arms sales to Israel were "absolutely insignificant." Perhaps he was right in relative terms and if we refer only to economic size and not to the relevance of the exchanges. He might even have said that they also were "absolutely insignificant" in comparison to sales that can be registered between Israel and other countries. However, taking into account, firstly, the seriousness of the terrible impact on civilians in the region and, secondly, the total military ties between Spain and Israel, that is, including at least the military equipment and the dual-use sales, imports, business partnerships and connections in the field of security, without forgetting other governmental relations between the two countries (both military and in politics), minimizing the importance of military relations between Spain and Israel and calling them "absolutely insignificant" is an unworthy manner to circumvent the necessary debate that would have to evaluate to what extent Spain is responsible for the excesses committed by the Israeli Government on the battered Palestinian population.

## Summary of the conclusions

On general military relations between Spain and Israel:

- Military ties between the two countries are now smooth and stable.
- In terms of military relations, armament and security, no significant differences between those pursued by the Popular Party (PP) and the Socialist Party (PSOE) in Spain have been found.
- There are significant differences in armament and military relations between the countries of the European Union and Israel, but Spain is not among those who use best practices.
- Armament and military relations between Spain and Israel have the potential to contribute to extend and intensify the effects of armed conflict and undermines efforts for a just peace in the region.

On Spanish arms exports to Israel:

- In general, Spanish arms exports to Israel (and also from other EU countries) are a violation of its own legislation.
- No assurance mechanism to ensure that the Spanish military equipment exported to Israel is not used to violate human rights, International Humanitarian Law or even to kill people, including civilians, has been identified.
- Systematic practices have been identified that seem to suggest that the Spanish government prioritizes the trade interests of exports above respect to the legislation governing these business practices.
- The Spanish Government has made little use (at best) to the mechanisms of denial of authorisation for arms exports to Israel. The volume of denials is especially low compared with the practice in other European Union countries that had refused a large volume of exports.
- Practices that may suggest that the Spanish government only uses the Code of Conduct to enact policy decisions and preferences already previously developed have been identified.
- Although Spanish arms exports to Israel are relatively small compared with other European exporters and other destinations of Spanish arms, arms exports to Israel are systematic and significant.
- There is no reason to believe that stopping the Spanish arms sales to Israel jeopardize the security of the State of Israel.

On Israeli arms imports by Spain:

- The turnover of Israeli arms imports by Spain is much higher than the turnover of Spanish exports to Israel.

- Although there is no law to control the arms import in Spain, we can say that these imports cheaper domestic production of weaponry in the Israeli industry and that they are related to the advanced technology of next generation products as a result of the Occupied Territories having become a permanent test lab.

On business cooperation between Spain and Israel:

- The turnover of business cooperation between Spain and Israel far exceeds the turnover of Spanish arms exports to Israel.
- Spanish and Israeli firms cooperate not only to access their respective markets, but also establish partnerships with other companies to access third country markets.
- A significant number of Spanish companies is maintaining or has been maintained in the past consortia with Israeli military industries. Among others: Indra, Tecnobit, EADS-CASA, Telefónica, Amper, Expal or Santa Bárbara. On the Israeli side, the largest military companies are involved, including IAI, Elbit, Rafael, IMI, Aeronautics and Tadiran.

In the field of security:

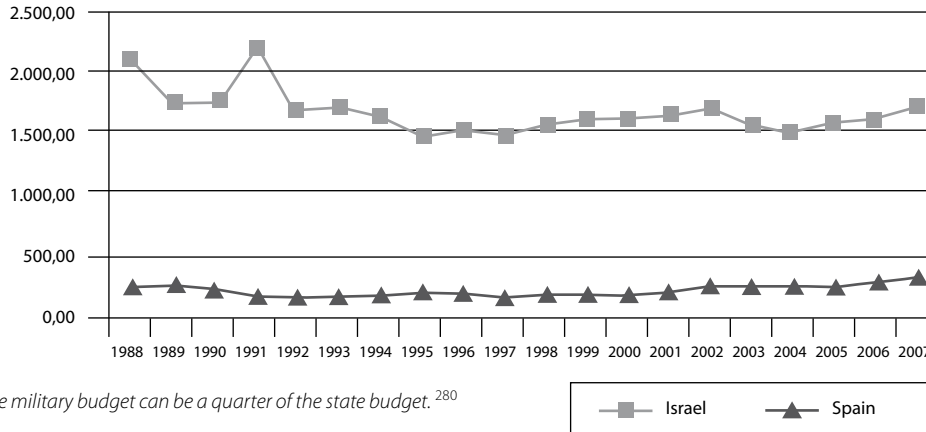
- The relations between Spain and Israel in the field of R&D are strong and dynamic.
- The security sector is booming, and the European Union and the governments of Israel and Spain have promoted this increase in business. The turnover of the security sector is approaching the turnover of the defence sector, and companies involved are generally the same in both sectors.
- Israel often participates in R&D programmes funded by the EU in cooperation with Spanish companies and institutions.

## 9. Appendices

### Appendix 1: The military industry in Israel

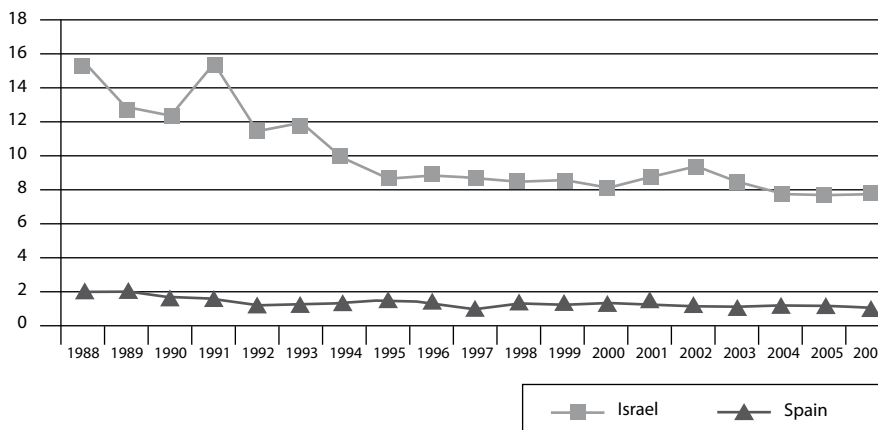
#### Militarization of Israel

##### Military spending per capita (in constant dollars of 2005)<sup>279</sup>



The military budget can be a quarter of the state budget.<sup>280</sup>

##### Military spending (in % of GDP)<sup>281</sup>



##### Military comparison between Israeli and Spain (data from late 2008)<sup>282</sup>

	Israel	Spain
Active soldiers	176.500	149.150 <sup>283</sup>
Soldiers (per 100.000 habitants)	2.481,59 (population: 7.112.359)	369 (population: 40.491.051)
Reservists	565.000	319.000
Military Service	Obligatory. 24-48 month plus reserve until the age of 24-54 <sup>284</sup>	Voluntary. Professional service
Nuclear Capacity	Not officially recognized, Israel can have up to 200 nuclear warheads <sup>285</sup>	No nuclear arms
Number of main tanks	3.501 (1 large tank for every 2031 people)	404 (1 large tank for every 100.225 people)

