



March 2026

## Civil society statement:

### WTO Members should suspend Israel's MFN treatment

- i. For years, OWINFS have revealed how the WTO rules are harmful and inappropriate for a just global trade governance and constraining for aspirations towards transformational and sustainable developmental paths, particularly those needed in developing and least developed countries.
- ii. Today, OWINFS warns that by allowing Israel to continue benefitting from a normal status at the WTO, the organization and its Member States will in effect be facilitating Israel's defiance of international law<sup>1</sup> and its perpetuation of international crimes and egregious violations against the Palestinian People, through its prolonged illegal occupation of the Palestinian Territory and its genocidal assault in Gaza, that has led to a famine, as declared by UN<sup>2</sup>.
- iii. The International Court of Justice (ICJ) confirmed in September 2024 that Israel is in violation of key international law peremptory norms including the right to self-determination of the Palestinian people, the prohibition of territorial acquisition through the use of force, and the prohibition of the crimes of apartheid and racial segregation.<sup>3</sup>
- iv. September of this year marked the expiry of the 12-months period during which the United Nations GA had demanded Israel to "[bring] to an end without delay its unlawful presence" in the Occupied Palestinian Territory.<sup>4</sup> Yet, Israel persists in defiance of international law and utter disregard of its obligations as stated by the ICJ and multiple UN GA and Security Council resolutions.<sup>5</sup>
- v. The ICJ and the UN General Assembly (GA) stressed that States' obligations include "... prevent(ing) trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory (OPT)".<sup>6</sup>

<sup>1</sup> UN General Assembly had affirmed that continued trade relations with a State committing grave violations of international law assist that State to "defy world opinion", "aggravate the danger of violent conflict", and nullify "the efforts of the UN to solve the problem". Source: UN Doc. A/RES/2054(XX), "The policies of apartheid of the Government of South Africa" (1965-12-15); also UN Doc. A/RES/2202(XXI)[A], and UN Doc. A/RES/2506(XXIV)[B].

<sup>2</sup> <https://news.un.org/en/story/2025/08/1165702>. The UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, found that Israel committed genocide in Gaza: <https://www.ohchr.org/en/press-releases/2025/09/israel-has-committed-genocide-gaza-strip-un-commission-finds>. The International Court of Justice, in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), found Israel's actions plausibly amount to acts of genocide and related prohibited acts <https://www.icj-cij.org/case/192>

<sup>3</sup> International Court of Justice (ICJ), advisory opinion (AO) of 19 July 2024 on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, para. 229, available at: <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>.

<sup>4</sup> UNGA resolution A/ES-10/L.31/Rev.1

<sup>5</sup> International Court of Justice (ICJ), advisory opinion (AO) of 19 July 2024 on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, available at: <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>, and UNGA resolution A/ES-10/L.31/Rev.1

<sup>6</sup> ICJ, AO, para. 278 and UNGA resolution A/ES-10/L.31/Rev.1



- vi. As pointed out in the annex, trade relations with Israel cannot be effectively delinked from Israel's illegalities as an occupying power in the OPT. Maintaining normal trade relations with Israel in effect contributes to the impunity Israel exploits to maintain its illegalities. Suspension of Israel's MFN treatment under WTO law, and any other preferential treatments under other trade agreements, are required from third States to effectively fulfill their obligations under international law as stated by the ICJ and UNGA.
- vii. WTO rules, incorporate under its 'security exceptions', a hierarchy between States' obligations under the UN Charter and those under WTO law, allowing Member States, under the current circumstances, to deviate from their core obligations under WTO rules and suspend the extension of MFN treatment to Israel.<sup>7</sup> Recently, the European Union and other WTO members were quick to deny Russian products and services MFN treatment in light of Russia's invasion of Ukraine, referring to what they assessed as "egregious violation of international law, the UN Charter, and fundamental principles of international peace and security", holding Russia "accountable and stop(ping) undermining [of] democracy, global stability and international law" and "protection of [their] essential security interests"<sup>8</sup> (i.e. Article XXI(b) GATT).
- viii. If WTO Members are committed to complying with their obligations under international law, including the UN Charter, and to upholding its most basic tenets, they should proceed to suspend the extension of MFN treatment to Israel until Israel ends its illegal occupation of the OPT and fulfill its obligations under international law.

### **Supportive annex: Israel's prolonged illegalities and related third States' obligations**

- In July 2024, the International Court of Justice (ICJ) found that "[t]he sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel's presence in the Occupied Palestinian Territory unlawful".<sup>9</sup>

- The ICJ underlined the erga omnes nature of obligations breached by Israel [including the right to self-determination and the prohibition of the use of force to acquire territory] and stressed that:

- o "all States can be held to have a legal interest in [the] protection [of the rights involved]"<sup>10</sup>,
- o "every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples ..."<sup>11</sup>,
- o every State have the obligation not to render aid or assistance in maintaining the illegal situation created by Israel<sup>12</sup>, and
- o "...[i]t is for all States, while respecting the Charter of the United Nations and international law, to ensure that any impediment resulting from the illegal presence of Israel in the Occupied Palestinian Territory to the exercise of the Palestinian people of its right to self-determination is brought to an end".<sup>13</sup>

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<sup>7</sup> See Article XXI(c) GATT.

<sup>8</sup> Press statement by European Commission

[https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_1761](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_1761); Joint Statement (Albania; Australia; Canada; European Union; Iceland; Japan; Republic of Korea; Republic of Moldova; Montenegro; New Zealand; North Macedonia; Norway; United Kingdom and United States) on the Aggression by Russia Against Ukraine (WT/GC/244, March 2022).

<sup>9</sup> International Court of Justice (ICJ), advisory opinion (AO) of 19 July 2024, para. 261.

<sup>10</sup> Ibid, para. 274.

<sup>11</sup> Ibid, para. 275.

<sup>12</sup> Ibid, para. 274 and 278.

<sup>13</sup> ICJ AO, para. 279.



- Recently the Committee on Economic Social Cultural Rights recommended, inter alia, that as a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR),<sup>14</sup> the Netherlands should “[c]ease all trade and investment relations that can contribute to the current gross and systematic human rights violations of the Palestinian people, particularly in the Gaza Strip, to life, food, health, water and sanitation, housing, and the right to self-determination; and [to take] all necessary steps to avoid recognising, aiding, or assisting the Israeli occupation of Palestinian territory, including by all business enterprises domiciled in its territory or under its jurisdiction”. This applies to all third States that must have a proactive and earnest interest in the effective protection of the rules and rights violated by Israel.

- Trade relations with Israel cannot be effectively delinked from Israel’s illegalities in the OPT. There is an entrenched intertwined relation between the Israeli economy and Israel’s role as an occupying power in the Palestinian Territory, a role that cannot be understood in isolation from the overall operations of the Israeli State and Israeli economy. The illegality maintained by Israel is reliant on a regime of systemic policies and practices that spans decades and is enforced by the different organs of the Israeli State. This regime discriminates against the Palestinian people, enforce apartheid against them, and facilitate the exploitation of their resources. UNCTAD estimated that the Israeli economy benefits an average of \$30 billion (constant 2015 dollars) per year from Israel’s role as an occupying power and the resources it extracts from the Palestinian people.<sup>15</sup>

Signatures:

National organisations:

1. Indonesia for Global Justice (IGJ), Indonesia
2. Fundación [InternetBolivia.org](http://InternetBolivia.org), Bolivia
3. Nagorik Uddyog, Bangladesh
4. Canadian Centre for Policy Alternatives, Canada
5. Handelskampanjen, Norway
6. Fairwatch Italy, Italy
7. Working group Food Justice NL, Netherlands
8. Voedsel Anders Nederland, Netherlands
9. Puanifesto, Indonesia

Regional:

10. Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI), Africa
11. Alternative Information & Development Centre (AIDC), Africa

International:

12. Third World Network (TWN)
13. Peoples Health Movement
14. Society for International Development (SID)
15. Transnational Institute

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<sup>14</sup> Concluding observations on the seventh periodic report of the Netherlands E/C.12/NLD/CO/7, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FNLD%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FNLD%2FCO%2F7&Lang=en)

<sup>15</sup> UNCTAD, “Report prepared by the secretariat of the United Nations Conference on Trade and Development on the economic costs of the Israeli occupation for the Palestinian people: the toll of the additional restrictions in Area C, 2000–2020” (August 2022).