

Justice Beyond Power: The Hague Group and the Future of International Law

The Legal Resistance of the Global South

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1. Introduction

In the face of escalating atrocities committed against the Palestinian people in Gaza and the West Bank, including East Jerusalem and growing indignation of the international community for the ongoing genocide and other violations of peremptory norms of international law committed by the State of Israel,¹ a new coalition of States known as *The Hague Group* has emerged as a powerful voice from the Global South committed to defending international law. The Hague Group represents a vital precedent: a coordinated effort by eight States, historically marginalised in global power dynamics, to assert the primacy of international legal norms over geopolitics. At a time when the credibility of international institutions is under intense scrutiny,² The Hague Group exemplifies a good practice of third States in collective legal action to uphold the international legal order.

¹ Many international institutions have recognized that Israel's escalation of attacks in Gaza constitutes acts of genocide. The International Court of Justice (ICJ) found it "plausible" that Israel was committing genocide in its [Order on Provisional Measures, Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip: South Africa v. Israel](#) (Provisional Measures) [26 January 2024]. See also: ICJ, [Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem](#) (Advisory Opinion), 19 July 2024; and Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, ["Genocide as colonial erasure"](#). A/79/384 (10 October 2024).

² See: press release of UN experts ["The international legal order is breaking down in Gaza"](#) (11 October 2024). Among others, Geneva International Centre for Justice, ["The Continuing Israeli War on Gaza: Total Negligence of International Law and Escalating Violations of Human Rights"](#); Al Altar, Mohsen, ["Rethinking International Law After Gaza"](#), *Opinio Juris* (7 October 2024).

Israel has systematically refused to comply with its international obligations and enjoyed complete impunity. For instance, it has not observed the International Court of Justice's (ICJ) order in the ongoing case *South Africa v. Israel*, to "[i]mmediately halt its military offensive, and any other action in the Rafah Governorate [...]" and to allow the arrival of humanitarian aid in Rafah.³

On 31 January 2025 the governments of Bolivia, Colombia, Cuba, Honduras, Malaysia, Namibia, Senegal and South Africa created The Hague Group with the aim to establish "coordinated legal and diplomatic measures" against Israel as a means of enforcing the ICJ's provisional measures orders and the United Nations General Assembly's (UNGA) call to end Israel's unlawful presence in the Occupied Palestinian Territory and the requests and warrants issued by the International Criminal Court (ICC)⁴

2. Third States' Legal Obligations, Actions and Stances in the face of the Genocide in Gaza: International Law's inherited colonialism

In July 2024, the ICJ issued an Advisory Opinion on "[the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem](#)", where it concluded that Israel's presence in the Occupied Palestinian Territory is illegal, and that Israel is currently in breach of three peremptory norms (*jus cogens*) of international law, namely the Palestinian people's right to self-determination, the prohibition against use of force and its corollary the prohibition against annexation, and the prohibition against racial segregation and apartheid.⁵

The Court underlined Israel's duty to end the illegal occupation and outlined the following three obligations for third states: the duty to bring the unlawful occupation to an end, the duty not to recognize as lawful Israel's continued presence in the Occupied Palestinian Territory and the duty not to aid or assist in the maintenance of Israel's illegal presence.⁶ On 18 September, 2024, the

³ ICJ, *Second Order on Provisional Measures, Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip: South Africa v. Israel* (Provisional Measures), [8 March 2024], operative paragraphs 2(a) and (b).

⁴ [Joint Statement](#) on the occasion of the launch of The Hague Group (31 January 2025).

⁵ ICJ, [Advisory Opinion](#), 19 July 2024.

⁶ *Id.*

UNGA adopted [Resolution A/RES/ES-10/24](#), whereby it endorsed the ICJ's findings and set a 12-month deadline for Israel to end its unlawful presence in the Occupied Palestinian Territory.⁷

The nature of these obligations and what they entail for States has been explored by various authors and organizations, including the [Independent Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel](#).⁸ Flowing from their obligations set out by the ICJ, States are under a duty to impose an arms and energy embargo on Israel, to conduct due diligence regarding any economic activities that are linked to the Israeli war economy, to suspend existing trade agreements to avoid complicity with unlawful actions, and to order corporations to cease harmful operations that contribute to Israel's violations of international law.⁹

Nevertheless, many States worldwide continue to violate these obligations. This is particularly stark for States from the Global North: the European Union (EU) continues to be Israel's biggest trading partner,¹⁰ whilst the United States (US), Germany and Italy are the three major arms exporters to Israel and together supply almost all its weapons.¹¹ Although nine European

⁷ UN General Assembly, [Resolution ES-10/24](#) (Sept. 2024), operative paras. 2, 4(a), 4(b), and 4(d)(ii).

