



Kent Academic Repository

Hammouri, Shahd and Yap, James (2026) *What does the Bogota Declaration mean for corporations?* . Essay.

Downloaded from

<https://kar.kent.ac.uk/114530/> The University of Kent's Academic Repository KAR

The version of record is available from

<https://opiniojuris.org/2026/04/02/what-does-the-bogota-declaration-mean-for-corporations/>

This document version

Author's Accepted Manuscript

DOI for this version

Licence for this version

UNSPECIFIED

Additional information

Versions of research works

Versions of Record

If this version is the version of record, it is the same as the published version available on the publisher's web site. Cite as the published version.

Author Accepted Manuscripts

If this document is identified as the Author Accepted Manuscript it is the version after peer review but before type setting, copy editing or publisher branding. Cite as Surname, Initial. (Year) 'Title of article'. To be published in **Title of Journal** , Volume and issue numbers [peer-reviewed accepted version]. Available at: DOI or URL (Accessed: date).

Enquiries

If you have questions about this document contact ResearchSupport@kent.ac.uk. Please include the URL of the record in KAR. If you believe that your, or a third party's rights have been compromised through this document please see our [Take Down policy](https://www.kent.ac.uk/guides/kar-the-kent-academic-repository#policies) (available from <https://www.kent.ac.uk/guides/kar-the-kent-academic-repository#policies>).

What does the Bogota Declaration mean for Corporations?

Shahd Hammouri and James Yap

Formatted: Font: 11 pt

In perhaps the most ambitious multilateral action since the start of the war on Gaza over two years ago, representatives from 30 states gathered in Bogotá in July 2025 to coordinate diplomatic, legal and economic measures to restrain Israel’s assault on the Occupied Palestinian Territories (‘OPT’). 12 of these states — Bolivia, Colombia, Cuba, Indonesia, Iraq, Libya, Malaysia, Namibia, Nicaragua, Oman, Saint Vincent and the Grenadines, and South Africa (the ‘Bogotá 12’) — signed a joint statement committing to six measures to turn mere condemnation into collective action under international law. The statement, known as the [Joint Statement on the Conclusion of the Emergency Ministerial Conference in Palestine \(‘Bogotá Declaration’\)](#), sets out that through their domestic legal and administrative systems, these states will break the ties of complicity with Israel’s campaign of devastation in Palestine.

Formatted: Hyperlink, Font: (Default) Arial, (Asian) Arial, 11 pt

Formatted: Font: 11 pt

As civil society actors meet this week to discuss taking these commitments forward, it is perhaps apt to revisit the regulatory implications of their commitments. The Bogotá Declaration merits attention as the first formal multilateral attempt to coordinate international compliance with the ruling of the International Court of Justice (ICJ) in its [Advisory Opinion of 19 July 2024 on Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem \(‘ICJ Advisory Opinion of July 2024’\)](#) outside of the United Nations framework. The ICJ Advisory Opinion found that Israel maintains an illegal occupation of the Palestinian territories, which entails violations of the prohibition against the use of force, the right of the Palestinian people to self-determination, and prohibitions against racial discrimination and apartheid, among others. The Court’s decision further emphasized the economic dimension of Israel’s violations, strongly condemning Israel’s administration of the territories as contravening the Hague Regulations, undermining the people’s sovereignty over their natural resources, and violating self-determination. The systemic, structural, and grave nature of the violations committed by the State of Israel renders the scope of both state and corporate responsibility expansive.

In its ruling, the ICJ made important comments on the obligations of third states with respect to violations of *erga omnes* obligations of international law, such as those being committed by Israel in the OPT. Specifically, third party states are “under an obligation not to render aid or assistance in maintaining the situation created by Israel’s illegal presence in the Occupied Palestinian Territory.” This encompasses numerous obligations with respect to economic relations with Israel, such as the obligations “to abstain from entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory or parts thereof which may entrench its unlawful presence in the territory; ...and to take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory.” States thus come under both negative and positive obligations, to both abstain and prevent.

The Bogotá Declaration cites the ICJ Advisory Opinion of July 2024 multiple times by name, and is infused with language drawn directly from it. Thus, it provides insights into some of the concrete steps that the obligations set out in the ICJ Advisory Opinion of July 2024 may require of states. In this blogpost, we

Formatted: Font: 11 pt

explore what some of the implications of the Bogotá Declaration may be for both states and companies with respect to their economic and business relations with Israel.

Content

Four of the six measures set out in the Bogotá Declaration address economic and business ties with Israel. The first three all relate to the transfer of arms, munitions, military fuel, related military equipment, and dual-use items to Israel. Specifically, they commit to preventing (1) the provision or transfer of such items to Israel, (2) the transit, docking, and servicing of vessels at any port within their territorial jurisdiction where there is a clear risk of the vessel being used to carry such items to Israel, and (3) the carriage of such items to Israel on vessels bearing their flag.

Formatted: Font: 11 pt

Among these affirmative measures, the Bogotá Declaration also hints at accountability for private entities as well. It emphasizes the responsibility 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.” It also makes reference to the importance of imposing “full accountability... for non-compliance” with these measures.

In a fourth measure also pertaining to economic and business relations with Israel, the Bogotá 12 further commit to “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.”

Implications for States

Formatted: Font: 11 pt

These measures are a very credible first step by the Bogotá 12 towards concretely defining and implementing the obligations of third states under the ICJ Advisory Opinion of July 2024 (For a comprehensive guide to third state economic responsibility, please review the work of [Law for Palestine](#), and this [panel](#).)

