

## Australia's F-35 Exports Raise Legal Questions

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Australia's involvement in the multinational F-35 fighter jet program has drawn scrutiny as the country prepares to formally recognize Palestinian statehood in September. While the Australian government maintains that it does not directly supply weapons to Israel, Australian companies contribute components used in F-35 jets, which have been deployed by Israeli forces.

Since October 2023, fighting in Gaza has escalated, with reports of significant civilian casualties. A preliminary International Court of Justice ruling in January 2024 described it as “plausible” that Israel was committing genocide, while the International Criminal Court issued arrest warrants for Israel's prime minister and defense minister on charges including crimes against humanity.

The developments have heightened attention on countries supplying military equipment to Israel. Germany, Israel's second-largest arms supplier, suspended exports in August 2025 after Nicaragua alleged that German transfers violated international law. This raises potential legal questions for all states exporting components used in F-35 jets, including Australia.

Under the Arms Trade Treaty, Australia must not authorize exports if there is an “overriding risk” that the items could facilitate serious violations of international law. Australian export controls evaluate applications against potential contributions to armed conflict or human rights abuses, but transparency remains limited.

Over 75 Australian companies supply parts for the F-35 program. For example, RUAG Australia provides mechanisms that open missile bay doors. Although there is no direct agreement with Israel, these components may reach Israeli forces after integration in the United States, complicating assessments of treaty compliance.

Comparisons with other nations highlight a transparency gap. The U.S. reports exports across 21 categories, and the EU across 22, whereas Australia does not publicly disclose which items are exported or to whom. Legal challenges in partner countries have varied: a Dutch court blocked F-35 exports to Israel over international law concerns, while the UK High Court dismissed a similar case.

Experts warn that the complexity of the F-35 supply chain makes enforcing national export controls difficult once items leave Australian territory. This highlights the need for improved transparency and traceability in military component transfers.

Australia's recognition of Palestinian statehood alongside participation in the F-35 program underscores a tension between foreign policy and defense industry involvement. Without clearer disclosure, accountability under the Arms Trade Treaty and International Humanitarian Law remains limited. Enhanced transparency and alignment of defense export policies with international legal obligations could strengthen Australia's credibility and support global peace and security.