<sup>279</sup> Data of the military spending of SIPRI, available at <http://first.sipri.org> [Consulted: 15 September 2008]. As mentioned previously in the case of UNDP, it is important to say that the military expenditure associated with Spain by SIPRI considers only the budget of the Ministry of Defence, and does not add various military items found in other ministries (the total value can be twice the Defence's ones) and does not take in account the differences between the budget and the final spending, which usually is increased between 8% and 17%. See Pere Ortega (2007): *Op. Cit.*, pp. 113-142. The reality of Israeli military spending is not known. Population data of Israel in 2006: Moti Bassok (2006): "Israel's population grew 1.8 percent in 2006, to 7.1 million", *Haaretz*, 29 December, available at: [www.haaretz.co.il/hasen/spages/807107.html](http://www.haaretz.co.il/hasen/spages/807107.html) [Consulted: 5 December 2008]; population of Israel in 2007: Shelly Paz and Haviv Rettig (2007): "Israel's population reaches 7,150,000", *The Jerusalem Post*, 23 April, available at: [www.jpost.com/servlet/Satellite?pagename=JPost%2FJPArticle%2FShowFull&cid=1177251149135](http://www.jpost.com/servlet/Satellite?pagename=JPost%2FJPArticle%2FShowFull&cid=1177251149135) [Consulted: 5 December 2008]. Spanish population data by the National Institute of Statistics, available at: [www.ine.es/](http://www.ine.es/) [Consulted: 5 December 2008].

<sup>280</sup> José María Navarro (2006c): *Op. Cit.*, p. 10.

<sup>281</sup> Data of the military spending of the de United Nations Development Programme (UNDP): *Human Development Report*, reports of the years 1990 to 2007-2008. See first note of this appendix for clarification of the Spanish military spending.

<sup>282</sup> IISS (International Institute for Strategic Studies) (2009): *The Military Balance 2009*, London, Routledge, pp. 150-154 and 249-251.

<sup>283</sup> Without considering the 72,600 civilian guards who the IISS includes as active soldiers.

<sup>284</sup> 48 months (officials) or 36 months (other); women 24 months. Only Jews and Druze (Christians, Circassians and Muslims can be volunteers). Reservists up to 41 year old (some specialists to 54) for males, 24 (or marriage) for women. IISS (2009): *Op. Cit.*

<sup>285</sup> Data by IISS (2009): *Op. Cit.*; In 1986, Mordechai Vanunu, an Israeli nuclear technician, provided information and photographs about the Israeli nuclear program to the British newspaper *Sunday Times*, which cost him a conviction in 1988 of 18 years of imprisonment. After 11 years he was released in 2004 to comply, since then, domiciliary arrest. Meanwhile, Prime Minister Ehud Olmert admitted on 12 December 2006 on German television *Channel CT Sat. 1* that Israel had nuclear weapons. Palestine Monitor (2007): *Op. Cit.*

Number of fighter planes	435 (1 fighter per 16,350 people)	181 (1 fighter per 223.707 people)
Soldiers abroad	Air Force in Turkey	2.995 Soldiers in Lebanon, Afghanistan, Kosovo, Bosnia and CAR-Chad; 10 military observers to D. R.Congo, CAR-Chad and Kosovo.
Foreign troops in the country	142 observers from 23 countries (UNTSO mission to Israel, Syria and Lebanon), and other soldiers from Canada (3) and the U.S. (171)	1.238 soldiers of the United States
Income per person (2007) <sup>286</sup>	PPP 26,315 dollars	PPP 31,560 dollars
Distribution of budget (2004) <sup>287</sup>	6.1% of GDP expenditure on health 7.3% of GDP spending on education 8.7% of GDP military spending	5.7% of GDP expenditure on health 4.5% of GDP spending on education 1.1% of GDP military spending

Since the outbreak of the second *Intifada* in 2000, the military sector has become the largest sector of the Israeli economy.<sup>288</sup> despite the decrease of the relevance of the military in Israel, with a reduction in military spending and staff in arms enterprises.<sup>289</sup> While the start of the second *Intifada* reduced foreign direct investment (the former head of security, Uzi Dayan, estimated in 2002 that the conflict with the Palestinians had cost Israel 3,000 million dollars each year), that same 2002 was the year of major volume of military sales since the founding of the State in 1948, surpassing the 4.000 million dollars.<sup>290</sup> Among the manufactured military products by Israel highlight the optronics, information and communication solutions, radar, electronic warfare systems, smart weapons systems and munitions, unmanned aircrafts and technological development.<sup>291</sup>

Israel stands out in arms exports, since domestic demand is insufficient to sustain the country's military industry. It is not possible to determine, rigorously, what position represents Israel in the world ranking of exporters. The secrecy and lack of transparency as well as different ways of gauging the transfers cause that different sources provide different results. Thus, the Swedish SIPRI, one of the most recognized institutions, estimates that Israel was the twelfth exporter in the world in 2003-2007<sup>292</sup>, and the second largest exporter per capita.<sup>293</sup> Other sources place Israel in much higher positions. The U.S. journal *Defense News* ranked Israel as the fourth exporter power in 2006, behind U.S., Russia and France, and found that it was responsible for 10% of global sales,<sup>294</sup> while in 2008, as Jeff Halper remembers in the preface, Israel would have climbed one position and passed the 6,300 million dollars. Israeli authorities also tend to provide higher official data than the ones reported by SIPRI.<sup>295</sup> Israel exports three quarters of arms produced by its companies, and only 25% is to meet the needs of the armed forces, police and other security services.<sup>296</sup> While initially the customer in the Israeli industry were the Armed Forces (IDF), Israel has expanded its network of clients of military products to over a hundred countries, including some with which it has no diplomatic relations: Israel equipped aircrafts and other vehicles of the U.S. and other countries and that is why most fighters in the world use Israeli technology, such as the F-15S from the air forces of Saudi Arabia.<sup>297</sup> Most of the work involved in exporting these weapons is done by the Foreign Defence Assistance and Defence Export Organisation (SIBAT). This agency promotes the marketing and sales of products, services and Israeli military systems, in addition to monitoring and maintaining exports in accordance with state policies.<sup>298</sup>

**286** United Nations Development Programme, UNDP (2009): *Human Development Report 2009*, New York, UNDP, p. 195.

**287** Health expenditure (year 2004) by UNDP (2008): *Op. Cit.*, pp. 296-299; education and military expenditure (year 2004) by UNDP (2006): *Op. Cit.*, pp. 348-351. See first note of this appendix for clarification of the Spanish military spending.

