

ARTILLERY SHELLS TRANSFER

Oxfam Policy Brief

1. SUMMARY

President Biden should halt the transfer of 155mm artillery shells to Israel, and if he does not, Congress should step in. Israel, like all countries, has legitimate defense needs. However, these particular shells do not serve them. Instead, 155mm shells are a weapon of choice in Israel's ground operation in Gaza, which will cause untold harm to civilians as it intensifies further. Israel's use of this munition in past conflicts demonstrates that its use would be virtually assured to be indiscriminate, unlawful, and devastating to civilians in Gaza.

2. THE UNITED STATES' TRANSFER OF ARTILLERY SHELLS TO ISRAEL

On October 18, a Pentagon official stated that the United States plans to supply Israel with tens of thousands of 155mm artillery shells that were previously earmarked for Ukraine.¹ These munitions are already stationed in Israel under the War Reserve Stockpile Ammunition-Israel (WRSA-I) program, but Israel can only access this stockpile with the United States government's permission.

In January of this year, the Department of Defense stated that it would begin sending Ukraine hundreds of thousands of 155mm artillery shells from the WRSA-I.² However, these transfers to Ukraine from the Israel-based American stockpile were suspended after the Hamas attack on October 7, leading to the decision to keep the shells in Israel. Though Israel does not yet have permission to access the stockpile, Pentagon officials are reportedly urging the Biden Administration to grant Israel access to tens of thousands of American 155mm artillery shells. Reports indicate that the United States is supplying

¹ [Scoop: U.S. to send Israel artillery shells initially destined for Ukraine \(axios.com\)](https://www.axios.com/2023/10/18/us-to-send-israel-artillery-shells-initially-destined-for-ukraine)

² [Israel and Ukraine Need the Same Three Weapons From the U.S. - The New York Times \(nytimes.com\)](https://www.nytimes.com/2023/01/03/us/politics/israel-ukraine-weapons.html)

these munitions in order to support Israel’s quickly intensifying ground invasion of Gaza.³

3. INTERNATIONAL HUMANITARIAN LAW

Under international humanitarian law, parties to a conflict must always “distinguish between the civilian population and combatants and between civilian objects and military objectives.”⁴ This principle—which is a customary norm of international law and binds all states—strictly prohibits the use of indiscriminate weapons, methods, and practices in all conflicts. Parties to a conflict are also prohibited from using force disproportionate to the military objective (force that causes incidental loss of civilian life) and are obligated to take precautionary measures in order to actively minimize harm to civilians.⁵ The International Committee of the Red Cross called on states to avoid using explosive weapons in populated areas due to the significant likelihood of violating these fundamental principles of international humanitarian law.⁶

155mm artillery shells are loaded with TNT and burst into around 2,000 metal fragments upon impact. These shells are unguided, explosive weapons. Some shells that fail to explode instead become potentially lethal “duds” that may cause harm for years after conflict ends. Their casualty radius ranges from 100 to 300 meters, making them particularly lethal when fired into civilian areas.⁷ Furthermore, the “error radius” of these munitions is roughly 25 meters.⁸

If used against an organized enemy force separated from the civilian population in a sparsely populated area, these munitions have legitimate and lawful uses. In a densely populated urban area like the Gaza Strip, their use would be highly indiscriminate. There are no known scenarios in which 155mm artillery shells

³ [Scoop: U.S. to send Israel artillery shells initially destined for Ukraine \(axios.com\)](#)

⁴ [Distinction | How does law protect in war? - Online casebook \(icrc.org\)](#)

⁵ [Customary IHL - Practice relating to rule 14 Proportionality in Attack \(icrc.org\)](#), Israel has ordered 1.1m civilians to evacuate northern Gaza, and will claim this meets the standard for precautionary measures. However, the order does not meet the IHL threshold for an evacuation as safe conditions, shelter, food, water, and other basic necessities are unavailable in southern Gaza. [Deportation | How does law protect in war? - Online casebook \(icrc.org\)](#)