⁸ Law for Palestine, "[Third State Economic Responsibility in light of the International Court of Justice's Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem](#)" (April 2025). See also, Diakonia International Humanitarian Law Center at Jerusalem, "[Responsibility of EU Member States Emanating from the Findings of the ICJ's Advisory Opinion Of 19 July 2024](#)" (22 October 2024); Dr. Mais Qandeel, "[Territorial Annexation of Palestine: Illegality, Third States Obligations and the ICJ's 2024 Advisory Opinion](#)" European Journal of International Law Blog (28 February 2025); Dr Ralph Wilde, "[Illegality of Israel's presence in the Palestinian Gaza Strip and West Bank, including East Jerusalem, in the light of the 2024 Occupied Palestinian Territory Advisory Opinion of the International Court of Justice, and consequences for third States and the European Union](#)", University College London, University of London (1 December 2024); Yussef Al Tamimi and Andreas Piperides, "[Third State obligations in the ICJ Advisory Opinion: Implications for the United Kingdom and Cyprus](#)", Verfassungsblog on Constitutional Matters (14 October 2024)

⁹ Id.

¹⁰ Lily Bayer, "[Nine EU countries call for talks on ending trade with Israeli settlements](#)", Reuters (19 June 2025).

¹¹ Matthew Ward Agius, "[Amid calls for arms embargo, who supplies Israel's weapons?](#)", Deutsche Welle (DW), (26 May 2025).

countries¹² –beginning with Ireland,¹³ Belgium¹⁴ and Spain¹⁵– have initiated efforts towards banning trade from Israeli illegal settlements, the European Union has fallen short in this regard.¹⁶ The European Commission is currently calling for the Council of Europe to ban all trade with Israel itself and impose sanctions due to the State’s “breach of essential elements relating to respect for human rights and democratic principles”,¹⁷ but the Council has yet to decide on this.

In contrast, the response from countries of the Global South to the ongoing genocide has been more decisive. Before the ICJ, for example, South Africa has brought a case against Israel for breaches of the Genocide Convention,¹⁸ and Nicaragua against Germany, for its alleged failure to fulfil its own obligations under international law through the provision of support, most notably military support, to Israel.¹⁹ In July 2025, on the same day that the EU decided to postpone the discussion on possible measures against Israel,²⁰ representatives of 30 countries convened in Bogotá, Colombia for an Emergency Conference summoned by The Hague Group with the aim of undertaking “*concrete actions to enforce international law through coordinated state action*”.²¹

But how has it come to the need for this Global South initiative ‘to enforce international law’? The effectiveness of international law has been challenged since the start of the current international legal order. One of the reasons for this can be traced back to the UN Charter, which enshrines the

¹² Lili Bayer, “[Nine EU countries call for talks on ending trade with Israeli settlements](#)”, Reuters (June 19, 2025).

¹³ “[Ireland moves to become first EU country to ban trade with Israeli-occupied territories](#)”, Le Monde & AFP (27 May 2025). The Irish government is currently passing a bill for these purposes. See: “[Government intends to pass trade ban with Israeli settlements amid pressure from some US politicians](#)”, The Journal (8 August 2025).

¹⁴ On 2 September 2025, Belgium announced that it would impose the following sanctions against Israel: a ban on the import of products from illegal West Bank settlements; a review of public procurement policies with Israeli companies; and the designation of two Israeli government ministers and “several violent settlers” as persona non grata in Belgium. See: Zoya Sheftalovich, “[Belgium to recognize Palestine, sanction Israel](#)”, Politico EU (2 September 2025).

¹⁵ Escarlata Sánchez and Maria Muñoz Morillo, “[Spain increases humanitarian aid for Gaza and imposes arms embargo on Israel](#)”, Euro News (Sept. 8, 2025).

¹⁶ See: Maia La Baume, “[EU delays measures against Israel on Gaza despite pressure to act](#)”, Euronews (15 July 2025).

¹⁷ European Commission, Press Release “[Commission proposes suspension of trade concessions with Israel and sanctions on extremist ministers of the Israeli government and violent settlers](#)” (Sept. 16, 2025).

¹⁸ See: ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)* [pending proceedings].

¹⁹ See: ICJ, *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)* [pending proceedings].

