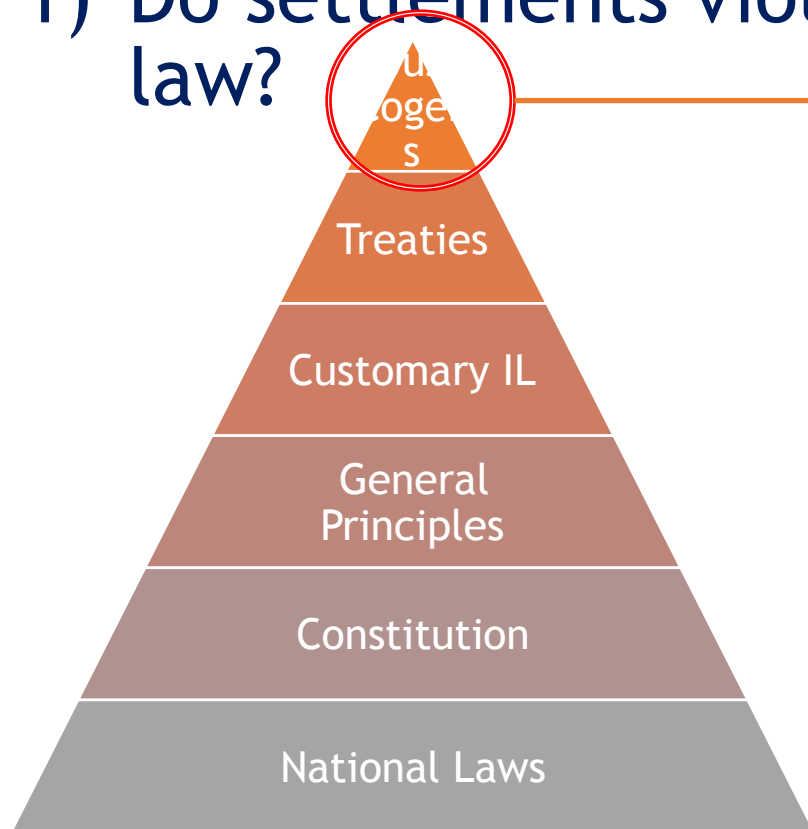


Settlements in occupied territories and state obligations under international law

Stopping trade with
settlements is not a sanction

International law

1) Do settlements violate peremptory norms of international law?



= peremptory norms of International Law:

- Prohibition on genocide, slavery, apartheid, war crimes, acquisition of territory by the use of force
- The right to self-determination
- Fundamental norms of international humanitarian law

Goal: Protection of the fundaments of humanity & systemtic stability for a peaceful international community

International law

1) Do settlements violate peremptory norms of international law?

Yes:

- Obstruction of right to self determination
- Acquisition of territory by the use of force
- Violation of fundamental roles of fundamental norms of international humanitarian law
- Apartheid

International law

2) Are there consequences for third states?

Yes:

- Duties of non-recognition and non-assistance
- Confirmed in UN Resolutions & the International Court of Justice

“No State shall recognize as lawful a situation created by a serious breach within the meaning of article 40 [violation of peremptory norms], nor render aid or assistance in maintaining that situation.”

International law

3) Does the duty of non-recognition include stopping trade?

Yes:

- Implicit recognition is not allowed.
- EU does not grant settlement products preferential access because they are considered illegal under international law, but it does grant them regular market access = implicit recognition

International law

3) Does the duty of non-assistance include stopping trade?

