

The State of Israel

National Report on the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the Implementation of the International Instrument to Enable States to Identify and Trace, In a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

Israel views the dangerous phenomenon of illicit trade in Small Arms and Light Weapons (SALW), and in particular the transfer of such weapons to terrorists, as an imminent threat to international peace and security. Such weapons exacerbate internal and external conflicts, thereby increasing the suffering of innocent civilians and threatening peace and security.

Israel, together with like-minded countries, has consistently placed the issue of illicit proliferation of SALW, in all its aspects, high on its national agenda. Israel is committed to the implementation of the UN PoA on SALW. The PoA contributed significantly to international arms control efforts in the last few years by raising the issue of illicit trade in SALW to a higher priority. The 2006 review conference reiterated the key role of the PoA. However, Israel, like other states, regrets that the conference was not able to achieve a consensus document. For Israel, as well as for other states in our region and around the world, the implementation of the UN PoA has become more relevant than ever. As such, Israel stands ready to contribute to the successful outcome of the upcoming BMS conference.

In accordance with UN General Assembly Resolution 62/47, and in accordance with part II (33) of the PoA, Israel hereby submits its 2008 National Report on the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the Implementation of the International Instrument to Enable States to Identify and Trace, In a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.

PART 1

Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Israel has consistently placed the issue of preventing illicit proliferation in SALW high on its national agenda. Israel strongly believes that harmonized cooperation and coordination at the global, regional, sub-regional and bilateral levels will enhance the ongoing international efforts to prevent proliferation and combat terrorism. Nevertheless, the global campaign against terrorism and the illicit trade in SALW must begin first and foremost at the national level. It can only succeed if every state makes a sincere commitment to prevent the transfer of SALW to terrorists and non-state actors on its own soil, as well as across its territory and borders.

For its part, Israel has acted over the years to curb illicit trafficking in SALW through the enforcement of its national law and policy. Israel's policy regarding the eradication of illicit trafficking in SALW includes *inter alia* the control of components, ammunition and related technical know-how. Israeli laws and regulations encompass all transfer-related aspects of munitions – such as production, marking, marketing, export, brokering, licensing, and registration – and are effectively enforced.

In this regard, Israel's SALW export control legislation and policy include tight control aimed, *inter alia*, at the prohibition of exports to regions or States under UN Security Council arms sales embargo, non-State entities, subversive and underground movements, terrorist or guerrilla groups, criminal organizations or areas of ongoing internal armed conflict.

Israel's export control legislation concerning export of SALW establishes strict licensing requirements on exporters. A dual stage licensing process includes an obligation to attain two separate licenses – one for the marketing phase (Marketing License) and the second for the actual export (Export License).

I. NATIONAL LEVEL

Policy guidance and monitoring of efforts to prevent, combat and eradicate illicit trade in SALW are coordinated by several relevant authorities in Israel. The Ministries of Foreign Affairs (MFA), Defense (MOD), Interior (MOI), Internal Security (Israel Police), Industry Trade and Labor (MOITAL), Transport, and Finance (Customs) cooperate with regard to legislation, its implementation and application of administrative procedures related to the control of the production, export, re-export, import and transit of SALW in the territory under Israel's jurisdiction.

National points of contact - The Government of Israel appointed two points of contact to act as liaison with other states on matters relating to the implementation of the UN PoA on SALW:

(1) Mr. Israel Tikochinski

Ministry of Foreign Affairs

9 Rabin Blvd., Jerusalem

Tel: +972-2-5303073

Fax: +972-2-5303015

Email: israelt@mfa.gov.il

(2) Mr. Aharon Shahar

Ministry of Defense

Tel Aviv

Email: ashahar@mod.gov.il

Relevant Israeli legislation includes, inter alia, the following:

- * The Penal Code, 1977
- * The Firearms Act, 1949
- * The Commodities and Services Control Act, 1957
- * Export and Import Administrative Order (integrated version), 1979
- * The Defense Export Control Act, 2007
- * The Defense Export Control Order (Munitions), 2008
- * The Defense Export Control Order (Controlled Dual Use Equipment), 2008
- * Wild Animals Protection Law, 1955