²⁰ Maia La Baume, “[EU delays measures against Israel on Gaza despite pressure to act](#)”, Euronews (15 July 2025).

²¹ The Hague Group, “[The Hague Group convenes states from across the world to an Emergency Conference to halt the genocide in Gaza](#)” (July 2025).

principle of sovereign equality among its members, but also a veto power of the five permanent members of the UNSC (the US, France, the United Kingdom, Russia and China) impeding real enforcement. It is no coincidence that the five permanent members represent both the Global North and the multi-polar geographical powers. Unlike the UNGA, the UNSC is not a democratic organ and in many ways represents a colonial legacy sitting at the core of the international legal system,²² whereby their stance prevails over that of other countries.

In most instances, this system politicises UN sanctions.²³ [Law for Palestine](#)'s database of UN Resolution on sanctions and embargoes shows that both the UNSC and the UNGA do not apply sanctions or adopt measures uniformly. Within the UNSC this is due to the use of the veto power by the five permanent members. China and Russia, for example, exercised their veto against the imposition of sanctions against Syria from 2011 onwards; Russia to avoid sanctions during its 2014 and 2022 invasions to Ukraine; and the U.S. to halt sanctions against Israel amid the ongoing genocide.²⁴

Moreover, powerful countries have adopted the use of economic sanctions as an instrument of foreign policy. While Article 51 of the UN Charter provides for countermeasures by the States as means of individual or collective self-defense, it does not authorize the use of unilateral sanctions indiscriminately or arbitrarily.²⁵ While some unilateral sanctions may be unlawful, others can be justified as lawful countermeasures in response to serious breaches of international law by States,

²² See in this regard, among others: David Strang, "Contested Sovereignty: the social construction of colonial imperialism" in Thomas Biersteker et al. (eds.), *State Sovereignty as Social Construct* (Cambridge University Press, 1996); Gerry Simpson, *Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order* (Cambridge University Press, 2004); Anthony Anghie, "The Evolution of International Law: Colonial and postcolonial realities" (2006) 27 Third World Quarterly 5, 739=753; David Small, "The Continued Influence of Colonialism in International Law", Queen's University, Belfast (29 March 2019).

²³ Many scholars and international experts have debated about the use of the UNSC veto power when enforcing obligations relating to mass atrocities. See, among others: UN General Assembly press release "[Veto Must Not End UN Action, Speakers Stress in General Assembly Debate, as President Warns Against Perception of 'Our Collective Failure to Act'](#)" (23 April 2024); Douglas C Youvan, "Understanding the Powers of the UN General Assembly vs. the UN Security Council: A Critical Analysis of Peacekeeping and Use of Force" (October 2024); Jennifer Trahan, "Why the Veto Power Is Not Unlimited: A Response to Critiques of, and Questions About, Existing Legal Limits to the Veto Power in the Face of Atrocity Crimes" (2022) 54 Case W. Res. J. Int'l L. 109 ; Jennifer Trahan, *Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes* (Cambridge University Press, 2020).

²⁴ See: Security Council Report, "[The Veto](#)" (13 February 2024); Stewart M. Patrick, "Limiting the Security Council Veto in the Face of Mass Atrocities", Council on Foreign Relations (13 January 2015).

²⁵ According to the UN General Assembly [Resolution A/RES/79/293](#) (18 June 2025), "unilateral coercive measures and legislation are contrary to international law, including international human rights law and international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States".

as has been the case in response to the long litany of violations of *jus cogens* norms by Israel over decades. In the current Palestinian context, the US is even using such sanctions arbitrarily to censor the voices of those who call for action, such as the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese;²⁶ the sanctions on judges and prosecutors of the International Criminal Court; and the recent sanctions targeting Palestinian human rights organisations.

The creation of The Hague Group²⁷ therefore signifies a much-needed paradigm shift²⁸ towards a Global South-led justice,²⁹ aimed at maintaining the international core principles, assuming efforts to ensure their application and exercising pressure to end Israel's settler-colonial occupation, apartheid and genocide against the Palestinian people. Although not perfect and in early development,³⁰ this initiative is crucial in the current context as a message that international principles still stand and apply even to colonising powers that are supported by the Global North.

3. Measures adopted by The Hague Group

On July 16, 2025, after the emergency conference on Palestine convened by The Hague Group in Bogotá, thirteen States—including Bolivia, Cuba, Colombia, Indonesia, Iraq, Libya, Malaysia, Namibia, Nicaragua, Oman, Saint Vincent and the Grenadines and South Africa—released a joint statement announcing the adoption of six measures constituting a “collective commitment to

²⁶ UN News, ‘[UN calls for reversal of US sanctions on Special Rapporteur Francesca Albanese](#)’ (10 July 2025).