Yes:

- World trade law is clear that trade is aimed at raising standards of living and expanding the production of and trade in goods and services
- Settlement trade does not only help maintain settlements, it helps expand them

Stopping trade with
settlements is not a sanction

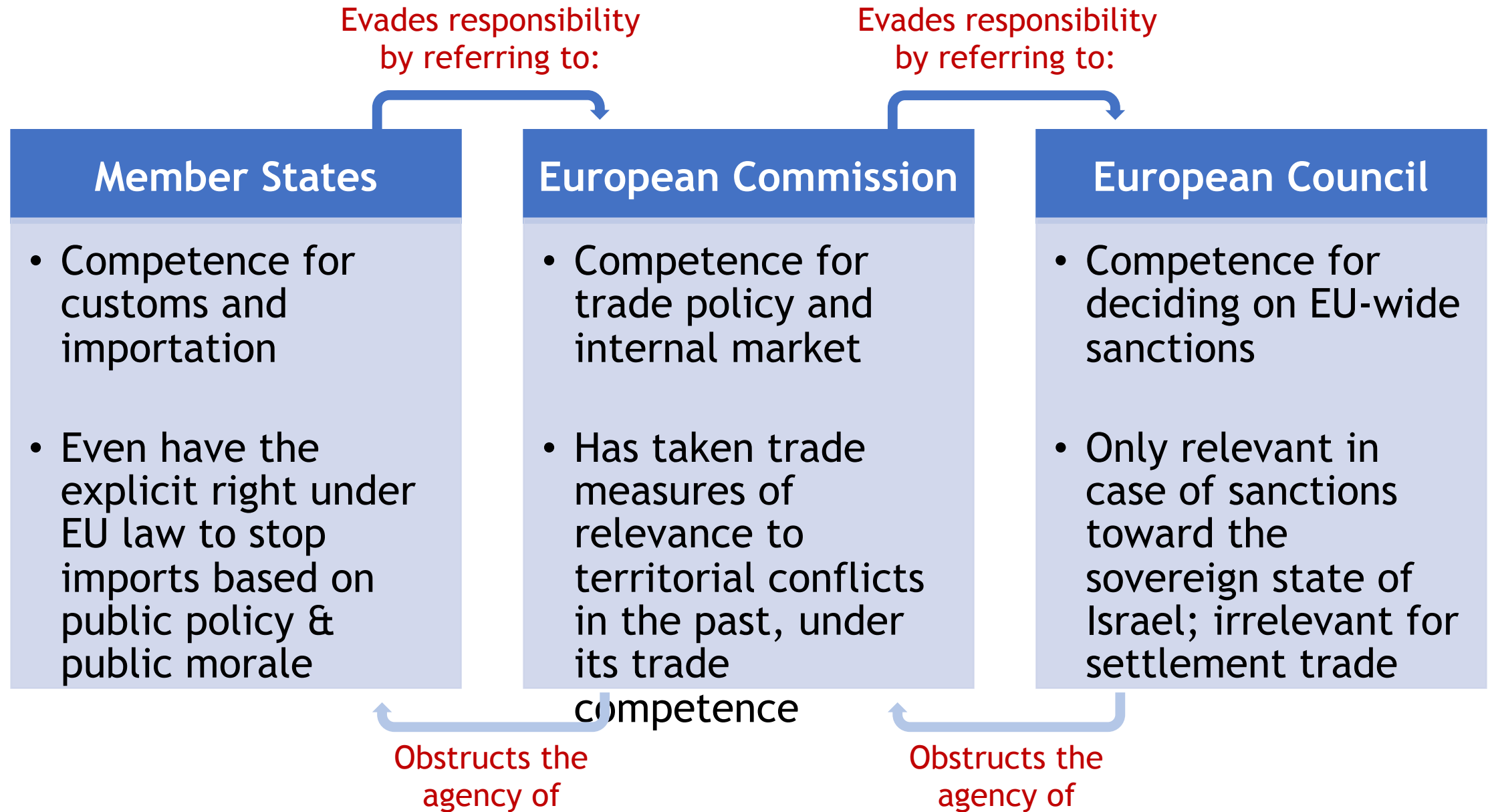
International law

Sanctions are:

- A 'positive' obligation
- Optional or in response to UN Security Council
- Intended to target a specific country
- Withdrawn after the violation has stopped

Stopping trade with settlements is:

- A negative obligation (this trade should have never existed)
- An automatic and self-executing obligation of states
- Irrespective of country and time
- A general rule that does not stop after violation is halted



Stopping trade with
settlements is not a sanction