RESPONSE BY UK LAWYERS FOR ISRAEL (UKLFI) TO THE NORWEGIAN MINISTRY OF FOREIGN AFFAIRS CONSULTATION ON A PROPOSED LAW BANNING TRADE WITH ISRAELI SETTLEMENTS IN PALESTINE

1. UK Lawyers for Israel (UKLFI) is an association of lawyers who support Israel and seek the proper application of laws in matters relating to Israel. Our Honorary Patrons and members include some of the most distinguished lawyers in the UK. Although based in the UK, we regularly address issues of international law relating to Israel around the world.

2. The consultation paper published by the Ministry of Foreign Affairs (the **"Ministry"**) contains several claimed international law and domestic justifications for the proposed draft Act. It states that:

    2.1. Pursuant to the Advisory Opinion of the International Court of Justice (the **"ICJ"**) in Case No. 186 delivered on 19 July 2024 (the "**2024 Advisory Opinion**"),[1] "all States are under an obligation not to recognise or assist in maintaining Israel's unlawful presence in Palestine";

    2.2. UN Security Council Resolution 2334 (2016)[2] and the ICJ's Advisory Opinion in Case No. 131 delivered on 9 July 2004 (the **"Wall Advisory Opinion"**)[3] establish the unlawfulness of Israeli settlements in the West Bank, and a March 2026 report of the UN High Commissioner for Human

---

[1] *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem* (Advisory Opinion) [2024] ICJ Rep. 753.
[2] https://www.un.org/webcast/pdfs/SRES2334-2016.pdf.
[3] *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) [2004] ICJ Rep. 136.

UK Lawyers for Israel,
Email: info@uklfi.com Website: www.uklfi.com
Lytchett House, Freeland Park, Wareham Road, Poole, Dorset, BH16 6FA

Rights[4] records a sharp rise in settler and Israeli security-force violence and record levels of Palestinian displacement in the West Bank; and

2.3. The Government has repeatedly expressed criticism of settler violence, evictions and house demolitions by Israeli authorities, and has urged Israel to withdraw from existing settlements and halt the construction of new ones. It has also advised against trade with Israeli settlements.

3. Despite these claimed justifications, we explain below that implementing the draft Act would put Norway at risk of breaching:

3.1. the Free Trade Agreement between the EFTA States and Israel (the "**EFTA-Israel FTA**") and the bilateral Agreement on Agricultural Products with Israel (the "**Agricultural Agreement**"); and

3.2. Norway's obligations under the General Agreement on Tariffs and Trade (the "**GATT**"), the General Agreement on Trade in Services (the "**GATS**") and the World Trade Organisation (the **"WTO"**) Agreement on Agriculture.

It would, in addition,

3.3. expose companies that comply with it to potential liabilities and penalties under US Federal and State laws; and

3.4. exacerbate antisemitism.

4. We explain also that Norway's international obligations are not altered by the advisory opinions of the International Court of Justice (**"ICJ"**) to which the consultation paper refers, or by any non-binding UN reports or Security Council resolutions, none of which requires Norway to adopt the specific measures proposed.

The EFTA-Israel FTA and Norway's bilateral Agricultural Agreement with Israel

5. Norway is a member of EFTA and a party to the EFTA-Israel Free Trade Agreement, in force since 1 January 1993 (the "**EFTA-Israel FTA**").[5] Article 2 of the EFTA-Israel FTA states that it covers industrial goods and fish and marine products. Its Article 11 provides that trade in agricultural products not covered by Article 2 is instead the subject of separate bilateral arrangements, which should in any event be read in tandem with the FTA. In the case of Norway and Israel, that

---

[4] https://www.ohchr.org/en/documents/country-reports/ahrc6170-israeli-settlements-occupied-palestinian-territory-including.

[5] https://www.efta.int/sites/default/files/media/documents/legal-texts/free-trade-relations/israel/EFTA-Israel%20Free%20Trade%20Agreement.pdf .

arrangement is the Agreement on Agricultural Products, in force since August 2021 (the "**Agricultural Agreement**").[6]

6. The consultation paper notes that the EFTA-Israel FTA "is not expressly limited to trade with Israel within the pre-1967 borders as defined by the UN Security Council" but argues that "established practice requires the agreement to be interpreted subject to such a limitation".[7] It adds that the Agricultural Agreement has the same geographical scope. The Ministry therefore argues that nothing in these agreements prohibits Norway from imposing a prohibition on the import of goods originating in areas of Israeli settlement.

7. Under the heading "Territorial application", Article 32 of the EFTA-Israel FTA provides only that the Agreement "shall apply to the territories of the Parties," without defining that term. The bilateral Agricultural Agreement is likewise undefined in this respect. Because neither agreement defines the term "territories", it cannot be assumed that the agreements should apply only to Israeli territory within the 1949 Armistice Lines (the **"Green Line"**). Rather, as will be explained further in the section below on WTO Agreements, trade agreements generally apply a neutral approach to territory, operating on the basis of customs territories rather than sovereignty claims.

8. Absent a specific definition, the most natural interpretation of Article 32 would be that it also applies such a neutral approach. That reading is supported by the preamble of the EFTA-Israel FTA, which refers specifically to the GATT as a basis for the parties' foreign trade policy: "Recalling the mutual interest of the EFTA States and Israel to the continual reinforcement of the multilateral trading system and considering their capacity as Contracting Parties of the General Agreement on Tariffs and Trade, the provisions and instruments of which constitute a basis for their foreign trade policy".[8]

9. The Ministry does not identify what "established practice" it relies upon to conclude that the FTA is limited to trade with Israel within the pre-1967 borders. It may be relying on the judgment of the Court of Justice of the EU (the "**CJEU**") in Case C-386/08 *Brita*.[9] That Judgment can be criticised for ignoring the Oslo II Accord, which clearly excluded areas of Israeli settlement in the West Bank and East Jerusalem from the jurisdiction of the Palestinian Authority.[10] Moreover, the issue

---

6 https://www.efta.it/sites/default/files/documents/legal-texts/free-trade-relations/israel/Agricultural%20Agreements/norway-israel-bilateral-agreement-on-agricultural-products.pdf.

7 https://www.regjeringen.no/contentassets/5ea7377271474018bad03d49018724d8/horingsnotat-forslag-til-lov-om-handelsforbud-med-de-israelske-bosetningene-i-palestina.pdf.