Formatted: Font: 11 pt

The measures on military assistance to Israel go beyond simply refraining from providing weapons directly to Israel, as many western countries have limited themselves to doing. Instead, the measures in the Bogotá Declaration are much broader – for instance, they encompass not only arms, but related items such as military fuel and dual-use items. Further, they encompass not only the provision of these items to Israel, but also preventing their provision, as well as allowing them to transit through a state’s territory or territorial waters, or be conveyed on a vessel bearing its flag. Through these measures, the Declaration’s signatories evince a clear understanding that their obligations under international law involve not only refraining from providing military assistance to Israel, but taking affirmative measures to prevent becoming conduits for such assistance.

Formatted: Font: 11 pt

Similarly, the Bogotá Declaration's commitment to prevent public institutions and funds from supporting Israel's unlawful occupation through public contracts is another illustration of the kind of proactive, preventative measure required by international law beyond merely withholding direct support to Israel. Such measures have already been extensively debated in other jurisdictions such as Norway and Ireland. Taking this commitment forward, states are advised to develop ethical procurement plans that adhere to international legal standards.

Formatted: Font: 11 pt

Notably, the Bogotá Declaration also does not differentiate between the economy of Israel and the OPT. This approach circumvents procedural difficulties caused by the entanglement of the two economies, and accurately responds to customary principles of third-state responsibility. It shifts the focus to the purpose of these efforts –rendering occupation and genocide unprofitable.

At the same time, the Bogotá Declaration is far from comprehensive. More measures should be considered in future texts, such as imposing financial sanctions that prohibit economic relations with individuals and entities complicit in Israel's illegal occupation (as some countries have done to some extent), and the purchase of Israeli weapons. Further, the Bogotá Declaration makes no explicit mention of measures to prevent military exports from going to Israel indirectly through other states.

[This latter omission is particularly important, as 70% of Israel's military exports-imports come from the United States, whose military industry in turn relies on a highly internationalized supply chain dependent on parts and components from many countries, this is an important omission. For instance, the F-35 program alone consists of a consortium of eight F-35 partner nations \(Australia, Canada, Denmark, Italy, the Netherlands, Norway, the United Kingdom, and the United States\) who supply many of the components that go into its assembly and maintenance. A stable supply of parts and components is critical to keeping these machines in the air. For example, Josh Paul, a former State Department official who resigned in protest in October 2023, estimates that each fighter jet requires three hours of maintenance for every hour of flying.](#)

Formatted: Hyperlink, Font: (Default) Arial, (Asian) Arial, 11 pt

Formatted: Font: 11 pt

[The Bogotá Declaration countries are well aware of this dynamic: after all, three of their leaders \(South Africa's Cyril Ramaphosa, Malaysia's Anwar Ibrahim, and Colombia's Gustavo Petro\) wrote in February 2025, that "In an interconnected world, the mechanisms of injustice are found in the fabric of global supply chains. Advanced weaponry cannot be built without metals, components, technology, and logistics networks that span continents." This makes the omission of language about military industrial supply chains from the Bogotá Declaration all the more regrettable.](#)

Formatted: Font: 11 pt

Implications for Companies

As reaffirmed in two recent expert panels ([here](#) and [here](#)), corporations operating in Palestine and Israel have a heightened duty of human rights due diligence ('hHRDD') under the [UN Guiding Principles of Business and Human Rights](#). Special Rapporteur Francesca Albanese points out in her [recent June 2025 report](#) that 'the law governing corporate responsibility has deep roots in the historic relationship between violent dispossession and private power'. When undertaking hHRDD, business enterprises must remain wary of the extent to which their operations cause, contribute or are directly linked to the ongoing violations occurring in the OPT. Corporations must provide employees with the training required to understand the

particularity of legal obligations in the context of structural, systemic and grave international legal violations, such as an illegal occupation. Corporations thus have the duty to consult relevant stakeholders on an ongoing basis, including by engaging in good faith with Palestinian civil society actors. Corporations must review all relationships with corporations that play a role in the value chain of supplying arms, dual-use items, technology, finance, and energy to Israel (review [Lysverket](#) to identify high-risk industries in conflict-affected areas and relevant caselaw). More generally, they must ensure that they are not implicated down the value chain with those who are complicit in the ongoing violations. Lists like those found in ~~the UN Rapporteur's Albanese's~~ recent report ~~'From the Economy of Occupation to the Economy of Genocide'~~, and the coalition [Do not Buy into Occupation](#) can help identify business enterprises now clearly implicated in genocidal acts, and the entrenchment of an illegal occupation. When corporations do not have enough leverage to effect change in this context, and find themselves implicated, they must urgently divest.

The Bogotá Declaration means that corporations operating within the Bogotá 12 jurisdictions that fail to meet these duties now face various operational risks, such as litigation, prosecution, cancellation of or failure to win public contracts, or otherwise being held accountable for complicity in genocide and other grave violations of international law. Thus, corporations with substantial presence in these jurisdictions must undertake hHRDD to ensure that they are not engaging in any contracts that further entrenches the illegal occupation or genocide – such as renting buildings in illegal settlements, using or exporting unlawfully extracted natural resources such as water or gas, trading in Israeli war bonds, or providing finance, services, and goods to the Israeli military.

In short, the Bogotá Declaration is a laudable effort by Global South countries to coordinate pushback against the determined assault being led by the US, Israel, and other allies to undermine institutions of international law and human rights. It contains valuable insights into the obligations of both states and corporations with respect to Israel's illegal acts in the OPT. It provides a much-needed development in state practice vis-à-vis business and human rights in conflict-affected areas. While more action is needed, it is hopefully just a precursor of things to come.

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt