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War on Want response to UK-Israel Free Trade Agreement government consultation

Summary

The UK's current trading relationship with Israel raises serious questions for the UK government across a range of important foreign policy issues including its duties under international law. Israel's serial violations of international law include Israel's illegal settlement enterprise in the occupied Palestinian territory (oPt), demolitions of Palestinian homes, ongoing blockade of the Gaza Strip, and its unlawful use of military force on unarmed civilians. The UK Foreign Office has repeatedly raised concern over these violations, and yet the UK government is continuing to pursue a preferential trade deal with Israel.

UK complicity in occupation and apartheid

Israel's oppression of the Palestinian people relies on the support of countries and companies across the world which sustains Israel's occupation and apartheid regime through diplomatic support, trade and investment. Governments across the world have not only allowed Israel to act with impunity; they have strengthened economic and political ties with Israel, despite its ongoing violations of international law.

With this in mind it is important that public consultations on trade deals invite views on whether or not a deal with Israel should be pursued at all. While the text of the existing UK-Israel Agreement provides that respect for democratic principles and human rights constitute an essential element of the Agreement, and the Trade Secretary has [stated](#) that "more trade will not come at the expense of human rights" and that "the UK will continue to show global leadership in encouraging all states to uphold international rights obligations and to hold to account those who violate those rights", the support that the UK government has given to Israel throughout its occupation of Palestinian land and systematic violations of international law give no reason to believe that human rights violations can be meaningfully addressed within the context of a trade deal between the UK and Israel, or that the UK government has any real commitment to accountability for those who violate human rights.

The UK fosters a close, and strengthening, diplomatic relationship with Israel. [UK-Israel trade has increased](#) since 2017 from around £3.9 billion to £4.7 billion per year in 2021. Trade preferences must be conditional upon respect for human rights and diplomatic principles – and although the UK government has repeatedly expressed concern over Israel's violations of international law and occupation of Palestinian territory, it has overlooked these violations in favour of reaching agreement on a trade deal.

There is overwhelming evidence that the system instituted by the Israeli government against the Palestinian people meets the UN definition of apartheid. This is the conclusion reached by human rights experts, including UN human rights experts, Amnesty International and Human Rights Watch. The UK must use all the tools at its disposal to ensure that Israeli authorities comply with international law and respect for human rights. This must include ensuring that the UK's diplomatic and economic relations with Israel do not contribute to maintaining its system of apartheid. A free trade agreement between the UK and Israel contributes to maintaining the system of apartheid by condoning the actions of the state of Israel, and providing material and economic support for its apartheid regime.

The UK-Israel arms trade

The UK-Israel arms trade is a huge part of the broader UK-Israel trading and bilateral relationship, even if arms are not covered by the terms of a proposed free trade deal. Between 2016 and 2021, the UK government has approved almost £400 million worth of military technology and arms exports to Israel (or £689 million if including items licensed as 'dual-use'). The actual value of exports will be significantly higher, given that there are 40 open licences in this period, mainly for aircraft, which allow for unlimited quantity and value of exports.

In spite of continued expressions of concern over the systemic human rights violations perpetrated by the Israeli military, the UK continues its deadly arms trade with Israel, including the sale of weapons of the type used by Israel to repress the Palestinian people. The [Consolidated EU & National Arms Export Licensing Criteria](#) sets out guidelines for the government to assess arms exports on a case-by-case basis, but the government has responded to recent queries saying that it does not track items once they have been exported. This is despite findings that UK-made weapons and components were used in Israel's previous attacks on Palestinians in 2009, in 2014, and in 2021, when thousands of Palestinians were killed in Israel's bombardments of the Gaza Strip.

Moreover, the military relationship between the UK and Israel is expanding. As well as trade in arms, it involves reciprocal military training between the UK and Israel, joint exercises between the UK military and Israeli forces, and intelligence cooperation.

Lethal violence and the use of excessive and indiscriminate force by Israeli armed forces are endemic to Israel's occupation and apartheid regime. Just last year, in May 2021, Israel's devastating bombardment of the Gaza Strip and militarised repression of Palestinian protestors in the oPt and Israel killed 261 Palestinians, injured over 2200, and left 113,000 people displaced.

Israel's use of excessive and indiscriminate force has been repeatedly condemned by the United Nations and has been deemed unlawful by human rights experts. By expanding security and defence cooperation with Israel and by continuing to trade in arms with Israel, the UK is providing material support for Israel's illegal use of force, and creating an infrastructure through which repressive practices and human rights abuses can be sustained and legitimated. The UK must end its material support for Israel's militarised repression of Palestinians and violations of international law.

Recommendations

To this end, the UK government should:

- Refuse licences for exports to Israel where the end-user is a branch of the Israeli armed forces (military, police, and border police) or military industry, and revoke relevant extant licences
- Ban arms imports from Israel, including surveillance technologies
- Ban collaborations between UK and Israeli armed forces or military industry

Illegal settlement trade

Since 1967, at least 250 Israeli settlements have been built in the occupied West Bank and East Jerusalem. These settlements and their associated infrastructure are illegal under international law, a fact reiterated in the UK's [Overseas Business Risk Guidelines](#). Today, Israel continues to expand its illegal settlement enterprise. Settlement construction has meant the theft of large swathes of Palestinian land, destruction of Palestinian homes, and seizure of water and other natural resources. Settlements are supported by an infrastructure of roads exclusively for the use of Israeli settlers which systematically violate Palestinians' freedom of movement, including through the imposition of checkpoints and the construction of the Separation Wall. Although the position of the UK

government towards Israeli settlements is ostensibly clear, [recognising them as illegal](#) under international law and an obstacle to peace, the UK has done little to bring its relations with Israel in line with its international legal commitments.

Business activity in or with settlements unavoidably contributes to sustaining this illegal situation. Goods produced in illegal Israeli settlements continue to be sold in the UK, even if, those products are excluded from the scope of the UK-Israeli TPA agreement and [do not benefit](#) from preferential tariff rates. Israeli companies have been known to mislabel settlement products as originating in Israel, thereby evading tariffs and violating international law.

At present, three UK companies are listed on the [UN database of companies](#) involved in Israel's illegal settlement enterprise: JCB, Opado and Greenkote. The UK government should be taking action to end UK businesses' involvement in illegal Israeli settlements, rather than bolstering business ties with Israel.

Through their business relationships in the oPt, corporations, including Israeli and UK corporations, play a substantial role in profiting from, enabling and facilitating Israel's occupation and the illegal forcible transfer of Palestinians that it entails. This remains a clear violation of international frameworks that oblige corporations to act in line with international law, including the [UN Guiding Principles](#). The UN Guiding Principles allow that States should provide "adequate assistance to business enterprises to assess and address the heightened risks of abuses" in conflict areas. States are also urged not to provide services and to withdraw support from companies that are involved in human rights violations in a persistent manner. Numerous UK companies that are involved in trade with Israeli companies will be complicit in human rights abuses, and may be facilitating the import of settlement products to the UK.

By helping settlements to economically flourish, the UK is undermining its own obligations under international law. Deepening trade ties with Israel inevitably deepens UK economic support for Israel's settlement enterprise through an increase in trade between UK and Israeli companies, and the import of settlement goods and natural resources. It clearly bolsters Israel's illegal occupation in general, by directly benefitting a regime that is actively expanding its illegal settlement enterprise and entrenching occupation.

The UK government has on many occasions stated the illegality of Israeli settlements, and, in 2009, introduced [non-binding guidance](#) on the labelling of settlement goods. However, unless it bans the sale of settlement goods and the export of UK goods and services to Israeli settlements, it is continuing to economically support illegal settlements and Israel's occupation and apartheid regime.

Recommendations

The UK should not advance negotiations or sign a free trade agreement with Israel and as a priority:

- Suspend the existing UK-Israel trade and cooperation agreement
- Put in place binding regulations to stop UK businesses from trading and profiting from Israel's military occupation, illegal settlements and violations of Palestinian rights
- implement a total ban on the trade and sale of settlement goods in the UK

Technology, cyber and digital trade

The UK Department for International Trade [stated](#) that 'a new agreement will aim to play to our strengths as fellow tech superpowers', and will continue to encourage greater collaboration between UK and Israeli tech

industries. The trade and defence deal between Britain and Israel also includes cyber and defence. Israel's tech industry is deeply entwined with the Israeli military. Knowledge, capital and resources from the Israeli military are transported to the private Israeli tech sector and vice versa. Technologies and components that are created for military purposes, for the repression and control of Palestinians, are then used for business applications and [exported around the world](#).