²⁷ Although some European and Arab nations have convened five meetings of what is called The Madrid Group, it aims to support the two-state solution initiative, but it has not yet agreed to take any measures against Israel. See: “[Madrid Group meeting condemns Israeli violations in Gaza, calls for ‘unconditional’ opening of border crossings](#)”, The Jordan Times (25 May 2025).

²⁸ Although there is a historic precedent of States coming together to take measures (both through the UNGA and unilaterally) for serious breaches to International Law during the 1970s and 1980s against South Africa's domestic Apartheid regime and its illegal occupation of Namibia; The Hague Group still constitutes a paradigm shift in the sense that Global North countries are mostly supporting the State that is committing these violations. However, the trajectory of the Hague Group closely aligns with UN practices, which provided significant momentum and became a key factor in ending South Africa's occupation and colonial rule over Namibia.

²⁹ Term coined by: Mera Eftaiha, “[The Rise of Global South-Led Justice](#)”, Synergy for Justice (3 April 2025).

³⁰ There are some critiques among the founding members of The Hague Group. Particularly, Colombia is dealing with domestic claims of lack of compliance, for it has continued to export coal for electricity to Israel even after announcing the coal embargo on Israel in August 2024. See: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, “[From economy of occupation to economy of genocide](#)” (para. 57).

defend the foundational principles of international law”.³¹ The following analysis examines each measure in turn:

- 1) **Prevent the provision or transfer of arms, munitions, military fuel, related military equipment, and dual-use items to Israel**, as appropriate, to ensure that our industry does not contribute the tools to enable or facilitate genocide, war crimes, crimes against humanity, and other violations of international law.

This first measure reflects States’ obligations as third parties not aid and assist Israel’s illegal occupation of the OPT, violations of International Humanitarian Law and human rights and genocide.³² This flows from the obligations outlined in the ICJ’s Advisory Opinion,³³ as well as under Article 6(3) of the UN Arms Trade Treaty (ATT), which provides that States Parties “shall not authorize any transfer of conventional arms covered [...] if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes [...]”.³⁴ Additionally, under the the Genocide Convention and Geneva Conventions respectively, States are obliged to prevent genocide³⁵ and ensure respect for International Humanitarian Law.³⁶

Thus, this first measure constitutes a commitment to comply with these obligations, which also bind other States Parties, including States party to the ATT as well as European States. In this regard, Spain too has announced the formalization of an arms embargo against Israel.³⁷

- 2) **Prevent the transit, docking, and servicing of Israeli vessels at any port within their jurisdiction**, in all cases where there is a clear risk of the vessel being used to

³¹ The Hague Group, [Joint Statement](#) (July 16, 2025).

³² See: Law for Palestine, “[Legal Obligations on States and Private Entities under the International Law of the Sea regarding Transfer of Arms and Energy Supplies to Israel](#)” (April 2025); and, Vladyslav Lanovoy, “[Arms Transfers to Israel: Knowledge and Risk of Violations of International Law](#)” (17 April 2024).

³³ ICJ, [Advisory Opinion](#), 19 July 2024.

³⁴ UN [Arms Trade Treaty](#), adopted by General Assembly resolution 67/234B on 2 April 2013.

³⁵ See also: ICJ, [Application of the Convention on the Prevention and Punishment of the Crime of Genocide \(Bosnia and Herzegovina v. Serbia and Montenegro\)](#) (Judgment) (26 February 2007), where the Court confirmed states must use ‘**all means reasonably available**’ (para 32) and that the obligation arises when a state learns of, or should have learned of the existence of a **serious risk** of genocide (para 431).

³⁶ Article 1 of the [Genocide Convention](#); Common Article 1 of the [Geneva Conventions of 1949](#); [Draft articles on Responsibility of States for Internationally Wrongful Acts](#). See: Irene Pietropaoli, “[Obligations of Third States and Corporations to Prevent and Punish Genocide in Gaza](#)” (5 June 2024).