Israel recently enacted a new law and a set of regulations governing defense export controls. Among other changes to existing legislation, the new Defense Export Control Act adopts the Wassenaar Arrangement control lists, and upgrades and formalizes the consultation process between the relevant authorities [Ministry of Defense (MOD), Ministry of Foreign Affairs (MFA) and Ministry of Industry, Trade and Labor (MOITAL)] and enforcement mechanisms. In addition to the legislative developments, a new Defense Export Control Directorate (DECD) has been established within the MOD and a new Defense Export Control Department within the MFA, consolidating and strengthening the existing export control units.

This legislation sets forth appropriate criminal and administrative measures. Additionally, the legislation subjects exporters to recording and reporting requirements. With a view to effectively regulate the export of defense equipment and know-how, the relevant legislation obligates SALW exporters to apply for a Marketing License. Moreover, an Export License is required for actual exports of SALW. In this regard, Israel's export control authorities require exporters to include in their license applications an original end user certificate and import license from the recipient country.

Israel continuously reviews its policy criteria for issuing marketing and export licenses for SALW, thus strengthening its ability to combat the illicit trafficking of arms to hostile entities, terrorist organizations and organized crime.

Activities of law enforcement to prevent illicit production, trade, possession, export and procurement of SALW are within the authority and responsibility of the Ministry of Justice, the Ministry of Defense, the Ministry of Finance (Customs) and the Police. During recent years, as part of its continuous efforts in this regard, Israeli law enforcement authorities have prosecuted several persons who were involved in the illegal trafficking of SALW.

The legislation and regulations concerning SALW are published and available to the general public. In addition, the competent authorities inform the industry and persons who deal with specific aspects of SALW about instructions and procedures, as part of extensive outreach activity in the field of export control.

State stockpiles of SALW are carefully guarded and physically secured 24 hours a day. All the SALW in storage are counted daily and recorded. Surplus SALW that were designated for destruction are secured and monitored in the same manner as the other regular SALW. There are several private companies in Israel that have special expertise in the physical security and inventory management of SALW storage installations.

Unfortunately, there were also a few occasions when several SALW were stolen from insufficiently secured storages, and these thefts are now under intense investigation by Israeli authorities; some of them have already been solved and severely prosecuted. In most of the cases, they were sold in exchange for drugs, but ultimately found their way to an “end user” which was one of the terrorist organizations active in the region. Israel exerts many of its law enforcement resources to curb this phenomenon.

Israeli authorities ensure the destruction of improvised SALW that were confiscated, seized or collected during and after an armed conflict or in the course of counter terrorism operations. The destruction of these SALW is conducted at specifically designated facilities. It is done pursuant to accepted procedures and standards (e.g. filling the barrels by welding, cutting the main components). Seized and confiscated SALW, if intended for re-use, will be checked, marked, and recorded in the same manner as a new weapon.

The export of surplus SALW is followed by the exact same stringent export control and authorization procedures, including marketing and export licenses that govern the export of new SALW. The re-export of surplus SALW, which is of foreign origin, will require re-export approval by the country of origin, as appropriate. Stocks of surplus SALW are managed and secured consistently, pursuant to the procedures issued by the competent authorities.

Israel’s Ministry of Interior (MOI) together with the Israel Police are the competent authorities for licensing, controlling and regulating the civilian possession of firearms. Under the Firearms Act of 1949, the MOI is authorized by the Government of Israel to issue licenses to private persons and to organizations for the possession of firearms

or for the purposes of self-defense, sports, and hunting. Private ownership is usually limited to pistols.

In 1996, after reviewing the criteria for the private ownership of firearms, a new policy for firearms licensing was developed aimed at minimizing the number of firearms in private hands. Accordingly, the MOI issued new criteria and procedures for the private ownership of firearms. For example, a firearms license must be renewed every three years, and is subject to a health examination and the position of the police regarding the legal past and criminal information of the applicant. The renewal of the license is also subject to participation in specific handling and safety procedures training. Each licensed person is allowed to hold a limited quota of ammunition (no more than 50 bullets for a firearm).