8 EFTA-Israel FTA, preamble.

9 Case C-386/08 *Brita GmbH v Hauptzollamt Hamburg-Hafen*.

10 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, 28 September 1995, Arts. IX.5 and XVII, Annex III, Art. IV, and Protocol on Economic Relations between the Government of

in that case concerned whether the German authorities should apply preferential treatment to goods originating in the West Bank (Judea and Samaria) based on a certificate of origin issued by the Israeli authorities, rather than one issued by the PLO. That is a different issue from whether the EU-Israel Association Agreement, and by analogy the EFTA-Israel FTA, should be interpreted as limited in its entirety to goods originating in Israel within the 1949 armistice lines (the **"Green Line"**).

10. Goods originating in areas of Israeli settlement in the West Bank are normally transferred to Israel within the Green Line prior to export. Even if the West Bank and Israel are regarded as different territories, transfers of goods between them are in accordance with Article XXIV of the Oslo II Accord and the Protocol on Economic Relations (the **"Paris Protocol"**) in its Annex V. The latter expressly provides in its Articles VIII.1, VIII.10 and IX.1 that there will be free movement of agricultural produce and industrial goods between the two sides. Following transfer from the West Bank across the Green Line, the goods are then in free circulation in Israel within the Green Line.

11. Article 7 of the EFTA-Israel FTA provides:

> "1. No new quantitative restriction on imports or exports or measures having equivalent effect shall be introduced in trade between the EFTA States and Israel.
>
> 2. Upon the entry into force of this Agreement quantitative restrictions on imports or exports and measures having equivalent effect shall be abolished except as provided for in Annex IV.2.[11]
>
> 3. For the purpose of this Agreement "quantitative restrictions and measures having equivalent effect" means prohibitions or restrictions on imports or exports into an EFTA State from Israel or into Israel from an EFTA State made effective through quotas, import or export licences or other administrative measures and requirements restricting trade."

This Article contains no limitation to goods originating in the respective territories and expressly applies to trade between EFTA States and Israel. This includes trade in goods in free circulation in the respective territories that were produced wholly or partly outside these territories.

12. The Agricultural Agreement states in Article 4: "The Parties confirm their rights and obligations under the WTO Agreement on Agriculture". These obligations include the abolition of quantitative restrictions on imports. As discussed further below, WTO agreements should be interpreted as extending to areas under Israeli

---

the State of Israel and the PLO, representing the Palestinian people, Arts. VIII.11 and IX.6.

[11] Annex IV was deleted by the Joint Committee on 24 June 1999 following the abolition of all quantitative restrictions between the parties

administration in the West Bank. However, even if they do not, they still apply to the import by WTO parties of products in free circulation within the Green Line, including goods originating in the West Bank.

13. In summary, the terms of the EFTA-Israel FTA and the Agricultural Agreement do not support treating the territory of Israel for the purpose of those Agreements as limited to the pre-1967 armistice lines. However, even if the territory is so limited, the Agreements still apply to trade in goods exported from that territory, including goods that originated wholly or partly in the West Bank. If the draft Act is enacted, Norway is therefore likely to be in breach of the EFTA-Israel FTA and the Agricultural Agreement.

Contravention of WTO Agreements

Applicability of WTO law to the draft Act

14. The consultation paper acknowledges that “prohibitions on imports and exports are, as a general rule, contrary to WTO law”, including the GATT and GATS, depending on the circumstances of the prohibition.[12]

15. The Ministry then states that there are certain limited exceptions to such restrictions; however, it argues that for the exceptions to be relevant, “the measure must first be inconsistent with a substantive provision of WTO law”. According to the Ministry, “Norway’s established position is that the WTO obligations apply only to trade with Israel within the borders existing before 4 June 1967”, corresponding to “Israel’s internationally recognised borders, as reflected, among other things, in United Nations Security Council Resolutions.” The Ministry therefore argues that it is not necessary to justify the restrictions and prohibitions contained in the draft Act under WTO law.

16. This argument is legally unsound. The WTO applies a “functional approach to territory”, tied to the actual exercise of customs and tariff authority, rather than to questions of underlying sovereign title under public international law.[13] Therefore, the classification of a particular territory “under international law has little relevance to the application of the WTO Agreements and, in particular the [GATT]”.[14]

17. Academic commentary on this precise question has observed that Israel’s administrative control over the settlements, including their customs and trade

[12] https://www.regjeringen.no/contentassets/5ea7377271474018bad03d49018724d8/horingsnotat-forslag-til-lov-om-handelsforbud-med-de-israelske-bosetningene-i-palestina.pdf.
[13] See e.g. Olia Kanevskaia, WTO Rules for Trade with Disputed Territories (2023) 26 Journal of International Economic Law 397, 398-399.
[14] Ibid.

administration, "does not contradict the understanding of territory under WTO law" even if that same control is disputed under general international law.[15]

18. Moreover, specifically regarding the GATT, Article XXVI:5(a) provides that "[e]ach government accepting this Agreement does so in respect of its metropolitan territory and of the other territories for which it has international responsibility, except such separate customs territories as it shall notify…".[16] The provision is silent on when such international responsibility arises and whether it is "linked to the notion of jurisdiction or, in the case of an occupation, the notion of effective control". However, "[o]ne may suggest… that given the WTO's functional approach to the notion of territory, it is the control over the trade and customs administration that matters for the purpose of this provision".[17]

19. Moreover, while the interpretative notes to earlier versions of this provision had initially suggested that they did not cover territories under military occupation, the provisions were subsequently amended, and the interpretative notes deleted, in 1957.[18] There is therefore nothing in the WTO law that would suggest that the settlements do not form part of the territory of Israel, contrary to what is asserted by the Ministry.

20. In any case, even if "the WTO obligations apply only to trade with Israel within the borders existing before 4 June 1967", as the Ministry claims, the proposed legislation would still contravene Article XI of the GATT, since it would prohibit the import from Israel, so defined, of goods that originated in East Jerusalem, Judea or Samaria.

21. The same points apply to the WTO Agreement on Agriculture, which prohibits quantitative restrictions on imports of agricultural products by its Article 4(2), subject to certain exceptions.

Inapplicability of Articles XXI(c) GATT and XIVbis GATS

22. The consultation paper includes an alternative argument, that the draft Act would in any event be permitted by the security exceptions in Article XXI(c) of the GATT and the identical Article XIV*bis* of GATS. These provide: "Nothing in this

---

[15] See Olia Kanevskaia, *WTO Rules for Trade with Disputed Territories* (2023) 26 Journal of International Economic Law 397, 405.