³⁷ Escarlata Sánchez and Maria Muñoz Morillo, “[Spain increases humanitarian aid for Gaza and imposes arms embargo on Israel](#)”, Euro News (Sept. 8, 2025).

carry arms, munitions, military fuel, related military equipment, and dual-use items to Israel, to ensure that our territorial waters and ports do not serve as conduits for activities that enable or facilitate genocide, war crimes, crimes against humanity, and other violations of international law

3) Prevent the carriage of arms, munitions, military fuel, related military equipment, and dual-use items to Israel on vessels bearing our flag, while being fully compliant with applicable international law, including UNCLOS, ensuring full accountability, including de-flagging, for non-compliance with this prohibition, not to render aid or assistance in maintaining the situation created by Israel's illegal presence in the Occupied Palestinian Territory

Together these two measures concern the shipment of military support over which a Third State may be able to leverage its control, whether through ports within the State's jurisdiction or over vessels bearing its flag. Crucially, these measures set out a blanket block on shipments of military support to Israel, recognising the inextricable link between Israel's presence in the Occupied Palestinian Territory and its broader military system.

The measures reflect the obligations of States Parties to the ATT, which also extend to transit, trans-shipment and brokering, including the duty to take "appropriate measures to regulate" the transit of conventional arms through its territory in accordance with international law (Article 9). They also build upon obligations established under the Law of the Sea regime, as codified by the [United Nations Convention on the Law of the Sea](#) (UNCLOS). Article 27 of UNCLOS stipulates that coastal States have the right –and in some cases the obligation– to interrupt or suspend innocent passage for the purposes of criminal enforcement jurisdiction over serious international crimes.³⁸ Therefore, where a vessel violates peremptory norms of international law or aids other States in committing such violations, States may have an obligation to suspend or redirect a vessel's passage. This would include where vessels carry arms, munitions and equipment which might be used by Israel to maintain its occupation, apartheid and continue its genocidal campaign in Gaza. These commitments serve as an effective way to block the global supply chain of arms, especially when adhered to by countries in diverse geographic areas.

Such measures have already been adopted by States in response to Israel's violations. On 24 August 2024, Namibia –a member of the Hague Group– decided to cancel the docking permit of

³⁸ Article 27, [United Nations Convention on the Law of the Sea](#), adopted on December 10, 1982.

the MV Kathrin ship after receiving confirmation that it was carrying explosives destined for Israel. Namibian Justice Minister Yvonne Dausab, commenting on the decision, stated that “Namibia complies with our obligation not to support or be complicit in Israeli war crimes, crimes against humanity, genocide, as well as its unlawful occupation of Palestine.”³⁹ Following campaign work by civil society groups, several States, including Angola and Malta, proceeded to ban the MV Kathrin which was also forced to officially abandon its Portuguese flag.⁴⁰ Whilst it is likely that the shipment of explosives carried by the MV Kathrin nonetheless reached its final destination in Israel, the ban on its entry into many ports demonstrates the power of Third States to disrupt the global supply chain of arms to Israel. Malaysia, another State in the Hague Group, has prohibited all vessels from the Israel-based shipping company, ZIM, from docking in Malaysian ports, as well as any ships displaying Israel’s flag or heading to Israel.⁴¹

Disruption to Israel’s supply chain has also taken place at the grassroots level and as a result of collective organising by unions and workers across global ports and airports. In many countries, including Australia,⁴² Italy,⁴³ France,⁴⁴ Greece,⁴⁵ the US,⁴⁶ South Africa⁴⁷ and Tunisia,⁴⁸ Union dockworkers have blocked military shipments bound for Israel by refusing to load cargo. Civil society campaigns such as [No Harbour for Genocide](#) and [Global Energy Embargo for Palestine](#) have also put pressure on governments to take action.

A bigger global campaign pushing for the compliance with these obligations could halt Israel’s military power to prevent the commission of further war crimes and genocide against the Palestinian people.

³⁹ Quoted in Wycliffe Muia, “[Namibia blocks ship over Israel war-crime concerns](#)”, BBC News (27 August 2024)

⁴⁰ BDS Movement, ‘Block the Boat’ <https://www.bdsmovement.net/BlockTheBoat-The-Live-Blog>

⁴¹ Free Malaysian Today, “[Govt blocks Israeli shipping company from docking at Malaysian ports](#)” (23 December 2023).

⁴² Nadda Osman, “[War on Gaza: Pro-Palestine protesters block Israeli ship from port of Melbourne](#)”, Middle East Eye (21 January 2024).

⁴³ Contropiano, “[Genova. Porto bloccato contro l’attracco di una nave israeliana](#)” (10 November 2023)

⁴⁴ France 24, “[French dock workers in Marseille block shipment of military material bound for Israel](#)” (5 June 2025).

⁴⁵ Oscar Rickett, “[Greek dock workers will refuse to unload Israel’s ‘murderous cargo’](#)”, Middle East Eye (8 July 2025).