**288** Alon Ben-David (2005): *Op. Cit.*

**289** The more than 60,000 workers who totalled the three top military industries (IAI, IMI and Rafael) in the late seventies (Alon Ben-David (2005): *Op. Cit.*) have been about 31,000 in 2006, adding, moreover, a fourth company, Elbit Systems (see information on these companies below).

**290** Robin Hughes et al. (2003): *Op. Cit.*

**291** *Ibid.*

**292** However, consider that SIPRI does not include data on small arms, and that it calculates the data through contracts (not by the records of customs, not checking the volume exported each year or any possible changes), or that data is displayed always in constant, not current dollars.

**293** With 244 dollars per capita between 2003-2007, after the Netherlands (with 252 dollars). Data on military exports by *SIPRI Yearbook 2008*, p. 325 and on population by UNDP (2008): *Op. Cit.*, p. 245. Considered data on population of 2005, average year between 2003 and 2007.

**294** Dan Williams (2006): "Israel arms sales peak despite Lebanon war fallout", *Reuters*, 17 December, available at: [www.alertnet.org/thenews/newsdesk/L17852188.htm](http://www.alertnet.org/thenews/newsdesk/L17852188.htm) [Consulted: 8 March 2009].

**295** According to statements reported by the press. See Associated Press (2007): "Israel is 4th largest arms exporter", available at: [www.thefreelibrary.com/Israel+is+4th+largest+arms+exporter-a01611426407](http://www.thefreelibrary.com/Israel+is+4th+largest+arms+exporter-a01611426407) [Consulted: 9 March 2009]; also Dan Williams (2006): *Op. Cit.*

**296** Alon Ben-David (2005): *Op. Cit.*

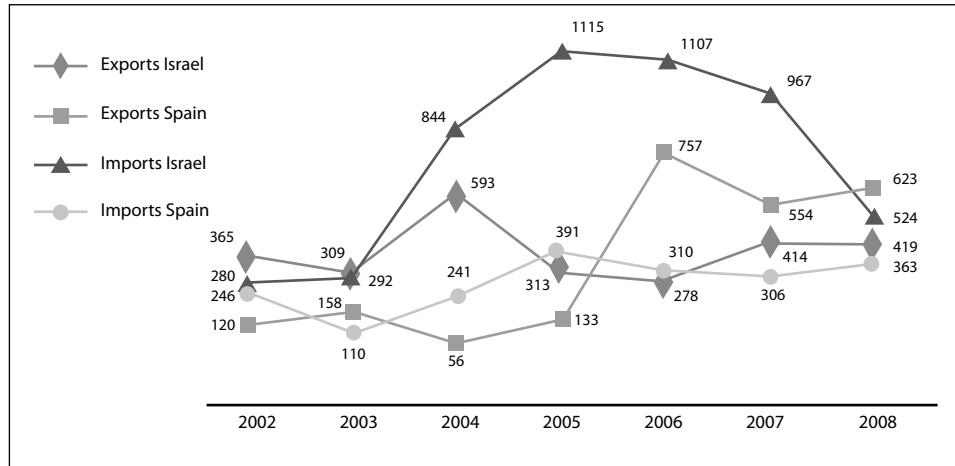
**297** *Ibid.*

**298** Robin Hughes et al. (2003): *Op. Cit.*

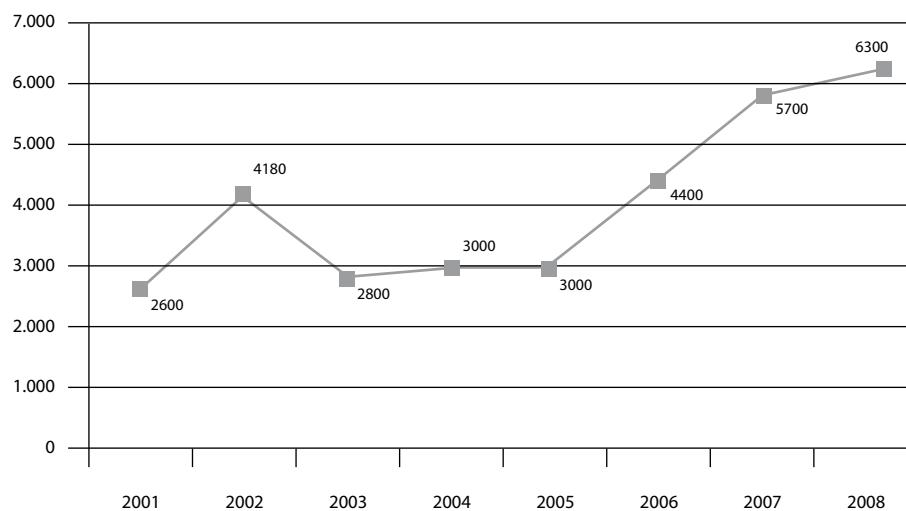


## Arms exports by Israel

(A part of the sales, according to SIPRI, in TIV)<sup>299</sup>



According to other sources (Jane's Defence and official Israeli, total sales, in millions of dollars)<sup>300</sup>



## Israel and the NATO

Recent years have seen a greater cooperation between Israel and NATO. On 27 March 2005, Israel held its first joint naval exercise in the Red Sea, with the Standing NRF Mine Countermeasures Group 2 (SNMCMG2), which brought together Spanish specialists.<sup>301</sup> In June of the same year, Israel was an observer in submarine exercise "Sorbet Royal 2005" and mid 2006, it participated for the first time in a naval exercise with an active role (not as an observer), the "Cooperative Mako 06", in the Romanian Black Sea coast, in activities in which Spain also participated. For Israel, the purpose of these operations is to increase its capacity to participate in military operations through coalitions, and Israeli politicians welcome the rapprochement with NATO. Israel is currently a member of the Mediterranean Dialogue of NATO, and participates in meetings such as the NATO Parliamentary Assembly held in Valencia in November 2008. Israel even hosted eight NATO ships in Haifa in May 2006. In the words of Teodoro López Calderón, commander of Group 2 of the maritime force, "this is an opportunity for members of the Dialogue to expand their knowledge on the new NATO and increase new cooperation."<sup>302</sup>

<sup>299</sup> The TIV (Trend-Indicator Values) is a unit used by SIPRI to measure and compare the made arms transfers (not the requested or authorized ones). The TIV measure both the quantity and quality of weapons (considering its military capabilities), and do not reflect the financial volume of the transfers (SIPRI Yearbook 2009, p. 324); data of the graphic: SIPRI Yearbook 2007, pp. 418 and 422, SIPRI Yearbook 2008, pp. 321 and 325 and SIPRI Yearbook 2009, pp. 326 and 330.

<sup>300</sup> Data of 2001-2005 by Alon Ben-David (2005): *Op. Cit.* and Robin Hughes et al. (2003): *Op. Cit.*; data of 2006 "Israel's Defence Export contracts break an all time record, reaching over \$4.4 billion in 2006", press release of the Israeli Government, 9 January 2007, *Op. Cit.*; data of 2007 by Ran Dagoni (2008): "Defense exports fall 10%", *Globes Online*, 12 October; data of 2008 by Jeff Halper, in the preface.

<sup>301</sup> Alon Ben-David (2005b): "Israel Navy exercises with NATO force", *Jane's Defence Weekly*, 30 March.

<sup>302</sup> Alon Ben-David (2006): "Israel prepares to participate in NATO drill", *Jane's Defence Weekly*, 14 June.

## The impact of U.S. aid

The United States were the first country to recognize the State of Israel in 1948. But the U.S. did not start immediately with their well-known and generous financial support to Tel Aviv, in order to not facilitate rapprochement, in times of Cold War, of the Arab countries with the Soviet Union, and the first major transfers of military equipment to Israel dating 1963, under the Kennedy administration. Tel Aviv became the largest recipient of U.S. aid in 1976, and still enjoys this privilege today. In 2005 totalled some 154,000 million dollars in total direct support. Today, Israel receives an average of 3,000 million dollars in aid per year, the sixth largest part of U.S. foreign aid budget and 2% of GDP in Israel. In recent years, 75% of the received aid has been military. This aid represents \$ 500 per Israeli citizen per year (the second largest beneficiary of U.S. aid Egypt receives \$ 20 per citizen per year). However, the above figures are probably underestimated (some sources increase the annual contribution, for example, to 4,300 million dollars).<sup>303</sup> The reasons for the discrepancies are varied, and John J. Mearsheimer and Stephen M. Walt suggest at least five:<sup>304</sup> firstly, the aid is granted with very favourable conditions which allows to receive interests of the funds until they are used (in 2004 they earned 660 million extra); secondly, Israel receives surplus equipment of U.S. stockpiles, donated or heavily discounted; thirdly, private donations from the U.S. mean approximately 2,000 additional million dollars per year, and which enjoy favourable tax conditions under U.S. law; fourthly, around 3,000 million dollars extra are registered which have been awarded to develop joint military products (such as the Merkava tank and the Arrow missile), which seem not to be acquired by the U.S. ever, and therefore can be considered as a form of aid to Israel; and finally, in fifth place it is worth remembering that there is aid that can hardly be counted, for example intelligence cooperation, access in 1997 to the early warning system for U.S. satellite missiles, the important development connivance kept, regardless of international law, weapons of mass destruction (nuclear, chemical and biological), and diplomacy in favour of Israel (according to Mearsheimer and Walt<sup>305</sup>, many of the reasons that Egypt and Jordan are second and third on the list of beneficiaries of U.S. aid is a result of the establishment of diplomatic relations between these countries and Israel).

The extensive U.S. aid is made under the pretext that Israel's military superiority is vital for being able to make concessions in peace agreements, which would contribute to regional stability.<sup>306</sup> This has led to a progressive decline of Israeli budget funds for the purchase of Israeli military products to prioritize U.S. products, including also the produced in Israel, because they can be paid through the U.S. Fund of Military Financing (26.3% of these funds may be used to buy weapons produced by Israeli companies).<sup>307</sup> One outcome that has taken this practice is that Israel has not developed some products that, in the absence of U.S. assistance, have been manufactured. A good example is the absence of an Israeli warplane, in favour of the U.S. F-16.<sup>308</sup>

Another effect of U.S. aid has been the control of some of Israel's arms exports. The most obvious case was the cancellation (by U.S. pressure) of some transfers to China in July 2000. Beijing had already paid \$ 200 million and 350 million received as compensation. China accounted for 20% of Israeli military exports,<sup>309</sup> and Beijing saw in Israel a gateway to Western military technology (in 1996 Israel re-exported even a system of early warning aircraft of the U.S.).<sup>310</sup> This cancellation significantly eroded Israel's credibility as a supplier of arms and showed its dependence on the United States.<sup>311</sup> In December 2002, Israel suspended all military contacts with China, at the request of the U.S., which has also expressed its right to veto Israeli exports to countries like India and Russia.<sup>312</sup> However, these relationships continue with all these countries and are highly significant.

In any case, the Israeli military industry is necessarily self-sufficient. Some reasons for this need are the possibility that other countries will refuse arms (questioning what is happening in the Oc-

**303** Data of this paragraph by John J. Mearsheimer and Stephen M. Walt (2007): *Op. Cit.*, pp. 24-27.

**304** John J. Mearsheimer and Stephen M. Walt (2007): *Op. Cit.*, pp. 27-31.

**305** John J. Mearsheimer and Stephen M. Walt (2007): *Op. Cit.*, p. 31.

**306** Robin Hughes et al. (2003): *Op. Cit.*

**307** Palestine Monitor (2007): *Op. Cit.*

**308** Robin Hughes et al. (2003): *Op. Cit.*

**309** *Ibid.*

**310** Palestine Monitor (2007): *Op. Cit.*

**311** Sudha Ramachandran (2004): "US up in arms over Sino-Israel ties", *Asian Times Online*, 21 December.

**312** Robin Hughes et al. (2003): *Op. Cit.*

cupied Territories), reducing costs or the option of producing tailored and optimized products to the particularity of its context.<sup>313</sup> We have to remember that before 1967 France was the main supplier of military equipment to Israel, until the Six Day War caused a French arms embargo. This began a drift toward the U.S. and an incentive not to rely on exports from the outside and building a strong Israeli military industry.<sup>314</sup>

## Overview of Israeli military companies

In the early 2000s, Israel Aerospace Industries (IAI), Israel Military Industries (IMI) and Rafael accounted for 70% of the Israeli military industry.<sup>315</sup> However, the diversification of the sector has led to other military companies, highlighting Elbit Systems, today having a growing relevance.