Israel is a leading exporter of surveillance technologies; it is home to the [highest number](#) of surveillance companies in the world per capita. These companies have close links with the Israeli military, in particular veterans of intelligence Unit 8200 and 9900, intelligence wings of the Israeli military responsible for the mass surveillance of Palestinians. Surveillance products are marketed as laboratory tested on the occupied Palestinian population and exported to repressive regimes around the world. Most recently, NSO Group [has been found](#) to have sold its Pegasus smartphone surveillance software to be used in transnational repression to monitor human rights activists and political dissidents – including in the UK. The UN Special Rapporteur on freedom of opinion and expression [has called for](#) an immediate moratorium on the sale, transfer and use of surveillance technology

Technology used and developed by Israel for the mass surveillance of Palestinians is also used in a broad range of civilian industries. For example, [computer vision technology](#) is a vital component of Israel's tech industry, with applications in a diverse range of industries; it is being used widely in health technologies, such as [medical imaging and diagnostics](#). Israel's development of computer vision is a result of its mass surveillance of the oPt, and the involvement of military veterans responsible for this surveillance in Israel's tech industry. Even if trade in arms and services with military and security application are excluded from the terms of trade deals, fostering ties with Israel's tech industry bolsters the human rights abuses and violations of international law from which technologies such as computer vision emerged.

The Trade Secretary has [stated](#) the ambition of the UK government to expand the current UK-Israel trade agreement to include provisions on services, data, digital trade and intellectual property. Industry representatives have called for the deal with Israel to mirror that of a recent digital agreement between the UK and Singapore, an agreement that has far reaching and concerning provisions with implications for policy areas including artificial intelligence and its regulation, data protection and workers' rights.

A digital trade chapter that includes provisions on algorithms and source code (which all recent UK digital agreements have done) would mean that the UK government could not require the disclosure of source code from Israeli companies, making it impossible to assess algorithmic biases built into the software.

Police forces are increasingly using machine learning algorithms for predictive crime mapping; and individual risk assessment - forms of "predictive policing". These technologies can exacerbate systemic racism, because these algorithms draw from flawed and non-transparent sources and because what is and what is not important for an algorithm is ultimately a decision taken by human beings. They have been shown to disproportionately impact people already subject to discrimination and violations of their human rights by law enforcement officials. In light of this, the UN Committee on the Elimination of Racial Discrimination [has stressed that](#) algorithmic profiling systems should be in full compliance with international human rights law.

Algorithms are used in Israel's surveillance operations against Palestinians, from video and facial recognition software to predictive policing tools that monitor social media use, which is used as a justification for detaining Palestinians. In the vast majority of these cases, mere suspicion was enough for their arrest. One such controversial app is [Blue Wolf Surveillance](#), an app with a database of personal information and photographs of Palestinians, often taken by Israeli soldiers against the will of those being photographed. Versions of the app are

[used by Israeli settlers and the Israeli military](#) to profile Palestinians in their presence – the app indicates whether a Palestinian should be allowed to pass, detained or arrested.

In the context of a country which specialises in surveillance technologies developed by an occupying military force, and through the violation of the human rights of Palestinians, a trade deal that both rewards the tactics used by the Israeli military in developing surveillance systems and removes the accountability and transparency around the use of those technologies poses serious risks to the UK's regulatory space and compliance with international human rights laws.

Increased trade and collaboration in digital technologies between the UK and Israel constitutes support for spy and surveillance technologies and devices that violate human rights in general and the rights of Palestinians in particular, risks normalising the rights-violating, invasive, oppressive technologies to which Palestinians have long been subject, and [would restrict the government's future ability to regulate technologies](#). Any deepening of collaboration between UK and Israel tech sectors is a deepening of UK complicity in technologies of repression, and an endorsement of Israel's routine violations of international law that allow the development of these technologies.