⁴⁶ Hillary Beaumont, “[Protesters block US military ship allegedly carrying weapons for Israel](#)” Al Jazeera (Nov. 7, 2023).

⁴⁷ Azad Essa, “[South African dockworkers refuse to unload Israeli ship in solidarity with Palestinians](#)”, Middle East Eye (20 May 2021)

⁴⁸ Ali Abunimah, “[Dockworkers force Israel-linked ship away from Tunisia](#)”, The Electronic Intifada (9 August 2018).

- 4) Commence an urgent review of all public contracts, in order to prevent public institutions and public funds, where applicable, from supporting Israel's illegal occupation of the Palestinian Territory** which may entrench its unlawful presence in the territory, to ensure that our nationals, and companies and entities under our jurisdiction, as well as our authorities, do not act in any way that would entail recognition or provide aid or assistance in maintaining the situation created by Israel's illegal presence in the Occupied Palestinian Territory.

The fourth measure refers to the economic relationship between Third States and their entities with Israel and could arguably pave the way for unilateral economic actions. It reflects the determination of the ICJ that States must “abstain from entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory” (para 278). The [Commission of Inquiry](#) interprets this to mean that States must cease financial, trade, investment and economic relations with Israel that maintain the occupation.

Despite the vague phrasing of the measure, this commitment should be understood to also extend to regulating businesses in the States' respective jurisdictions, as suggested by the reference to “companies and entities”. In order to fulfil their obligations outlined in the ICJ Advisory Opinion and well as the duty to prevent genocide and to ensure respect for International Humanitarian Law, Third States must conduct due diligence to prevent corporations registered in their jurisdiction from contributing to human rights violations.

Under International Human Rights Law, States have the obligation to ensure that third parties, including companies, do not commit human rights violations.⁴⁹ The UN Guiding Principles on Business and Human Rights (UNGPs) provide a normative framework at the international level, outlining the responsibilities of States and businesses in addressing human rights impacts. States must take steps to “prevent, investigate, punish and redress” abuses by private actors

⁴⁹ UN Committee on Economic, Social and Cultural Rights, [General Comment No. 24](#) (2017) on State obligations in the context of business activities (23 June 2017), paras. 14-22; Inter-American Court of Human Rights, *Case of Vera Rojas et v. Chile*. Preliminary Exceptions, Merits, Reparations and Costs. Judgement of October 1st, 2021. Series C No. 439, para. 85; European Court of Human Rights, *Fadeyeva v Russia* (ECHR, 9 June 2005) paras. 89, 96-97, and 124; African Court on Human and Peoples' Rights, *Ligue Ivoirienne Des Droits De L'homme (LIDHO) and others v. Cote d'Ivoire*. Judgement (3 September 2023) paras.142, and 161-163; UN Guiding Principles on Business and Human Rights, Principle 1; [Report](#) of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, “[From economy of occupation to economy of genocide](#)” A/HRC/59/23 (30 June 2025), para. 16.

when human rights violations take place, which extends to operations overseas in accordance with extraterritorial human rights obligations.⁵⁰

Several such measures have already been adopted. In August 2024, Colombia initiated measures to prohibit the export of coal to Israel by private companies,⁵¹ despite a lack of compliance by the Drummond company.⁵² However, South Africa—another member of the Hague Group and main coal exporter to Israel—has not taken any steps to halt its continuing coal exports.⁵³ In this regard, it is vital for The Hague Group members and other countries to comply with the standards of business and human rights in order to ensure that companies operating under their jurisdiction are not complicit in the ongoing genocide.⁵⁴

Moreover, during The Hague Group's emergency conference, the UN Special Rapporteur, Francesca Albanese, particularly urged the Colombian president to review and suspend its free trade agreement with Israel. Nevertheless, none of the signatory governments have yet announced specific trade measures against Israel. During the emergency meetings, civil society pushed for measures to be taken against Israel and not just its illegal settlements, and in that sense, these requests and measures go beyond their current international obligations. This is key and it would be crucial for other governments to implement this kind of measures and take a stance to enforce and sanction violations of international law.

Some countries like Ireland, Belgium and Spain have announced measures to ban trade with Israeli illegal settlements in the Occupied Palestinian Territory, and the latter even stated that it would review its public procurement policies with Israeli companies as a sanction for its actions.⁵⁵ In the meantime the European Union is discussing whether to ban trade with Israel and prohibit imports

⁵⁰ UN [Guiding Principles](#) 1-7; on extraterritorial human rights obligations see UNGP 7 Commentary, CCPR, General Comment 31 (2004), para 10; CESCR, General Comment 24 (2017), paras. 25-37.

⁵¹ Decree 1047 issued on August 14, 2024, by the Ministry of Commerce, Industry and Tourism, banning coal exports to Israel.

⁵² Camilo Sánchez, “[El carbón colombiano prohibido por Petro se sigue exportando a Israel](#)” [“Colombian coal forbidden by Petro continues to be exported to Israel”], El País (16 July 2025). See also: Radio Nacional de Colombia, “[Ministerio de Trabajo abrió investigación por presunta violación al decreto presidencial que prohíbe exportar carbón a Israel](#)” [“Labor Ministry opened an investigation relating to the alleged violation of the presidential decree that forbids coal exports to Israel”] (28 July 2025).

⁵³ Damilola Banjo, “[Coal From South Africa Keeps Flowing to Israel Despite the ICJ Genocide Case](#)”, Pass Blue (21 April 2025).

⁵⁴ See Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, “[From economy of occupation to economy of genocide](#)” A/HRC/59/23 (30 June 2025), and Law for Palestine’s [List of Referenced Companies](#).

⁵⁵ See Zoya Sheftalovich, “[Belgium to recognize Palestine, sanction Israel](#)”, Politico EU (2 September 2025).

from illegal settlements.⁵⁶ These initiatives should be adopted globally as a way to increase pressure and sanction Israel's actions.

5) Comply with our obligations to ensure accountability for the most serious crimes under international law through robust, impartial and independent investigations and prosecutions at national or international levels, in compliance with our obligation to ensure justice for all victims and the prevention of future crimes.

6) Support universal jurisdiction mandates, as and where applicable in our legal constitutional frameworks and judiciaries, to ensure justice for all victims and the prevention of future crimes in the Occupied Palestine Territory.

These two final measures concern the core legal mechanisms of criminal accountability available to other States.

At the international level, the International Criminal Court (ICC) is the primary forum for individual criminal accountability. The ICC has already issued arrest warrants for Prime Minister Netanyahu and Mr Yoav Gallant for war crimes and crimes against humanity.⁵⁷ In its report, the Commission of Inquiry concluded that “all States must fully cooperate with the International Criminal Court’s investigation in the *Situation in the State of Palestine*, regardless of whether it is a State Party to the Rome Statute” (para 33).⁵⁸

At this level, despite the fact that States do not have an active role in ICC investigations and prosecutions, their support for the Court is quite important to ensure effectiveness, for example, through the arrest and extradition of individuals under investigation that may be in their territory. Additionally, in the current context, such support to the Court is vital as the U.S. has adopted sanctions against ICC judges and prosecutors due to the issuance of the arrest order against the Israeli Prime Minister, Benjamin Netanyahu and his defense minister, Yoav Gallant.⁵⁹ Therefore,

⁵⁶ Maia La Baume, “[EU delays measures against Israel on Gaza despite pressure to act](#)”, Euronews (15 July 2025).

⁵⁷ ICC, “[Press Release: Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel’s challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant](#)” (21 November 2024).

⁵⁸ [Position Paper of the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel](#), Legal analysis and recommendations on implementation of the International Court of Justice, Advisory Opinion (18 October 2024).

⁵⁹ ICC Press Release, “[The ICC strongly rejects new US sanctions against Judges and Deputy Prosecutors](#)” (20 August 2025).

international support and cooperation with the ICC is needed amid undue pressure by some States to halt the ICC's investigation.

At the domestic level, prosecution for international crimes is based on the principle of universal jurisdiction, whereby national courts can investigate and prosecute individuals who have committed international crimes regardless of their nationality or that of the victims, or the territory in which they were committed. The principle is based on the idea that such crimes harm the international community or international order itself, so any State can claim jurisdiction over them.⁶⁰

Currently, there have been no trials under universal jurisdiction of individuals for acts undertaken in the context of Israel's occupation and genocide, although there are some ongoing investigations in countries like Peru.⁶¹ On July 21, 2025, following a criminal complaint submitted by Hind Rajab Foundation and GLAN, Belgian authorities arrested and interrogated two Israeli soldiers accused of war crimes.⁶² The two soldiers were released following interrogation, however the Belgian Federal Prosecutor then made a decision to refer the case to the ICC.⁶³ The Hind Rajab Foundation has also filed legal complaints against IDF soldiers in more than 10 countries, and several investigations are ongoing.⁶⁴ Some States, such as the UK, have granted Israeli commanders a special diplomatic immunity to visit their territory and avoid facing prosecution.⁶⁵ Although the limitations of universal jurisdiction mean that suspected individuals can avoid arrest by not entering those countries, the adoption of such practices is central to ensuring there is no safe haven for perpetrators of international crimes.