### Israel Aerospace Industries (IAI)<sup>316</sup>

Year	Position top 100 companies in the world	Vendes militars (milions de dòlars)	Total sales (% military)	Benefits (millions of dollar)	Workers
2004	35	1.370			
2005	33	1.520	2.340 (65%)	25	15.000
2006	30	1.820	2.800 (65%)	130	15.000
2007	34	1.960	3.316 (59%)	126	16.000

Formerly Israel Aircraft Industries is the leading arms company of Israel, both in exports and employment in the sector. It exports outside Israel 75% of its production.<sup>317</sup> Despite being a public enterprise, in 1991 the United States became the first particular market of IAI, ahead of the Israeli Armed Forces (IDF).<sup>318</sup> Contains numerous groups: Bedek Aviation Group, Commercial Aircraft Group, ELTA Systems Ltd., Military Aircraft Missiles and Space Group and System Group.<sup>319</sup> In the early twenty-first century, 60% of the IAI income came from Europe and 85% exported to the U.S. came from the civilian market.<sup>320</sup>

### Elbit Systems<sup>321</sup>

Year	Position top 100 companies in the world	Vendes militars (milions de dòlars)	Total sales (% military)	Benefits (millions of dollar)	Workers
2004	50	940			5.782 <sup>322</sup>
2005	51	1.000	1.070 (100%)	32	6.340
2006	42	1.400	1.523 (92%)	72	8.030
2007	36	1.910	2.068 (92%)	97	-

This is Israel's main private company. Dedicated to improving existing military equipment in Israel and produces unmanned aerial vehicle (UAV) through its subsidiary Silver Arrow. Their customers were in 2002, in order of turnover, the United States, Israel and Europe.<sup>323</sup> Elbit expects to double its sales in Europe, estimated in 2005 at 15% of total sales,<sup>324</sup> the year 75% of production was exported outside Israel, half through partnership structures.<sup>325</sup> In 2006, Elbit experienced a sharp increase in business, primarily due to sales of land systems for the U.S. Marine and UAV to British guards.<sup>326</sup> In 2000, Elbit merged with El-Op<sup>327</sup> and in 2005 acquired 26% of Tadiran Commu-

313 *Ibid.*

314 Sharon Komash (2004): "Israel's military industrial complex", *Peace and Conflict Monitor*, University for Peace of the UN, San José (Costa Rica), available at: [www.monitor.upeace.org/pdf/israel.pdf](http://www.monitor.upeace.org/pdf/israel.pdf) [Consulted: 6 March 2009].

315 Robin Hughes et al. (2003): *Op. Cit.*

316 Sources of the table about IAI: *SIPRI Yearbook*, years 2007, 2008 and 2009.

317 Alon Ben-David (2005): *Op. Cit.*

318 Mandy Turner (2002): *Op. Cit.*, p. 10.

319 Website of IAI available at: [www.iai.co.il](http://www.iai.co.il) [Consulted: 9 November 2008].

320 Robin Hughes et al. (2003): *Op. Cit.*

321 Sources of the table about Elbit: *SIPRI Yearbook*, years 2007, 2008 and 2009.

322 Website of Elbit Systems available at: [www.elbitsystems.com/aboutus.asp?id=524](http://www.elbitsystems.com/aboutus.asp?id=524) [Consulted: 19 February 2008].

323 Mandy Turner (2002): *Op. Cit.*, p. 11

324 Alon Ben-David (2005): *Op. Cit.*

325 *Ibid.*

326 SIPRI (2008): *Op. Cit.*, p. 263.

327 Robin Hughes et al. (2003): *Op. Cit.*

nications (TadCom), a company leading Israeli military communications equipment (percentage increased thereafter), and 70% of Elisra specialized in electronic warfare, intelligence, radar and communications.<sup>328</sup>

### Rafael Advanced Defense Systems <sup>329</sup>

Year	Position top 100 companies in the world	Military sales	Total sales (% military)	Benefits (millions of dollar)	Workers
2004	(millions of dollar)	Total sales	846 (95%)	-	5.000
2005	(% military)	Benefits	846 (95%)	-	5.000
2006	(millions of dollar)	Workers	1.001 (95%)	26	.
2007	52	1.140	1.200 (95%)	34	5.000

Part of the Ministry of Defence, became a public company (controlled by the Government) in February 2002.<sup>330</sup> It specialized in missiles, but also produces electronic warfare systems, radar and communications. Participates jointly with Lockheed Martin in some programmes, such as air-ground guided missile AGM-142, Python-4 missile and the missile Popeye.<sup>331</sup> Rafael has increased significantly in recent years its sales, and according to their regional director for Spain, Portugal and Latin America, Israel Kogan, the company charged \$ 1,200 million in 2007 and over 2,000 billion in 2008.<sup>332</sup>

### Israel Military Industries (IMI) <sup>333</sup>

Year	Position top 100 companies in the world	Military sales	Total sales (% military)	Benefits (millions of dollar)	Workers
2004	(millions of dollar)	Total sales			
2005	(% military)	Benefits	379 (90%)	-	2.720
2006	(millions of dollar)	Workers	460 (95%)	-	3.080
(In 2007 it was not among the top 100 companies in the world)					

Created in 1933<sup>334</sup> (the State of Israel was founded in 1948), manufactures small arms (including the famous Uzi sub-machine gun), ammunition, mortars, tanks and heavy artillery. The U.S. Navy is an important client. Although it has traditionally been a state company, in recent years it seems to have begun a process of privatization and, at least, the division of light weapons has been sold and the privatization of other sections are under way, but the Israeli Government made clear to compete only to acquire IMI Israeli companies.<sup>335</sup>

<sup>328</sup> Alon Ben-David (2005): *Op. Cit.*

<sup>329</sup> Sources of the table about Rafael: *SIPRI Yearbook, years 2007, 2008 and 2009.*

<sup>330</sup> Robin Hughes et al. (2003): *Op. Cit.*

<sup>331</sup> Mandy Turner (2002): *Op. Cit.*, p. 11.

<sup>332</sup> Joaquín Mirkin (2009b): "Israel Kogan, director regional de RAFAEL para España, Portugal e Iberoamérica: América Latina es y seguirá siendo siempre una zona muy importante para RAFAEL", *Infodefensa.com: Industria de Defensa israelí, un paso por delante*, special edition, available at: [www.infodefensa.com/america/edicion\\_especial/edicion.asp?cod=21&edi=3](http://www.infodefensa.com/america/edicion_especial/edicion.asp?cod=21&edi=3) [Consulted: 14 March 2009].

<sup>333</sup> Sources of the table about IMI: *SIPRI Yearbook, years 2007, 2008 and 2009.*

<sup>334</sup> Website of IMI available at: [www.imi-israel.com/Company/Profile.aspx?FolderID=25](http://www.imi-israel.com/Company/Profile.aspx?FolderID=25) [Consulted: 10 February 2008].

<sup>335</sup> Alon Ben-David (2005): *Op. Cit.*

## Appendix 2. Defence equipment exports to Israel by EU member countries

Source: Annual reports of the European Union (2001-2008)

Notes:

- Countries that are not listed have not reported any export or authorisation of military equipment to Israel.

- An empty space does not necessarily mean that no exports have been realised and no permits have been granted.

It just means that they have not been declared.

Year (no. Report)		2001 (4)	2002 (5)	2003 (6)	2004 (7)	2005 (8)	2006 (9)	2007 (10)	2008 (11)	Totals 2001-2008	Totals 2004-2008
Austria	Authorisations	185.917	4.286.315		724.806	25.450	476.890	11.875	176.925	5.888.178	1.415.946
	Exports				219.000		24.090	11.875	6.323	261.288	261.288
Belgium	Authorisations	3.692.009	13.641.937	3.148.534		14.232.708	511.867	5.409.223	1.406.573	42.042.851	21.560.371
	Exports	118.000				23.960				141.960	23.960
Bulgaria	Authorisations	no member						2.455.498	2.435.187	4.890.685	4.890.685
	Exports	no member						249.445	872.594	1.122.039	1.122.039
Czech Rep.	Authorisations	No member		10.863.689	94.000	707.000	292.000	2.820.523	285.430	15.062.642	4.198.953
	Exports	No member		1.803.000	821.000	1.289.000	261.000	2.442.820	161.379	6.778.199	4.975.199
Denmark	Authorisations								657.000	657.000	657.000
	Exports										
Finland	Authorisations	1.002.523							84.776	1.087.299	84.776
	Exports							45	9.628	9.673	9.673
France	Authorisations		32.712.931	57.397.877	101.344.894	72.219.112	89.139.711	126.271.263	75.033.595	554.119.383	464.008.575
	Exports	12.556.996			17.300.000	12.808.032	21.358.751	7.998.720	16.199.187	88.221.686	75.664.690
Germany	Authorisations	36.511.186	159.988.679	131.567.362	14.770.993	20.358.689	19.558.179	28.370.968	25.083.601	436.209.657	108.142.430
	Exports	14.254.818		100.560.000	417.000	477.000	14.000	770.000		116.492.818	1.678.000
Greece	Authorisations		1.271.500	203.034	337.784	558.858	88.606	29.640	35.160	2.524.582	1.050.048
	Exports					558.858	88.606	29.640	35.160	712.264	712.264
Hungary	Authorisations	No member		446.920	255.000		41.370	10.000	28.035	781.325	334.405
	Exports	No member		81.830			41.370	4.860		128.060	46.230
Italy	Authorisations	1.795.071	8.455	2.621.215	29.373	1.302.815	1.023.105	451.103	1.885.712	9.116.849	4.692.108
	Exports	229.782	928.795	1.421.172	161.780	220.095	42.588	444.670	270.415	3.719.297	1.139.548
Luxemburg	Authorisations					39.954				39.954	39.954
	Exports					39.954				39.954	39.954
Netherlands	Authorisations	4.310.000		10.000		7.923	393.000	166.542	314.011	5.201.476	881.476
	Exports					3.253.083			79.564	3.332.647	3.332.647
Poland	Authorisations	No member		5.273.883	4.063.682	567.488	6.678.485	3.849.692	7.008.296	27.441.526	22.167.643
	Exports	No member				508.819				508.819	508.819
Romania	Authorisations	No member						16.667.870	15.455.195	32.123.065	32.123.065
	Exports	No member						7.631.156	11.255.428	18.886.584	18.886.584
Slovakia	Authorisations	No member		776.990	4.130.158	719.897	358.413	70.712	607.355	6.663.525	5.886.535
	Exports	No member				304.656	205.506		566.055	1.076.217	1.076.217
Slovenia	Authorisations	No member		498.062	628.137	255.833	1.550.255	1.669.232	52.159	4.653.678	4.155.616
	Exports	No member		655.975	435.818	233.544	492.150	1.138.180	1.338.951	4.294.618	3.638.643
Spain	Authorisations	1.314.190	2.530.860	734.483	175.537	953.116	1.109.575	4.365.309	157.200	11.340.270	6.760.737
	Exports	487.980	1.597.100	1.005.800	35.257	273.728	441.335	1.515.934	2.358.989	7.716.123	4.625.243
United Kingdom	Authorisations	22,5 mGBP	10.000.000	16.905.000	17.280.000	33.454.974	5.927.948	6.789.897	31.555.334	121.913.153	95.008.153
	Exports	1,51 mGBP	2.170.000							2.170.000	
TOTAL euros	Authorisations	84.360.896	224.440.677	230.447.049	143.834.364	145.403.817	127.149.404	199.409.347	161.604.544	1.316.650.098	777.401.476
	Exports	30.033.376	4.695.895	105.527.777	19.389.855	19.990.729	22.969.396	22.237.345	33.153.673	257.998.046	117.740.998

### Appendix 3. Arms exports to Israel of all countries (2000-2007)

Source: United Nations Commodity Trade Statistics Database (COMTRADE)

Notes:

- Countries that are not listed have not reported any export of military equipment to Israel.

- An empty space does not necessarily mean that no exports have been realised. It just means that they have not been declared.

		2000	2001	2002	2003	2004	2005	2006	2007	Total 2000-07
1	United States	150.581.360	250.837.652	206.287.699	207.230.688	288.010.479	194.474.578	383.744.410	446.680.089	<b>2.127.846.955</b>
2	Serbia/S. and Mont.			6.074		8.626.560	2.230.693	3.894.987	205.458	<b>14.963.772</b>
3	Poland	3.693.000				298.565	1.011.508	1.350.736	4.794.870	<b>11.148.679</b>
4	Czech Rep.	189.850	511.629	2.886.296	939.634	742.792	2.252.488	910.507	585.966	<b>9.019.162</b>
5	Austria	6.357	55.232	1.163.498	3.651.078	3.104.130	218.714	192.696	500.447	<b>8.892.152</b>
6	Rep. of Korea	843.581	525.237	396.385	240.685	1.051.257	649.770	3.583.663	579.796	<b>7.870.374</b>
7	Italy	2.219.979	1.710.110	29.794	670.874	15.097	182.349	1.488.356	1.502.094	<b>7.818.653</b>
8	Romania							3.136.165	3.621.076	<b>6.757.241</b>
9	Slovakia	125.950	126.246	100.093	227.963	1.847.926	2.461.123	1.105.956		<b>5.995.257</b>
10	Finland	416.211	274.961	267.775	8.993	5.465	636.589	1.977.459	1.519.218	<b>5.106.671</b>
11	Turkey	261.782	348.844	487.143	1.374.998	189.027	480.571	539.774	754.182	<b>4.436.321</b>
12	Germany	244.000	124.000	249.000	118.000	315.000	476.000	265.000	475.000	<b>2.266.000</b>
13	Brasil		6.000	180.094	71.849	124.895	10.413	988.090	859.768	<b>2.241.109</b>
14	Spain	208.615	148.574	281.633	327.567	132.337	215.974	310.555	293.859	<b>1.919.114</b>
15	Bosnia					53.975	42.667	302.599	1.481.258	<b>1.880.499</b>
16	Colombia	2.159		59.399	4.225	19.019	105.960	1.155.818	215.395	<b>1.561.975</b>
17	Chile			1.399.999						<b>1.399.999</b>
18	Albania			4		387.169		868.246		<b>1.255.419</b>
19	Canada	124.826	216.309	14.987	146.887	53.788	132.811	166.269	354.516	<b>1.210.393</b>
20	United Kingdom	202.671	67.074	58.525	6.188	82.141	277.883	341.692	52.651	<b>1.088.825</b>
21	India					7.705	85.601	363.551	595.823	<b>1.052.680</b>
22	Croatia	175.083	446.660	185.898	144.800		47.342	14.990		<b>1.014.773</b>
23	Norway			833.777						<b>833.777</b>
24	Netherlands						420.360	364.354		<b>784.714</b>
25	Switzerland	13.808	5.314	101.022	82.657	146.017	53.130	15.175	25.429	<b>442.552</b>
26	France		51.934	169.935	19.242			2.511	104.287	<b>347.909</b>
27	Sweden	19.424	149.462	43.741	23.313					<b>235.940</b>
28	Kazakhstan								217.714	<b>217.714</b>
29	Tailand		61.942	11.755	17.398		22.775		85.650	<b>199.520</b>
30	China	700	44.550	9.609	9.980	42.115	38.798	20.479	22.836	<b>189.067</b>
31	Estonia								185.772	<b>185.772</b>
32	Denmark					50.093	35.904		74.752	<b>160.749</b>
33	Mexico	895				118.988				<b>119.883</b>
34	Australia	28.815	13.699	19.349	35.665		3.800		12.159	<b>113.487</b>
35	South Africa	20.555		50.742		11.127				<b>82.424</b>
36	Cyprus	36.030		9.601		5.428		5.743	7.483	<b>64.285</b>
37	Luxemburg						49.746			<b>49.746</b>
38	Portugal	8.747	9.208	11.768	3.131	5.251		2.112	2.708	<b>42.925</b>
39	Greece	5.219	24.236							<b>29.455</b>
40	Georgia				20.247					<b>20.247</b>
41	Japan	17.869								<b>17.869</b>
42	Vietnam							12.200		<b>12.200</b>
43	Hungary	6.000								<b>6.000</b>
44	Kenya					5.103				<b>5.103</b>
45	Botswana						4.055			<b>4.055</b>
46	Trinidad and Tobago			2.900						<b>2.900</b>
47	Belgium	1.510		1.112						<b>2.622</b>
48	Russia						1.948		135	<b>2.083</b>
49	Uganda								2.000	<b>2.000</b>
50	Zimbabwe							1.023		<b>1.023</b>
51	New Zealand						565			<b>565</b>
52	Guatemala		503							<b>503</b>
53	Palestine							45		<b>45</b>
<b>TOTAL (\$)</b>		<b>159.454.996</b>	<b>255.759.376</b>	<b>215.319.607</b>	<b>215.376.062</b>	<b>305.451.449</b>	<b>206.624.115</b>	<b>407.125.161</b>	<b>465.812.391</b>	<b>2.230.923.157</b>
<b>% U.S. of total</b>		<b>94,44%</b>	<b>98,08%</b>	<b>95,81%</b>	<b>96,22%</b>	<b>94,29%</b>	<b>94,12%</b>	<b>94,26%</b>	<b>95,89%</b>	<b>95,38%</b>

## Appendix 4. Mandatory UN resolutions not complied by Israel

In this annex<sup>336</sup>, we have only included the resolutions adopted by the Security Council of the UN, and we have excluded resolutions of the UN General Assembly, which also very numerous. The reason is that Council resolutions are binding, while the Assembly's ones are only recommendations, and we want to highlight here the failing to comply to their international obligations, some of which are directly related to EU and Spanish legislation on arms trade.

Moreover, it is pertinent to recall here that the U.S. has used its veto power in a minimum of 42 resolutions that sought to condemn or castigate actions of the State of Israel.<sup>337</sup> Therefore, it should be noted that the following resolutions did not have any opposition from the United States or any other permanent member of the Security Council.