⁶ [Explosive weapons in populated areas | International Committee of the Red Cross \(icrc.org\)](#)

⁷ [Indiscriminate Fire: Palestinian Rocket Attacks on Israel and Israeli Artillery Shelling in the Gaza Strip: VI. Israeli Artillery Shelling Since the IDF Withdrawal \(hrw.org\)](#)

⁸ [A0AV-Under-Fire-Israels-artillery-policies-scrutinised.pdf](#)

could be used in Israel's ground operation in Gaza in compliance with international humanitarian law.⁹

ISRAEL'S PREVIOUS USE OF 155MM ARTILLERY SHELLS IN GAZA

Israel has previously used 155mm artillery shells in Gaza. For instance, during Operation Cast Lead in 2008-9, Israel fired 8,000 155mm artillery shells. In Operation Protective Edge in 2014, 34,000 were used.¹⁰ Even though these munitions have a casualty radius of between 100-300 meters, Israeli Defense Force (IDF) policy allows for firing artillery shells at a mere 100 meters away from civilian areas,¹¹ Notably, the IDF requires requiring its own ground forces to stay at least 250 meters away which is "over twice the protection radius it affords to Gaza's civilians."¹²

Furthermore, it is evident that the IDF has not always followed its minimal-distance regulation. The IDF has repeatedly used 155mm artillery shells to hit populated areas including neighborhoods, hospitals, schools, shelters, and safe zones. These incidents have caused significant civilian harm and resulted in substantial numbers of civilian casualties. In mid-July of 2014, for example, Israel launched around 600 shells on the densely populated neighborhood of Shujaiyeh, killing upwards of 65 civilians and injuring hundreds more in a single day.¹³ Later that month, Israel hit a United Nations-run school for girls in Jabaliya with ten 155mm shells, resulting in over 100 deaths and injuries. During Operation Cast Lead in 2009, Israel shelled a different UN-school in Jabaliya, killing 41 people.¹⁴ In an analysis of the 14,600 shells fired on Gaza between 2005-07, Human Rights Watch concluded that "the fatalities were primarily if not exclusively civilians."¹⁵ An Action on Armed Violence report similarly concludes that 94% of the 155mm shells dropped by Israel exploded

⁹ [Indiscriminate Fire: Palestinian Rocket Attacks on Israel and Israeli Artillery Shelling in the Gaza Strip: VI. Israeli Artillery Shelling Since the IDF Withdrawal \(hrw.org\)](#)

¹⁰ [AOAV-Under-Fire-Israels-artillery-policies-scrutinised.pdf](#)

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ [Israel / OPT: Fuelling conflict: Foreign arms supplies to Israel/Gaza - Amnesty International](#)

¹⁵ [Indiscriminate Fire: Palestinian Rocket Attacks on Israel and Israeli Artillery Shelling in the Gaza Strip: VI. Israeli Artillery Shelling Since the IDF Withdrawal \(hrw.org\)](#)

in, or nearby to, a populated area in Gaza during Operation Protective Edge in 2014.¹⁶

In sum, human rights organizations have extensively documented Israel's use of 155mm artillery shells. They have concluded that aiming such powerful munitions towards such densely populated areas is a violation of international humanitarian law. Regarding Israel's use of these munitions in Gaza, a Human Rights Watch researcher writes:

"Heavy artillery shelling into a populated area would be inherently indiscriminate. You just can't aim that weapon precisely enough in that environment because it's so destructive."¹⁷

SUPPORT FOR A DEVASTATING GROUND INVASION

On October 18, the Biden administration vetoed a UN Security Council Resolution condemning all violence against civilians and calling for, among other things, humanitarian pauses. President Biden has repeatedly stressed the need for Israel to comply with international humanitarian law, but has not objected strenuously in public to the "complete siege" Israel imposed on Gaza or the pattern of apparently indiscriminate pattern of attacks it has carried out in Gaza. As a result, the US government is widely perceived to be unconditionally supportive of ongoing Israeli military action.