[16] GATT Art. XXIV.5(a). See also Art. XXIV(1), which provides that "[e]ach such customs territory shall, exclusively for the purposes of the territorial application of this Agreement, be treated as though it were a contracting party…". In other words, separate customs territories can become WTO Members through the governments that hold international responsibility over them.

[17] Olia Kanevskaia, op. cit. (note 15), 404-405.

[18] See the WTO Analytical Index on Art. XXVI §II.A.5(1)(e) and §III:. See also Eugene Kontorovich, *Some State Practice Regarding Trade With Occupied Territories* in Antoine Duval and Eva Kassoti (eds), *The Legality of Economic Activities in Occupied Territories* (London & New York; Routledge, 2020).

Agreement shall be construed [...] (c) to prevent any contracting party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security."[19]

23. The Ministry characterises this exception as designed to provide a legal basis for measures implementing UN Security Council decisions. To support its argument that the draft Act constitutes an "action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security" the Ministry refers to four documents:

23.1. Security Council Resolution 54 (1948), which determined under Article 39 of the Charter that the situation in Palestine was a threat to the peace;[20]

23.2. Security Council Resolution 465 (1980), which called Israel's settlement policy contrary to international law and called on all states not to provide Israel with assistance connected to the settlements;[21] and

23.3. the ICJ's Wall Advisory Opinion and the 2024 Advisory Opinion, both of which found that states are under an obligation not to recognise as lawful, or render aid or assistance to, the unlawful situation created by Israel's conduct in the Occupied Palestinian Territory.

Norway notes Israel's objection that UNSC Resolution 465 is not legally binding but treats the ICJ's Advisory Opinions as filling that gap.

24. This argument is legally flawed and relying on these resolutions as a justification for enacting the draft Act is misleading and erroneous. *First*, the Article 39 "threat to the peace" determination in UNSC Resolution 54 (1948) had nothing to do with any of the measures currently proposed by Norway. A 1948 resolution cannot be interpreted to automatically transmit its "peace and security" character onto anything the Security Council says decades later about an unrelated policy issue in the same region.

25. *Second*, the preamble to that resolution explains *why* the Security Council deemed the situation at that time to be a threat to the peace:

> "Taking into consideration that the Provisional Government of Israel has indicated its acceptance in principle of a prolongation of the truce in Palestine; that the States members of the Arab League have rejected successive appeals of the United Nations Mediator, and of the Security Council in its resolution 53 (1948) of 7 July

[19] See GATT, art. XXI(c); GATS, art. XIV*bis*
[20] https://unscr.com/en/resolutions/doc/54/.
[21] https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_465.pdf.

> 1948, for the prolongation of the truce in Palestine; and that there has consequently developed a renewal of hostilities in Palestine".

The reason for the threat to the peace determination in that resolution was therefore because the Arab League had rejected "successive appeals" of the UN Security Council and UN Mediator, and that consequently, there had developed a "renewal of hostilities" in Palestine. The resolution was therefore entirely unrelated to any actions taken by Israel; on the contrary, Israel had accepted a prolongation of the truce. Nothing in that resolution imposes an obligation on Member States to take any measures that are even remotely related to the type of measures Norway is seeking to introduce with the draft Act.

26. *Third*, UNSC Resolution 465 (1980) contains recommendatory language (e.g. by "*calling upon*" States), and not the mandatory language the Security Council uses when it imposes binding measures under Chapter VII of the UN Charter. This is crucial, because Article XXI(c) of GATT and XIV*bis* of GATS refer specifically to action taken "in pursuance of its **obligations** under the United Nations Charter for the maintenance of international peace and security." Only binding UN Security Council *decisions* generate obligations on UN member states to carry them out.[22] This is consistent with WTO practice: every invocation of Article XXI(c) of GATT to date has involved the implementation of UN-authorised sanctions regimes against particular countries.[23]

27. The consultation paper mentions that Israel has argued that UNSC Resolution 465 (1980) is not legally binding. However, the Ministry counters that argument by referring to the duties of non-recognition and non-assistance identified by the ICJ in the *Wall* and 2024 Advisory Opinions. The Ministry therefore concludes that "Against this background, the conditions in Article XXI of GATT 1994 and Article XIV bis of the GATS would in any event be satisfied."

28. This reasoning is problematic for several reasons. *First*, two non-legally binding sources cannot render binding an earlier non-legally binding source. *Second*, even if the Advisory Opinions were legally binding, they do not constitute "obligations under the UN Charter", to which Article XXI(c) of the GATT and XIV*bis* of the GATS relate.

---

[22] See e.g. Eran Sthoeger, *Resolution 2728 on Israel/Gaza is Significant But it Is Not a Binding Council Decision* EJIL: Talk! (23 April 2024),.

[23] Diane Desierto, '*The EU-US v. Russia Trade Wars: Revising GATT Article XXI and the International Law on Unilateral Economic Sanctions*' EJIL: Talk! (22 September 2014): "While there is as yet no jurisprudence from the WTO Appellate Body and dispute settlement panels interpreting GATT Article XXI(c), the few instances of State practice where this provision have been invoked all involved the implementation of UN-authorized sanctions (e.g. Iraq, Fiji, Serbia, and Montenegro)."

29. Moreover, as discussed further below, the non-recognition and non-assistance duties indicated in the Advisory Opinions do not require a State to ban trade by private parties with areas of Israeli settlement in East Jerusalem, Judea and Samaria. This is particularly relevant to a claim based in Article XXI(c) of GATT and XIV*bis* of GATS, as these provisions do not include a self-judging qualifier, such as that found in the other security exceptions.[24] In other words, whether a measure constitutes an action in pursuance of a UN Charter obligation is objectively assessed. A WTO Panel assessing such a measure must find both (a) a UN Charter obligation for the maintenance of international peace and security and (b) that the measure was taken in pursuance of that obligation, not merely that it was consistent with or inspired by it in some sense. Neither of these conditions is met in relation to the draft Act.

Inapplicability of Articles XX(a) GATT and XIV(a) GATS

30. Though not mentioned in the consultation paper, we address below why the draft Act would also not fall within the public policy or public morality exceptions under the GATT or GATS.