These measures are key for ensuring accountability and providing justice for victims of atrocity crimes. The measures also align with the recommendations made by Special Rapporteur Francesca Albanese in her November 2024 report, which called on States to support independent and thorough investigations of criminal conduct, including through universal jurisdiction and to

⁶⁰ See: European Center for Constitutional and Human Rights, "[Universal Jurisdiction](#)".

⁶¹ The Hind Rajab Foundation, "[Peru Opens the Door to Prosecution: Genocide Case Against Israeli Soldier Moves into Human Rights Investigation Phase](#)" (11 June 2025).

⁶² The Hind Rajab Foundation, "<https://www.hindrajabfoundation.org/perpetrators/breakthrough-belgian-authorities-arrest-and-interrogate-israeli-war-crimes-suspects-following-complaint-by-hind-rajab-foundation-and-glan>" (21 July 2025).

⁶³ Al Jazeera, "[Belgium refers war crimes complaint against Israeli soldiers to ICC](#)" (30 July 2025).

⁶⁴ Id.

⁶⁵ John Macevoy, "[Israeli General given special immunity for secret trip to Britain](#)", Declassified UK (3 February 2025).

“investigate and prosecute corporate entities and dual citizens involved in crimes in the OPT, including soldiers, mercenaries and settlers.”⁶⁶

4. Final remarks on The Hague Group’s initiative as a prospect for International Law

As important as the adoption of the measures is, both symbolically and in the lead-up to the UNGA’s deadline to end Israel’s illegal occupation of the Occupied Palestinian Territory on 18 September 2025, the commitments set out in the declaration currently fall short, especially when other States are ignoring their own international obligations in this regard. However, it is imperative to recognize this as a first step toward a more democratic international justice system. The emergency conference provided a crucial space for countries of the Global South to take a more active role in shaping the international legal order and to stand against ongoing violations of international law, often backed by the Global North.

Nonetheless, the global outcry against Israel’s ongoing genocidal campaign against the Palestinian people of Gaza and its unlawful occupation and apartheid has created a special momentum to question the current enforcement mechanisms provided for under international law.

This momentum has not only been led by governments of the Global South and The Hague Group, but has been driven by civil society organisations taking action across the globe. This includes demands for an end to the genocide through massive protests,⁶⁷ even in Israel,⁶⁸ blockages of arms’ shipments by dock workers and unions (in Belgium, Catalonia, Italy, Greece, Turkey, the US, and elsewhere) to Israel,⁶⁹ and legal actions within countries of the Global North.⁷⁰ Recently, activists of over 44 countries launched the [Global Sumud Flotilla coalition](#), the world’s largest civilian maritime mission, which sailed on September 1st, 2025, to Gaza with the aim to break the

⁶⁶ Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, “[Genocide as colonial erasure](#)”. A/79/384 (10 October 2024).

⁶⁷ Al Jazeera, “[Tens of thousands march across world in support of Palestinians in Gaza](#)” (24 August 2025)

⁶⁸ Emma Graham-Harrison, “[Israeli protesters stage ‘day of disruption’ calling for end to war in Gaza](#)”, The Guardian (26 August 2025).

⁶⁹ BDS, “[Block the Boat: MV Kathrin](#)”.

⁷⁰ See, for instance, the litigation that civil society organizations have initiated against European authorities for not taking action against the ongoing genocide: Maria Maggiore, [Lawyers file case against EU Commission and Council for ‘failure to act’ on Gaza genocide](#), EU Observer (15 July 2025); and, Riham Alkousaa, “[German lawyers ask court to block ship allegedly carrying explosives to Israeli company](#)” (31 October 2024).

aid and food siege. This is part of ongoing efforts by civil society, like the Thousand Madleens to Gaza, as a response to governments' lack of action to stop the genocide and help the Gazan people.

Therefore, there is a growing demand for international law to become more democratic and egalitarian and may pave the way for new mechanisms of justice that are urgently needed. The Hague Group may be the beginning of an initiative based on the principles of justice and equality, because no one—or five—country should have the final word on whether States may breach or not their obligations with impunity. The international community should harness this momentum to establish effective means of upholding humanity's core values.