Non-respected resolutions by Israel since 1967:

- **Resolution 236 (11 June 1967).** A day after the start of the Six Day War, the resolution calls for an immediate ceasefire of all military activities in the conflict between Israel and Egypt, Jordan and Syria.
- **Resolution 237 (14 June 1967).** Requests Israel to ensure “the safety and welfare of the inhabitants of the areas where military operations take place” and to facilitate the return of refugees.
- **Resolution 242 (22 November 1967).** Condemns “the acquisition of territory through war” and requests “the withdrawal of Israeli forces from occupied territories.” Affirms “the territorial inviolability and political independence” of each State in the region.
- **Resolution 250 (27 April 1968).** Invites Israel to not hold a military parade planned in Jerusalem on 2 May 1968, as “[this would worsen] tensions in the region.”
- **Resolution 251 (2 May 1968).** Deplores the realization of military parade in Jerusalem despite resolution 250.
- **Resolution 252 (21 May 1968).** Declares “invalid” the measures taken by Israel, including the “expropriation of land and real estate” that aims to “change the status of Jerusalem”, and calls to refrain from taking such measures.
- **Resolution 267 (3 July 1969).** Censors “all measures [(by Israel)] to change the status of Jerusalem.”
- **Resolution 340 (25 October 1973).** After the War of Ramadan, this resolution creates the second UN Emergency Force (FENU II) to “monitor the ceasefire between Egyptian and Israeli forces.”
- **Resolution 446 (22 March 1979).** Demands the cessation of “Israeli practices that aim to establish colonies of population in the Palestinian territories and other Arab territories occupied since 1967” and declares that such practices “have no validity in law” and calls Israel to respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

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<sup>336</sup> Appendix based on a list elaborated by *Le Monde Diplomatique*, Spanish edition, no. 160, February 2009.

<sup>337</sup> The first dates in 1972, when U.S. prevented paragraph 74 of resolution S/10784 (which sought to condemn Israel for its attacks on Syria and southern Lebanon) from being approved. One of the last was the refusal to adopt the resolution S/878 of 2006, calling for a mutual ceasefire in the Gaza Strip. *Palestine Monitor* (2007): *Op. Cit.*

- **Resolution 468 (8 May 1980).** Declared “illegal” expulsion of Palestinian notable in Hebron and Halhoul through the Israeli military authorities and requested Israel its cancellation.
- **Resolution 592 (8 December 1986).** Remembers that the Geneva Convention concerning the protection of civilians during the war “is applicable to the occupied Palestinian and other Arab territories occupied by Israel since 1967”. Condemns “the Israeli army who opened fire, killed and wounded students” from Bir Zeit University.
- **Resolution 605 (22 December 1987).** Condemns Israel’s practices that violate the human rights of the Palestinians in the Occupied Territories, particularly the fact that the Israeli army has opened fire, killed or injured Palestinian civilians.
- **Resolution 607 (5 January 1988).** Israel has to “refrain from expelling the Palestinian civilians from the occupied territories” and must comply with the rules of the Geneva Convention.
- **Resolution 608 (14 January 1988).** Calls Israel to “cancel the expulsion order of Palestinian civilians” and to guarantee the immediate return in full safety “of those already deported.”
- **Resolution 636 (6 July 1989).** Requests Israel, in accordance with Security Council resolutions and the Geneva Conventions, to “set immediate term to expulsions of other Palestinian civilians” and to ensure the return in full safety of all expelled.
- **Resolution 641 (30 August 1989).** “Deplores that Israel, the occupying power, continues to expel Palestinian civilians” and asks to ensure the return of all expelled.
- **Resolution 672 (12 October 1990).** After the violence of the Esplanade of the Mosques / Temple Mount, the Council condemns “acts of violence committed by Israeli security forces” (in Al-Haram Al-Sharif and elsewhere in Jerusalem) and calls Israel to “scrupulously comply with legal obligations and responsibilities” with regard to civilians in the occupied territories.
- **Resolution 673 (24 October 1990).** Condemns the refusal of Israel to implement resolution 672.
- **Resolution 681 (20 December 1990).** Israel is required to apply the Geneva Convention.
- **Resolution 694 (24 May 1991).** Declares that the expulsion of four new Palestinian civilians by Israeli forces constitutes a violation of the Geneva Convention.
- **Resolution 799 (18 December 1992).** Condemns new wave of expulsions of December 1992, stressing that it is contrary to international obligations imposed on Israel by the Geneva Conventions. The Council reaffirms the independence and territorial integrity of Lebanon.
- **Resolution 904 (19 March 1994).** After the attacks in Hebron, the Council calls Israel to take the necessary measures “in order to prevent acts of unlawful violence by Israeli settlers” towards Palestinian civilians.
- **Resolution 1322 (7 October 2000).** After the start of the second *Intifada*, the Council



deplored the violence and condemned “the excessive use of force against Palestinians”. Requests Israel to respect its obligations concerning the Geneva Conventions.

- **Resolution 1397 (12 March 2002).** Requests the “immediate cessation of all acts of violence, including all acts of terror and all provocation, incitement and destruction” and calls for the cooperation of the Israelis and Palestinians with the aim of resuming negotiations.
- **Resolution 1402 (30 March 2002).** Requests the immediate ceasefire and “withdrawal of Israeli troops from Palestinian cities”.
- **Resolution 1405 (19 April 2002).** Declares, “it is urgent that medical and humanitarian agencies have access to the Palestinian civilian population.”
- **Resolution 1435 (24 September 2002).** Demands “the immediate withdrawal of Israeli occupying forces from Palestinian cities” and asks Israel to immediately end the operations of “destruction of Palestinian security and civilian infrastructure.” Requests the Palestinian Authority “to bring to justice the perpetrators of terrorist acts.”
- **Resolution 1515 (19 November 2003).** The Council expresses to be part of “the vision of a region where two States, Israel and Palestine, live side by the other, within secure and recognized boundaries” and therefore calls for parties of the conflict to fulfil their obligations regarding the roadmap.
- **Resolution 1544 (19 May 2004).** Calls Israel to respect “the obligations imposed by international humanitarian law” and, in particular, which imposes an obligation not to carry out destruction of homes.”
- **Resolution 1850 (16 December 2008).** Support of Annapolis and asks the parties to “refrain from any action likely to break the trust” and not “question the outcome of negotiations.”
- **Resolution 1860 (8 January 2009).** After the attacks in Gaza, the Council demands the “immediate establishment of a durable and fully respected ceasefire which leads to the complete withdrawal of Israeli forces from the Gaza Strip.” Requests not to impede the entry and activities of NGOs and medical personnel in Gaza.



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