31. Article XX(a) of the GATT provides: "Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures: (a) necessary to protect public morals…".[25] The GATS contains a near identical provision in Article XIV(a), which also extends to measures necessary "to maintain public order".[26]

32. The protection of public morals has been broadly interpreted in various decisions of WTO Panels and Appellate Body. In *EC – Seal Products*, the WTO Panel and Appellate Body accepted that a ban on the import of products made from seals could be justified in principle under Art. XX(a) of the GATT.[27] Significantly, the justification for the ban was not based on any risk that the sale of the products might corrupt the morals of people in the importing countries, but rather on the ground that their production in the exporting countries offended the moral views of citizens of the importing countries.

24 "which it considers contrary to its essential security interests" (GATT Art. XXI(a), GATS Art. XIV*bis*(a)); "which it considers necessary" (GATT Art. XXI(b), GATS XIV*bis*(b)).
25 GATT, art. XX.
26 GATS, art. XIV(a)
27 DS401 *European Communities – Measures Prohibiting the Importation and Marketing of Seal Products,* Panel (2013), §§7.379-7.384, 7.418-7.420, 7.630-7.632, Appellate Body (2014), §§5.194-5.203.

33. Despite acknowledging that the degree of discretion of WTO Members in defining the scope of public morals "is not boundless", the WTO Panel held in *Brazil – Taxation* that a measure exempting national producers of digital television transmission equipment from taxes could fall within it, on the basis that the objective was to ensure that appropriate equipment was available in Brazil to implement a switchover from analogue to digital television as part of a policy of bridging the digital divide and promoting social inclusion.[28]

34. The conduct of occupations of territory, and particularly the development of "settlements" of citizens of the occupying power in occupied territory, is undoubtedly a matter of concern to some citizens of countries where restrictions on trade with occupied territories have been proposed. Even if this concern has been created or boosted by inaccurate or unbalanced reporting, its existence cannot be denied. On this basis, it seems that such restrictions would be regarded as falling within the broad scope of the public morals and public order exceptions as interpreted in the decisions discussed above.

35. However, whether a measure is "necessary" to protect public morals requires a balancing between the measure taken and possible alternative measures. As the Appellate Body observed in *Colombia – Textiles*, the assessment of the "necessity" of a measure "entails a more in-depth, holistic analysis of the relationship between the measure and the protection of public morals" which "involves a process of 'weighing and balancing' a series of factors, including the importance of the societal interest or value at stake, the contribution of the measure to the objective it pursues, and the trade-restrictiveness of the measure". The Appellate Body added that "[i]n most cases, a comparison between the challenged measure and possible alternatives should subsequently be undertaken".[29]

36. In *EC – Seal Products*, the WTO Panel (upheld by the Appellate Panel) found that the ban on seal products contributed materially to seal welfare and that an alternative measure allowing products from seals killed humanely was not practicable. It was therefore a necessary measure to protect public morals.[30] By contrast, in *Colombia – Textiles*, the Appellate Body concluded that there was a "lack of sufficient clarity regarding the degree of contribution of the measure at issue to the objective of combating money-laundering and the degree of trade-restrictiveness of the measure". It was therefore not considered necessary.[31]

---

[28] DS472 *Brazil – Certain Measures Concerning Taxation and Charges,* Panel (2017), §§7.551-7.568 (not challenged on appeal).

[29] DS461 *Colombia – Measures Relating to the Importation of Textiles, Apparel and Footwear*, Appellate Body (2016), §5.70.

[30] DS401 *European Communities – Measures Prohibiting the Importation and Marketing of Seal Products,* Appellate Body (2014), §§5.204-5.290.

[31] DS461 *Colombia – Measures Relating to the Importation of Textiles, Apparel and Footwear*,

37. In carrying out the holistic analysis in relation to an import ban on products originating from the areas defined in the draft Act, it should be borne in mind that producing goods or services in occupied territories is not inherently illegal or immoral. The primary concern raised by those seeking the import ban is breach of the prohibition in international law on a state transferring its civilian population into occupied territory. But, as the UK Supreme Court observed in *Richardson v DPP*, a company operating a business in an occupied territory does not necessarily aid or abet any transfer of population by the occupying state.[32]

38. A holistic analysis should also take into account that businesses producing goods or services in the territories defined may provide substantial benefits to its protected population. For example, as explained further below, Israeli businesses in the areas defined in the draft Act employ many Palestinians at average wages that are much higher than those offered by Palestinian businesses and thereby make a significant contribution to the Palestinian economy.

39. Finally, the analysis of whether the measure is necessary must consider the availability of less restrictive alternatives addressing the concern. One obvious alternative to a ban on the import of goods would be to require labelling to identify their origin, enabling consumers to make an informed choice. This may be particularly appropriate where the concern is controversial, so consumers may have differing views. This approach is already followed by Norway in relation to goods produced in areas of Israeli settlement in the West Bank.[33] This is a further reason why a full ban on imports is not "necessary" within the meaning of Article XX(a) of the GATT.

Proviso to the exceptions under Articles XX GATT and XIV GATS

40. In any case, there is an important proviso to the exceptions in Article XX of the GATT and Article XIV of the GATS, that the measure is not "applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail".

41. Discrimination within the meaning of this proviso "results … when countries in which the same conditions prevail are differently treated" and "the analysis of whether discrimination is arbitrary or unjustifiable… 'should focus on the cause of the discrimination, or the rationale put forward to explain its existence'".[34]

Appellate Body (2016), §§5.101-5.117.

32 See *Richardson v DPP* [2014] UKSC 8 §17.

33 https://www.regjeringen.no/no/aktuelt/opprinnelse_okkupert/id2918219/.

34 DS401 *European Communities – Measures Prohibiting the Importation and Marketing of Seal Products,* Appellate Body (2014), §5.303, citing DS58 *United States – Import Prohibition of Certain Shrimp and Shrimp Products*, Appellate Body (1998), §165 and DS332, *Brazil – Measures Affecting Imports of Retreaded Tyres* Appellate Body (2007), §226.

42. The Appellate Body held in *EC – Seal Products* that "only 'conditions' that are relevant for the purpose of establishing arbitrary or unjustifiable discrimination in the light of the specific character of the measure at issue and the circumstances of a particular case should be considered under the chapeau".[35] On this basis, it concluded that conditions prevailing in Canada and Norway (where most seal hunts were commercial) were not relevantly different from those prevailing in Greenland (where most seal hunts were indigenous community hunts), since the same animal welfare considerations prevailed in all countries where seals were hunted and the same animal welfare concerns existed in indigenous community hunts as arise in commercial hunts.

43. The Appellate Body went on to find that the EU's general ban on the sale of seal products, coupled with exceptions for products from seals killed in indigenous community seal hunts, constituted arbitrary and unjustified discrimination against Norway and Canada by comparison with Greenland. In the view of the Appellate Body, the EU's explanation, that the exemption mitigated adverse effects on indigenous communities, was not rationally related to the moral concern regarding the welfare of seals.[36]

44. In accordance with that decision, only conditions relevant to the measure in issue should be considered in determining whether the same (or similar) conditions prevail in different countries. In so far as the concern addressed by the measure is the transfer of population of an occupying power into occupied territory, it would seem that the same conditions prevail for this purpose in all occupied territories where there has been significant settlement of nationals of the occupying power.

45. We would recall, in this context, that Norway was itself among the complainants in *EC – Seal Products*, successfully arguing before the WTO Panel and Appellate Body that an EU import ban justified by reference to public morals was applied in a manner that constituted arbitrary and unjustifiable discrimination against Norwegian and Canadian sealers by comparison with Greenlandic indigenous hunts, given that the same underlying welfare concern applied to both. The same reasoning applies with equal force to a Norwegian measure that targets goods from one occupied territory while leaving materially similar goods from other occupied or disputed territories, for example, Western Sahara or Northern Cyprus, unrestricted.

46. In this case, the draft legislation relates only to the areas allegedly occupied by Israel, with reference to the 2024 Advisory Opinion and related UN resolutions and

---

[35] DS401 *European Communities – Measures Prohibiting the Importation and Marketing of Seal Products,* Appellate Body (2014), §5.299.

[36] DS401 *European Communities – Measures Prohibiting the Importation and Marketing of Seal Products,* Appellate Body (2014), §§5.318-5.

reports. However, it seems clear that the same relevant conditions prevail in other occupied territories, such as Western Sahara and Northern Cyprus, whether or not there has been a decision by an international tribunal or a resolution by a UN body to that effect. Accordingly, if enacted, it seems that the draft Act is likely to be caught by this proviso to the exceptions, and thus in breach of WTO Agreements.

Norway's rights and obligations under international law are not altered by the 2024 Advisory Opinion or non-binding UN reports

Legal effects and validity

47. The Ministry relies in the consultation paper on the 2024 Advisory Opinion and the Wall Advisory Opinion to justify the proposed legislation. We reiterate that advisory opinions of the ICJ do not constitute binding sources of law. Moreover, conclusions in advisory opinions based on factual premises are only as valid as the factual information on which they are based. When giving advisory opinions the ICJ relies primarily on UN documents, which reflect an inherent prejudice against Israel, making them and conclusions drawn from them unreliable in matters relating to Israel.[37]

48. Israel did not participate in the 2024 Advisory Opinion case or the Wall case and the conclusions in the majority Opinions were based on false and one-sided information. For example, in the 2024 Advisory Opinion case, the majority Opinion supposed that "Israel's measures in East Jerusalem create an inhospitable environment for Palestinians".[38] Yet according to a poll carried out by a Palestinian news agency, 93% of Arab residents of East Jerusalem prefer a continuation of Israeli rule of the united city,[39] and a survey by Israel's Central Bureau of Statistics found that 86% of Arab residents of Jerusalem are satisfied with their lives.[40] Multiple factual errors in the Wall Advisory Opinion were exposed in the subsequent Judgment of President Aharon Barak in Israel's Supreme Court in the *Alfei Menashe* case.[41] The errors even included an inference that Israel's security barrier restricted hospital access in Qalqiliya, drawn from data showing reduced usage of the UN hospital there. This was contradicted in the Israeli Supreme Court

---

[37] For further analysis, see Written Statement of UK Lawyers for Israel and the European Leadership Network in ICJ Case 196, 23 April 2025, paras. 8-9 and 15-24; Written Statement of the European Leadership Network and UK Lawyers for Israel in ICJ Case 186, 29 September 2023, paras. 10-33. Prejudices of the ICJ's Judges further undermine the reliability of its conclusions in matters relating to Israel: see Written Statement of UK Lawyers for Israel and the European Leadership Network in ICJ Case 196, 23 April 2025, paras. 10-11.

[38] https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf at para. 77

[39] Palestine News Network SHFA, إستطلاع رأي : 93% من العرب في القدس يفضلون بقاء الحكم الإسرائيلي, 13 December 2021. The 95% confidence limits are +/-1.5%.

[40] Israel Central Bureau of Statistics, Selected Data on the Occasion of Jerusalem Day 2024, page 2

[41] *Mara'abe et al v the Prime Minister of Israel*, HCJ 7957/04, particularly §§57-74 (English translation from original Hebrew, published by the Israeli Supreme Court).

by evidence that two new hospitals had been built in Qalqiliya, resulting in surplus hospital capacity. A prejudiced UN Rapporteur had simply seen that the UN Hospital was under-used and assumed that the Zionists were to blame.

49. Likewise, non-binding reports of the UN organs do not constitute a source of binding legal obligations or reliable factual information. The March 2026 report referenced in the consultation paper was issued under the UN Human Rights Council's Agenda Item 7,[42] the Council's only standing agenda item directed at a single State, a feature long criticised as institutionalising a structural bias in the Council's treatment of Israel.[43] Such reports do not have the legal effect of creating new enforceable duties, nor can they override or displace binding obligations arising under other treaties.

Commercial activities in areas of Israeli settlement

50. The following analysis proceeds on the footing that it is unlawful for the Israeli government to organise the development of Israeli communities in East Jerusalem, Judea or Samaria or to encourage Israelis to live there. This premise is contested: those who dispute it say it ignores basic rules of international law applied elsewhere in the world as well as distorting the meaning of relevant international agreements.[44] Nevertheless, the discussion below assesses the position even if the Israeli government's role in developing Israeli communities in the West Bank is contrary to international law.

51. It is important to appreciate that nearly all of the trade which is proposed to be banned is not with "Israeli settlements" as entities, but rather with private businesses operating in or in the vicinity of areas of Israeli settlement in East Jerusalem, Judea and Samaria. Use of shorthand terms such as "settlement goods", "settlement services" and "trade with settlements" can therefore be misleading: in the main, the goods and services are not produced, sold, supplied or traded by or to settlements. It is not clear that the authors of the consultation paper realise this, since they propose to define the banned activities as those *with* (*med*) Israeli settlements.[45]

52. Operating a private business is, in principle, permitted under international law, even if the territory is illegally occupied (which is disputed in this case), and can be

---

[42] https://www.ohchr.org/en/documents/country-reports/ahrc6170-israeli-settlements-occupied-palestinian-territory-including; https://www.ohchr.org/en/hr-bodies/hrc/year-round-activities.

[43] See e.g., *Rosa Freedman, 'Biased', 'Selective', 'Antisemitic': Accusations against the UN Commission of Inquiry on Israel and the Occupied Palestinian Territories*' EJIL: Talk! (1 August 2022). See also UNWatch, *Setting the Record Straight: Israel and Agenda Item 7*, May 2025.

[44] Some of these points are set out in our Written Statement to the International Court of Justice (ICJ) under Practice Direction XII in Case No. 186 and the dissenting Opinion of Vice President Julia Sebutinde in that case.

[45] Section 6 of the Consultation Paper

beneficial to the inhabitants. Many of the Israeli businesses in the West Bank employ Palestinian as well as Israeli staff and thereby make a significant contribution to the Palestinian economy, as explained further below. The Ministry appears to be unaware of this important consideration. Although the consultation paper contemplates an exception from the prohibition for actions that have a sufficient Palestinian connection, the examples of such a connection mentioned in the document do not include, and appear to exclude, Israeli businesses employing Palestinian and Israeli staff in the vicinity of Israeli communities in East Jerusalem, Judea and Samaria, as further discussed below.

53. It is also fundamental to recognise the distinction between States and non-State entities. Non-State entities are typically not subject to the same legal obligations as States under international law. This distinction is frequently elided in political discussions in this area.

The 2024 Advisory Opinion

54. The 2024 Advisory Opinion does not assert any specific obligation on the part of States to ban imports or exports of products made in areas of Israeli settlement in the West Bank, or purchases of real estate in these areas, or the provision of related services, or the acquisition of businesses operating there.

55. The majority Opinion does say in its paragraph 278 that the Court considers that States have an obligation "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". However, it is important to note, *first*, that this refers to an obligation to abstain from certain actions, not to take any positive step, such as adopting legislation to prevent actions by others;[46] and, *secondly*, that it refers to an obligation on the part of States not to enter into certain dealings with the State of Israel. Thus it does not cover dealings between private parties or any of the other activities that are proposed to be banned by Norway.

56. Paragraph 278 of the majority Opinion goes on to say that the Court considers that States have an obligation "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". The basis for this asserted obligation under international law is unclear. The Opinion cites it as part of a duty of States to distinguish in their dealings with the State of Israel between its territory and the "Occupied Palestinian Territory", but it plainly does not come within the scope of that duty. The ICJ also refers to its Advisory Opinion in the *Namibia* case, but this does not provide any

[46] This is also consistent with the International Law Commission's Articles on State Responsibility for Internationally Wrongful Acts, Arts. 16 and 41, and commentaries thereon. See also Chatham House, *Aiding and Assisting: Challenges in Armed Conflict and Counterterrorism* (November 2016), para. 20.

support for the existence of such an obligation. The assertion that States have a positive obligation to take steps to prevent such activities (as opposed to merely an obligation not to assist in the maintenance of the allegedly illegal situation) also appears to go beyond the responsibilities identified by the International Law Commission in its Articles on State Responsibility for Internationally Wrongful Acts and commentaries thereon.[47]

57. Even if one accepts the existence of this positive obligation under international law, it refers to "trade or investment relations that assist in the maintenance of the illegal situation created by Israel". This requires a sufficient nexus between the maintenance of the allegedly illegal situation and the alleged assistance.[48]

58. While States are prohibited by Article 49(6) of the 4th Geneva Convention from transferring part of their population into occupied territories, this does not prohibit the *operation of businesses* in occupied territories. Even if Article 49(6) applies to acts carried out by the State of Israel that encourage the voluntary settlement of Israelis in Judea, Samaria and East Jerusalem (which is itself disputed), this does not make it illegal to operate a business employing Israelis in this area, as the UK Supreme Court observed in *Richardson v DPP*,[49] or for Israelis to provide certain services there, as the Court of Appeal of Versailles held in *AFPS and OLP v Alstom and Veolia.*[50]

59. In order for the supposed obligation of States to prevent trade of investment relation to apply, the trade or investment would have to contribute to the further "transfer" by Israel of Israeli population to the West Bank or the maintenance of the existing Israeli population there. If any further "transfer" and the maintenance of the existing Israeli population would occur in any event, Norway would not be responsible for assisting it. Additionally, if movement of Israelis to Judea, Samaria and East Jerusalem has multiple causes, any case for Norway having responsibility for assisting "transfer" by the State of Israel would be further weakened.[51] In this regard, the UK Supreme Court observed in *Richardson v DPP* that operating a business in the West Bank did not necessarily aid or abet any transfer of population by Israel to the West Bank.[52]

60. The consultation paper does not provide any evidence that the draft Act would have any real impact on the settlement of Israelis in Judea, Samaria and East Jerusalem

---

[47] See note 46 above
[48] International Law Commission, *Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries (2001)*, commentary on Art. 41(2), para. 11, and on Art. 16, para. 3.
[49] *Richardson v DPP* [2014] UKSC 8 §17.
[50] Case 11/05331 *AFPS and OLP v Alstom and Veolia*, Cour d'Appel de Versailles, 22/3/2013.
[51] Ilias Plakokefalos, *Causation in the Law of State Responsibility and the Problem of Overdetermination: In Search of Clarity* (2015) 26(2) *EJIL* 471, p. 480 and sources cited therein.
[52] *Richardson v DPP* [2014] UKSC 8 §17.

or on the continued residence of those already living there. In the absence of such evidence Norway has no legal obligation to prevent such trade, even if all of the other points made above are ignored.

The Namibia exception

61. Moreover, where normal commercial activities benefit the protected inhabitants of a territory, they are "regarded as untainted by the illegality of the administration".[53] This is known as the *Namibia* exception.[54] Thus, where a business operating in the West Bank employs Palestinian workers and benefits the Palestinian population, purchasing its products and importing them into Norway or investing in the company do not constitute assistance in the maintenance of an illegal situation.

62. This is broader than the proposed "sufficient Palestinian connection" exception described in the consultation paper. The exception in the draft Act is limited to goods imported or exported in accordance with Norway's agreements with Palestine, Palestinian-to-Palestinian property transactions and acquisitions and services carried out for the benefit of Palestinian people or businesses in the areas covered by the draft Act. The Ministry specifically notes that the "exception does not, however, cover acts which, although they contain certain Palestinian elements, in reality contribute to settlement activity or to maintaining Israeli settlements in Palestine". It is therefore unlikely to extend to the production of goods in the West Bank by Israeli businesses that benefit the Palestinian population through employment.

63. According to the Palestinian Central Bureau of Statistics ("**PCBS**"), in the second quarter of 2026 about 17,600 Palestinians were employed in areas of Israeli settlement in the West Bank (not including Jerusalem), on average salaries twice as high as average salaries paid by Palestinian employers.[55] Prior to October 2023, the PCBS reported that 25,000 Palestinians were employed in these areas.[56]

---

[53] James Crawford, *The Creation of States in International Law* (2nd edn., Oxford, 2007), p. 167, referring to the *Namibia* case (note 54 below): "There is thus implicit in both majority and minority views a distinction between acts in pursuance of the illegal administration, and acts which, either by their nature ('ministerial acts') or because of the benefit involved to the inhabitants were to be regarded as untainted by the illegality of the administration". See also *Carl-Zeiss-Stiftung v Rayner and Keeler Ltd and Others* (No 2) [1967] 1 AC 853, 954 (UK House of Lords): "where private rights, or acts of everyday occurrence, or perfunctory acts of administration are concerned…the courts may, in the interests of justice and common sense, where no consideration of public policy to the contrary has to prevail, give recognition to the actual facts or realities found to exist in the territory in question".

[54] *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276* (1970) (Advisory Opinion) [1971] I.C.J. Rep. 16, para. 125.

[55] PCBS, *The Results of the Labour Force Survey, in the West Bank Second Quarter (April – June, 2026) Round*.

[56] PCBS, *On the occasion of the International Workers' Day, presents the current status of the Palestinian labour force in 2023*

64. Israeli NGOs have estimated higher numbers. A report by the Israeli Human Rights NGOs, Gisha, LEAP and Kav LaOved, in May 2025 stated that Israel was then allowing 32,000 Palestinians to work in areas of Israeli settlement in the West Bank, down from 48,000 prior to the Hamas invasion.[57]

65. While the consultation paper refers to violent conduct by a tiny minority of Israeli residents of Judea and Samaria (which we also deplore), these have nothing to do with the many reputable businesses employing Palestinian staff in this territory.

66. We attach copies of statements made by several Palestinian employees of one of these businesses, annexed to a statement by an Israeli (who speaks Arabic)[58] explaining the circumstances in which they were made. For example, one of the statements of the employees reads:

> "I have been working at this factory for more than ten years. Thank God, I earn a good salary and I can support my family with dignity. Because of this job, I was able to build a house, provide for my children, and pay for their medicine when they need it.
>
> For me, it is strange that people on the other side of the world make decisions about our lives when they don't live here and don't know the reality. We are happy working here. We like the factory and respect the people we work with. If a boycott hurts the factory, the first people who will suffer are us and our families."

Another states:

> "I started here as a worker, and today I have a management position in the factory. Over the years, I took professional courses, learned, developed and was given the opportunity to advance both professionally and personally. Today I can support my family with dignity, and I have good working conditions and benefits.
>
> I know that if the factory is harmed or closes because of a boycott, it would be very difficult for me to find a job with the same level of pay, rights, and conditions in the Palestinian Authority areas. For me, this is not just a factory. It is my livelihood and my family's future."

Another explains:

> "I am very happy with my job here and the way I am treated. We are treated with respect and receive our rights. I also have Jewish friends here whom I work with

[57] Gisha, LEAP and Kav LaOved, *Back to Work – The Implications of the Ban on Access by Palestinian Residents of the West Bank to Work in Israel*, April 2025, page 3

[58] The statement of the Israeli bears his name but this has been redacted from the attached copy to avoid any risk to his security. The statements can also be viewed at https://www.uklfi.com/wp-content/uploads/2026/09/Palestinian-employee-statements.pdf

every day. We work together, eat together, and help each other. There are no problems between us.

Many people from our village work here and depend on this factory for their livelihood. If a boycott damages the factory, it doesn't only hurt the business. It hurts families and entire villages, and it damages the relationships we have built between people. If people want peace, they should strengthen this kind of cooperation, not destroy it."

The other annexed statements make similar points. We believe these are representative of tens of thousands of other such employees.

67. Israel initially suspended all permits for Palestinians to work in Israel or in areas of Israeli settlement in Judea and Samaria following the Hamas invasion of Israel in October 2023,[59] since Hamas had used information obtained from Palestinians employed in Israeli communities to plan its attacks and atrocities. Since then, increasing numbers of permits have been restored, particularly in areas of Israeli settlement in the West Bank, but less so in Israel within the Green Line. According to the PCBS, only 35,000 Palestinians were employed in Israel within the Green Line in the second quarter of 2026,[60] compared with 147,000 prior to October 2023.[61]

68. The loss of employment in Israel since October 2023 has had a very serious impact on the Palestinian economy in the West Bank. In 2022 22.5% of employed Palestinian residents of the West Bank were employed in Israel or in areas of Israeli settlement in the West Bank.[62] Moreover, as mentioned above, the average salaries of these employees were twice those of employees in Palestinian businesses. In many cases, large extended Palestinian families relied on the salaries of employees working in Israel or in areas of Israeli settlement in the West Bank.[63] These employees' salaries also provided or contributed substantially to the livelihoods of other Palestinians providing goods and services to them (the multiplier effect). Largely as a result of the loss of jobs within Israel, the unemployment rate of

59 Ibid., page 2

60 PCBS, *The Results of the Labour Force Survey, in the West Bank Second Quarter (April – June, 2026) Round*.

61 PCBS, *On the occasion of the International Workers' Day, presents the current status of the Palestinian labour force in 2023*

62 Gisha, LEAP and Kav LaOved, *Back to Work – The Implications of the Ban on Access by Palestinian Residents of the West Bank to Work in Israel*, April 2025, page 3. See also page 5, reporting that in 2023 18.4% of the total Palestinian Workforce (including unemployed) were employed in Israel or in areas of Israeli settlement in the West Bank.