In fact, the US government appears to harbor concerns about an open-ended Israeli military campaign. Secretary of State Antony Blinken has called on the parties to explore humanitarian pauses. And US officials have reportedly urged the government of Israel to forestall a ground invasion, citing the lack of clarity regarding Israel's war aims, the uncertain fate of hostages, regional escalation, and the likelihood of an even more devastating humanitarian catastrophe for Palestinians in the Gaza strip.¹⁸

Granting Israel access to 155mm artillery shells would lend material support and diplomatic cover to the indiscriminate bombardment of the Gaza Strip in general and to Israel's ground operation in particular. Reporting indicates that the United States had planned to supply Israel with these munitions specifically in anticipation of a ground invasion. Due to Israel's past patterns of use of

¹⁶ This is a tentative conclusion based on 46 incidents of "shelling" analyzed by Action on Armed Violence. [AOAV-Under-Fire-Israels-artillery-policies-scrutinised.pdf](#)

¹⁷ [Questions of Weapons and Warnings in Past Barrage on a Gaza Shelter - The New York Times \(nytimes.com\)](#)

¹⁸ [U.S. urges Israel against Gaza ground invasion, pushes surgical campaign \(washingtonpost.com\)](#)

these shells during previous ground operations in Gaza, American-supplied shells will be used indiscriminately in the ground campaign. The current scale of conflict amplifies these fears, suggesting a potential for even greater civilian injury and death than previous Israeli ground operations. Furthermore, since these shells are recognized by American and Israeli military leaders as vital for a ground invasion, the United States' decision to supply these munitions to Israel will be seen as an endorsement for the humanitarian calamity that is sure to ensue—which, paradoxically, US leaders are reportedly working to prevent.

4. OXFAM'S CONCLUSIONS AND RECOMMENDATIONS

The humanitarian catastrophe in Gaza has reached historic levels. Thousands of Palestinians in Gaza have been killed. In fact, the number of children reported killed in Gaza in just three weeks surpassed the annual number of children killed across the world's conflict zones since 2019.¹⁹ Thousands more are gravely injured, and more than 1.4 million are displaced. Basic necessities such as clean water, food, and electricity remain unavailable for the vast majority of Gaza's population, leading to a large-scale public health crisis. The use of indiscriminate weapons like the 155mm shells in such environments only exacerbates this suffering.

Israel has legitimate defense needs. Given threats from groups such as Hamas, and other armed actors across the region, it is appropriate for Israel to defend its borders and its people—with imported arms, if necessary—within the bounds of international humanitarian law. However, Israel's planned use of 155mm artillery shells in Gaza does not fall into that category of arms. We strongly oppose the United States' plan to supply Israel with tens of thousands of these shells.

Oxfam has worked in Gaza for several decades, and we have seen firsthand the destructive consequences of these munitions in 2009 and 2014 and their contribution to ongoing cycles of violence. This transfer will not only significantly contribute to additional civilian harm in Gaza but will also be understood as a green light for a ground invasion. The humanitarian crisis in

¹⁹ <https://www.savethechildren.org.uk/news/media-centre/press-releases/gaza-childrens-deaths-in-last-three-weeks-surpasses-total-child->

Gaza is more dire than ever, and supplying these highly indiscriminate munitions could make the situation even worse.

Adhering to standards like the UN Arms Trade Treaty and the standard set by the US Conventional Arms Transfer Policy, Oxfam opposes any arms transfers when the arms in question are at overriding risk of being used in violations of international humanitarian law or international human rights law. We therefore urge the Biden administration stop the transfer of these munitions to Israel. If it does not, Congress should pass legislation to step in. Failing to stop this transfer would inadvertently sanction an operation with even devastating consequences for Gaza's civilian population.

Oxfam is a global organization that fights inequality to end poverty and injustice. We offer lifesaving support in times of crisis and advocate for economic justice, gender equality, and climate action. We demand equal rights and equal treatment so that everyone can thrive, not just survive. The future is equal.

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