In accordance with the new policy, the MOI prefers licensing organizations rather than private individuals, since the possibility of controlling the use, care and safety of a firearm licensed to an organization is much better than one licensed to a private individual.

In addition, the MOI manages a data base in order to provide clear and precise information regarding firearms in the civilian sector. The data base includes, *inter alia*, information from the health and police authorities regarding all the firearms owned in Israel. The data base is regularly updated. For example, any failure to renew a license will appear immediately in the data base, and the violator will be subject to administrative and criminal procedures.

On the subject of marking and tracing, see part 2 of the report - The Implementation of the International Instrument to Enable States to Identify and Trace, In a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.

Israeli public awareness of the consequences of the illicit trade in SALW is achieved, *inter alia*, by the publicity given to the law enforcement and punitive measures taken against persons or companies that violate the laws and regulations on possession and illicit trade in SALW. As noted, the legislation and regulations concerning SALW are published and are available to the general public.

Furthermore, every several years and for a specific period of time, Israeli persons in possession of unlicensed military firearms are urged publicly by the IDF and the Police, through all available media, to return these firearms to the appropriate authorities. The public is encouraged to do so with the understanding that no criminal charges will follow. Such programs successfully reduce the number of illegal firearms in the possession of the public and the likelihood that such firearms may find their way into the hands of terrorists and criminal organizations.

Israel implements UNSC embargo resolutions on the national level and supports the efforts made in this regard, on the regional and global levels, as part of its obligations as a UN Member State. Accordingly, Israel's competent authorities, in their export control assessment procedure, which is conducted regularly before issuing any marketing and export licenses for an arms transaction, take into account the enforcement of UNSC arms embargo resolutions. The transfer of SALW in contravention with UNSC embargo resolutions is a criminal offense.

The Israeli Defense Export Control Act of 2007 upgraded and enhanced the Israeli export control system. In addition to provisions regarding the control of exports of defense items from Israel, it criminalizes brokering activities which are not in compliance with UNSC embargo resolutions. Such activities are subject to severe criminal penalties. The UNSC embargo resolutions are brought to the attention of the general public by the Israeli export control authorities.

II. REGIONAL LEVEL

Israel cooperates with those neighboring countries with which it has peaceful relations in preventing the illicit trafficking of SALW through the common borders. This cooperation includes the exchange of relevant information between the appropriate authorities.

Regretfully, the illicit trafficking of SALW to terrorist organizations such as the Palestinian Hamas, the Palestinian Islamic Jihad, as well as Hizbollah in Lebanon still continues. These arms are used to launch attacks that target, indiscriminately and

intentionally, innocent civilians. Some of these illegal activities are unfortunately supported by certain countries in the region. Needless to say, such activities undermine the obligations of States under the PoA, and threaten regional security and stability.

In the Gaza Strip, terrorist organizations such as Hamas and the Palestinian Islamic Jihad attempt to smuggle SALW on a daily basis by land via underground tunnels. Such tunnels are the main conduit for smuggling weapons into the Gaza Strip. In the Rafah area and along the Philadelphi route there is a vast network of tunnels through which terrorist operatives pass weapons, goods and equipment through the Sinai into and out of the Gaza Strip. The smuggling of weaponry through tunnels intensified since Hamas military takeover of the Gaza Strip. Such efforts to smuggle SALW are supported by senior Hamas members and certain states and terrorist organizations in the Middle East in order to arm the terrorist activists throughout the Gaza Strip.

In recent years, attempts to smuggle SALW and other arms into the Gaza Strip were made also through sea lines, mainly by Hizbollah and its sponsor states, using yachts, ships or coasters camouflaged as innocent merchant or recreation vessels.

In Lebanon, the Hizbollah terrorist organization has rearmed itself to a level higher than that which it had maintained prior to the war with Israel in 2006. Two extremist states in our region, Iran and Syria, are heavily involved in transferring a variety of weapons, among them SALW, to Hizbollah in Lebanon.