63 Ibid., page 2

Palestinians in the West Bank was 27.9% in the second quarter of 2026[64] compared with 13% in the third quarter of 2023.[65]

69. In these circumstances, retaining the employment of Palestinians in areas of Israeli settlement in Judea and Samaria and restoring it at least to the level prior to October 2023 are all the more important to preserve a viable Palestinian economy. Productive employment of Palestinians alongside Israelis also contributes to reducing conflict and promoting peace and reconciliation".[66] The case for applying the Namibia exception could hardly be more compelling.

70. Palestinian residents of Jerusalem do not require permits to work in Jerusalem. Large numbers of them work for Israeli businesses throughout the city. The operation of these businesses also falls within the Namibia exception; trading with them is lawful and should be encouraged.

Exposure under US Federal and State Laws

71. Extensive US Federal[67] and State laws[68] prohibit or sanction participation in boycotts of businesses in territories governed by Israel. The potential penalties include criminal fines, imprisonment, administrative penalties, loss of tax relief, divestment, exclusion from procurement and claims for damages.[69] Businesses and their personnel may face conflicting requirements under Norwegian legislation requiring them to boycott areas of Israeli settlement in the West Bank and US legislation penalising them for doing so. This could discourage US companies from investing in Norway.

72. The effects of some of the State laws were demonstrated by the case of Airbnb. When Airbnb announced the withdrawal of its service for properties in Israeli

---

[64] PCBS, *The Results of the Labour Force Survey, in the West Bank Second Quarter (April – June, 2026) Round*.

[65] PCBS, *On the occasion of the International Workers' Day, presents the current status of the Palestinian labour force in 2023*

[66] See Dan Diker (ed), *Defeating Denormalization – Shared Palestinian and Israeli Perspectives on a New Path to Peace*, Jerusalem Center for Public Affairs, 2018, particularly the chapters by Daniel Birnbaum, *Sodastream as a Model of "Economic Peace",* Nabil Basherat, *Palestinian-Israeli Normalization in the Workplace*, Rami Levy, *Palestinian-Israeli Equality and Normalization: The Case of Rami Levy Supermarkets,* and Nadia Aloush, *A Palestinian Woman's Perspective on Working for an Israeli Company* in *Defeating Denormalization*; and 4il, *Islands of Peace: Barkan Industrial Park Co-Existence* (video, June 2017)

[67] US Department of Commerce, Bureau of Industry and Security, Export Administration Regulations, *Part 760 - Restrictive Trade Practices or Boycotts*; US Code *Title 26 – Internal Revenue Code §999*

[68] Israel Legal Advocacy Project, *US State Anti-BDS Legislation*; Lara Friedman, *Anti-BDS Laws*; JustVision, *Anti-Boycott Legislation Tracker*

[69] The Lawfare Project, *Laws in Various Domestic and International Jurisdictions Deplore and Attach Liability for Discriminatory Commercial Conduct Related to the Boycott of, or Divestment From, the State of Israel*, 4 April 2019, and *ADDENDUM to Memorandum entitled "Laws in Various Domestic and International Jurisdictions Deplore and Attach Liability for Discriminatory Commercial Conduct Related to the Boycott of, or Divestment From, the State of Israel"*, 23 May 2019;

settlements in the West Bank, Florida adopted sanctions against the company,[70] Illinois[71] and Texas[72] initiated procedures for implementing sanctions, and legal actions were brought in Delaware,[73] California[74] and Jerusalem.[75] The litigation in Delaware was settled on the basis that Airbnb would resume service to these properties.[76]

73. There is also a risk that an unpredictable US Administration may take further steps.

Impact on Antisemitism

74. Organising boycotts against Jews has frequently served as a tool to mobilise, normalise and intensify antisemitism. By demonising Jews, boycott campaigns have successfully shifted social attitudes from latent prejudice to open hostility and violence. Historical examples include Karl Lueger's economici campaigns in late 19th century Vienna, the Limerick boycott and pogrom in 1904, and the Nazi boycott from 1933 which set in train the persecution that culminated in the Holocaust.

75. Extensive modern research by the Amcha Initiative at US campuses has found close associations between BDS activity and hostility towards Jewish students and staff.[77] As one report concluded, "The best statistical predictor of anti-Jewish hostility, as measured by actions that directly target Jewish students for harm, is the amount of BDS activity."[78]

76. Adopting the proposed trade bans will escalate still further the already highly elevated levels of antisemitism in Norway.[79]

---

70 JNS, *Florida takes action against Airbnb amid its boycott of West Bank properties*, 29 January 2019

71 Michael Wilner, *Illinois board finds Airbnb in breach of state law over settlements move*, Jerusalem Post, 13 December 2018

72 Adi Pick, *Airbnb Faces Sanctions in Texas Over Settlements Ban*, Calcalist Tech, 3 April 2019

73 *Jewish-Americans sue Airbnb in Delaware, citing religious discrimination*, Jerusalem Post, 28 November 2018

74 Tovah Lazaroff, *Airbnb faces civil rights suit in U.S. over West Bank settlement boycott*, Jerusalem Post 24 January 2019

75 *Israeli Sues Airbnb Over West Bank Settlement Listing Ban*, US News, 22 November 2018

76 *Airbnb reverses ban on West Bank settlement listings*, BBC, 10 April 2019

77 https://amchainitiative.org/reports

78 Amcha Initiative, Report on Antisemitic Activity in 2015 at U.S. Colleges and Universities With the Largest Jewish Undergraduate Populations at page 19

79 Senter for Studier av Holocaust og Livssynsminoriteter, *Jødisk Liv Og Antisemittisme I Norge*, May 2026

Conclusions

77. If the draft Act is enacted,

    77.1. Norway is likely to breach the EFTA-Israel FTA, the bilateral Agricultural Agreement with Israel, the GATT, the GATS and the WTO Agreement on Agriculture.

    77.2. Business complying with it may be exposed to liabilities and sanctions under US Federal and State laws. This may discourage US investment in Norway.

    77.3. Many Palestinians are liable to be harmed, particularly if similar laws are adopted in other countries.

    77.4. Antisemitism is likely to be further exacerbated.

78. Norway is not required by international law to pass the draft Act.

79. We urge the Ministry to abandon the proposed legislation.

Yours faithfully

Jonathan Turner

Chief Executive

14 September 2026