SALW not only pose a threat to countries and their civilians, but also to the peacekeepers that are often deployed in areas where the illicit transfer of weapons takes place. There were numerous incidents over the past few years in Lebanon. The last incident in our region occurred in southern Lebanon in March 2008, as detailed in paragraph 24 of the Secretary General's last report on the implementation of Resolution 1559, S/2008/264.

The security situation along its borders has, therefore, required Israel to spare no effort in order to combat and prevent terrorist organizations from acquiring SALW, especially MANPADS, mines and improvised explosive devices, ammunition and

explosives. The campaign against the illicit trafficking of SALW includes interdicting illicit transshipments and cutting the financial aid which is diverted from humanitarian purposes to the illegal acquisition of SALW for unlawful use.

In Israel's view the main challenge to the implementation of the UN PoA in the Middle East remains the lack of political willingness to act decisively in order to prevent illicit transfers and to apply the PoA provisions towards that end. By now, seven years after the adoption of the PoA, the international community must make the blocking of the transfer of SALW to terrorist groups a priority. This pursuit is paramount for the UN PoA to be relevant in the Middle East.

A change in the strategic situation in our region, followed by a new security framework, might revive the idea of building a Regional Security Center that will use a regional data base on conventional arms as a confidence building measure and promote peaceful relations between States.

III. GLOBAL LEVEL

Israel actively participated in the multilateral negotiations that adopted the UN PoA on SALW in all its aspects and in the Biennial Meeting of States (BMSs in 2003 and 2005) and the Review conference in 2006. Israel, like other delegations, regrets that the conference was not able to achieve a consensus document. Israel actively participated in the negotiations leading to the successful conclusion of the instrument on tracing illicit small arms and light weapons. Israel also participated in the Group of Governmental Experts to Consider Further Steps to Enhance International Cooperation in Preventing, Combating and Eradicating the Illicit Brokering in Small Arms and Light Weapons. Israel is also an active participant in the Geneva Process on SALW.

Israel took part in the 2003 Governmental Experts Group that reviewed the UN Register of Conventional Arms. It supported the outcome of these international instruments and is acting to implement their recommendations. For example, we supported the understanding that lowering artillery caliber to 75 mm, adding a focus on MANPADS, and opening the Register to voluntary reporting on SALW gives this

issue the right prominence and importance, reviving the significance of the Register and its regional and sub-regional relevance.

Israel, unlike most of its neighboring countries, submits annual reports to the amended UN Register of Conventional Arms, adding information on criteria 3 and 7 of the Register (Light Weapons Artillery and MANPADS). Israel declared that by the end of 2003, it completed the destruction of all its surplus MANPADS.

Israel attaches major importance to the efforts made by the international and regional forums and export control regimes to curb the illicit proliferation of MANPADS and their components, thus preventing them from falling into the hands of terrorists. Israel, in cooperation with other countries, also invests in technological and operational R&D to find efficient means to protect civilian aviation from this menace.

Israel cooperates and coordinates its activities with several countries and organizations in the global effort to combat organized crime and international terrorism, including, where practically feasible, an exchange of information for tracing illicit SALW and the route of its illegal trade and trafficking.

Israel also cooperates with various international organizations in combating the illicit trade of SALW. In this regard, Israel ratified the International Convention for the Suppression of the Financing of Terrorism (1999), and the International Convention for the Suppression of Terrorist Bombings (1997). Israel is party to the Convention against Transnational Organized Crime. The Israel Police cooperates with INTERPOL in tracing illicit firearms.

As mentioned above, Israel implements UNSC resolutions regarding embargos on the national level and supports the efforts made in this regard, on the regional and global levels, as part of its obligations as a UN Member State.

PART 2

Implementation of the International Instrument to Enable States to Identify and Trace, In a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

Israel attaches great importance to the International Instrument to Enable States to Identify and Trace, In a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, that was adopted by the UN in 2005. Israel participated actively in the negotiations leading to the successful conclusion of the instrument and believes that its implementation would enhance cooperation between States in attempt to curb illicit SALW.

National points of contact –

(1) Export Control Department

Ministry of Foreign Affairs

9 Rabin Blvd., Jerusalem

Tel: +972-2-5303573

Fax: +972-2-5303015

Email: roey.gilad@mfa.gov.il

(2) Mr. Aharon Shahar

Ministry of Defense

Tel Aviv

Email: ashahar@mod.gov.il

Israel's Ministry of Interior (MOI) is the competent authority for licensing, controlling and regulating the civilian possession of firearms. Under the Firearms Act of 1949, the MOI is authorized by the Government of Israel to issue licenses for private possession of firearms for self-defense, sports and hunting.

Marking

SALW in possession of the Israeli armed forces are duly marked and recorded.

The relevant Israeli industries mark SALW as an integral part of the production process. The marking is done by turnery, in accordance with accepted international

standards. It includes data such as: the type/name of the weapon, its catalog number, caliber, serial number, the name of the manufacturer, the country of manufacture (for guns marketed in the US, the marking also includes the name and address of the importer). (Examples of the activities concerning the marking of SALW may be found in the Annex of this Report).

Imported SALW are identified and recorded upon entry into Israel. The records include the catalog number, the name of the manufacturer and the country of manufacture. A SALW without marking is marked by turnery, in accordance with accepted international standards, before entering into Israel.

Record Keeping

All firearms in the private sector are marked and recorded in a data base under close supervision of the Ministry of Interior. An Israeli citizen cannot purchase a firearm other than through a licensed arms agent or dealer. A private license relates only to a specific firearm. There is no general license that allows for the possession of several firearms but rather a license which is specific to each firearm. This way Israeli authorities may be able to trace licensed private firearms. Records are kept permanently by the Ministry of Interior computer system.

Israeli industries maintain records of their exports of SALW for at least seven years and in many cases for a longer period of time. Inter alia, records are kept permanently by the Ministry of Interior computer system.

Seized and confiscated SALW, if intended for re-use, will be checked, marked and recorded by Israeli authorities in the same manner as a new weapon.

All the SALW in governmental storage are counted daily and recorded.

Tracing

The Israel Police cooperates with the International Criminal Police Organization (INTERPOL) in tracing firearms, thus supporting the effective implementation of the ITI. Annual international tracing requests to the Israel Police: In 2005 – 33 tracing requests; in 2006 – 22 tracing requests; in 2007 – 20 tracing requests; in the first 3 months of 2008 – 11 tracing requests.

Annex

Measures by Israeli Manufacturers Relating to the Marking and Recording of SALW

1. Marking

a. Marking methods employed by SALW manufacturers include:

- 1) Laser;
- 2) Milling by pantograph;
- 3) Sealing [on tin];
- 3) Branding;
- 5) When the weapons have a polymeric body, markings are put on the main metallic component (e.g. on the main insert of the firearm), and the logo will be sealed on the polymeric part of the weapon.

b. Markings on firearms include:

- 1) serial number;
- 2) name of the weapon;
- 3) type of weapon/catalog number;
- 4) caliber;
- 5) the name of the manufacturer/country of manufacture;
- 6) logo (of the manufacturer or the customer);
- 7) in specific cases – special markings such as the serial production number of the barrel, the specific mark for the quality tests.

2. Recording

a. Israeli SALW manufacturers maintain comprehensive records of manufacture and exports. Recorded information on exported SALW may include the following details:

- 1) type of weapon;
- 2) catalog number;
- 3) serial number (sealed);
- 4) information on the customer;
- 5) order number;
- 6) date of shipment.

b. The type, model, plating, caliber and serial numbers of firearms manufactured are reported to the appropriate authorities.

c. Packing List (PL) relating to firearms designated for export may include the following details:

- a) date of packaging;
- b) the name of the customer, address, communication information;
- c) the serial number of the PL;
- d) number of packages in the shipment and the specific number of that one from the whole;
- e) the physical size and weight of each package;
- f) description of firearms contained in each package
 - type
 - plating
 - caliber
 - serial numbers.