



# Briefing on Israel's illegal Annexation of Occupied Palestinian Territory July 2020



*Palestinian women from the Bedouin community of Abu Nuwar, threatened by the illegal Israeli settlement of Ma'ale Adumim (pictured)*

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## Summary

Any Israeli annexation of occupied territory will have huge consequences for chances for peace; a major impact on Palestinians under occupation as well as being a grave breach of international law and the rules-based system. Annexation is designed to make occupation permanent – and with it, unequal rights and discrimination. Separate and unequal, as John Kerry predicted in his valedictory speech as US Secretary of State in 2016.

## Israeli Annexation of Occupied Palestinian territory

The new Israeli Government has declared its determination to annex areas of territories it occupied in June 1967. This action is the key plank of the agreed Israeli coalition platform. It states that the Government can advance legislation on annexation after 1 July both in cabinet and in the Knesset.

Israel would transfer territory from being under ‘belligerent occupation’ to be part of the sovereign state of Israel and that Israeli law will replace military law.

President Trump revealed his proposal for Israel-Palestine on 28 January 2020. The proposal would give US approval for Israel to annex the Jordan Valley and most of Area C amounting to around 30-40% of the occupied West Bank.

An annexation as outlined under the Trump plan would leave Palestinians with just 15% of mandatory Palestine, in disconnected areas – bantustans.

## Will formal annexation go ahead?

Some form of annexation is likely. According to media reports, Prime Minister Binyamin Netanyahu presented four annexation options to his coalition partners. These included annexing 30 per cent of the West Bank or some smaller areas. The US and Israel are also discussing a gradual annexation in a series of stages, perhaps starting with some settlement areas around Jerusalem.

## What part of occupied territory might be annexed?

The Trump plan envisaged an annexation of around 30% of the West Bank but a joint Israel-US mapping committee has yet to finalise the details. The proposal made clear that all settlements would be annexed to the state of Israel, so full implementation of the plan would mean all illegal settlements would come under Israeli civil law.

In September 2019, Prime Minister Netanyahu announced that Israel would annex the Jordan Valley which is occupied territory. This was also stipulated in the Trump proposal in February 2020 although with differing definitions.

At the moment, 95% of the Jordan Valley is part of Area C, under full Israeli control (although illegally occupied) and designated for possible settlement use. Only 5% is allocated for Palestinian use, largely Jericho and some villages. Many Palestinian farming and Bedouin communities are not recognised by Israel and face demolition of their properties and expulsion.

The Jordan Valley is as far from the 1967 Green Line as you can get without entering the state of Jordan, and contains comparatively small numbers of Israeli settlers, around 13,000. The huge area is for agricultural use with many large plantations and farms. The purpose of the settlements in this region is largely economic but also to ensure control of water resources. As with other settlements, they also prevent any meaningful Palestinian economic activity.

### Will it change anything on the ground?

Some argue that annexation will not affect the current situation on the ground (although the status quo is both illegal and intolerable). This argument is wrong.

Firstly, annexation will involve further confiscation of Palestinian land and additional barriers to movement. This is inevitable particularly if outlying settlements or the Jordan Valley are annexed.

Secondly, many Palestinian communities living in Area C of the West Bank (60%) are not recognised by Israel. They could be deemed illegal aliens and forcibly pushed into other areas of the occupied West Bank. This could be done by forcible eviction or creating a coercive environment that gives these communities no choice but to leave their homes. This is ethnic cleansing. This is already happening with demolition orders being carried out against many of these communities such as Khan Al Ahmar and with 50 communities under threat in the Jordan Valley.



*The playground of the school at Khan al Ahmar*

Thirdly, Palestinians in annexed areas will not be granted Israeli citizenship. Netanyahu made this clear in May. [“They will remain Palestinian subjects, if you will. But security control also applies to these places.”](#)

### International law

Annexation of occupied territory violates several UN Security Council Resolutions including UNSCR 242 and 2334 as well as the Charter of the United Nations. The UN High Commissioner for Human Rights, [Michelle Bachelet](#): “Annexation is illegal. Period. Any annexation. Whether it is 30 percent of the West Bank, or 5 percent. I urge Israel to listen to

its own former senior officials and generals, as well as to the multitude of voices around the world, warning it not to proceed along this dangerous path.”

According to the International Committee of the Red Cross: “Annexation amounts to an act of aggression, forbidden by international law. IHL provides that in the event that an Occupying Power annexes all or part of an occupied territory, [protected persons](#) therein shall not be deprived of the benefits of the Fourth Geneva Convention.”

[47 UN human rights experts issued a major statement](#) that “[t]he lessons from the past are clear: Criticism without consequences will neither forestall annexation nor end the occupation.” Annexation would leave a “Palestinian Bantustan, islands of disconnected land completely surrounded by Israel and with no territorial connection to the outside world.” It would lead to “the crystallisation of an already unjust reality: two peoples living in the same space, ruled by the same state, but with profoundly unequal rights. This is a vision of a 21st century apartheid.”

A letter signed by [259 international jurists](#) was similarly explicit saying that annexation would “*constitute a flagrant violation of bedrock rules of international law*”.

Michael Lynk, UN Special Rapporteur on human rights in the Occupied Palestinian Territory [explains why Israeli annexation and settlements are illegal and wrong](#) (from a briefing on 13 May 2020)



### Gradual formal annexation

It should be stressed that any annexation, large or small, is illegal, even one square metre. Israel has succeeded in its settlement project thus far by this gradual approach that built up around 235 settlements and a population of 620,000 settlers, creating facts on the ground step by step.

In other words, Israel has spent 53 years in gradually annexing the West Bank – a creeping annexation.

Any formal annexation must therefore be opposed and challenged from the start. A failure to do so would invite further annexations at a time of Israel’s choosing and perhaps larger.

Even if annexation is halted for the time being, Palestinians will still face this creeping annexation and occupation. Settlements will still be expanded and homes demolished. This needs to change.

### Previous Israeli annexations

Israel has already carried out two illegal annexations of occupied territory.

- 1) East Jerusalem was formally annexed in 1980, with Israel claiming the entire city as its unified capital. UN Security Council Resolutions 476 and 478 condemned this and declared it null and void.
- 2) The Golan Heights was annexed in 1981, territory Israel captured from Syria in 1967. UNSCR 497 demanded Israel rescind this.

Whilst both UN Security Council Resolutions did not outline concrete measures to ensure compliance, it did establish a clear legal obligation on Israel to abide by them. It has yet to do so. Contrary to bogus legal arguments, all UN Security Council Resolutions must be adhered to and have the force of law.

### The impact of imposing Israeli law on occupied territory

When Israel annexes territory and brings territory under its sovereign control, Israeli law will apply. It also means that all lands could be confiscated as happened in East Jerusalem, where one third of the annexed land was confiscated for public use within two to three years of 1967. It uses the Absentee Property Law to do this. This law was used inside Israel in the 1950s (after the founding of the state in 1948) to confiscate Palestinian refugee property. Palestinian private land can also be expropriated for public use, which after annexation, would be for Israeli public use.

Access to Palestinian land would be constricted. Palestinians own land even within the boundaries of settlements and also in the seam zone, between the barrier and the green line. If they cannot access the land, under Israeli law they risk losing it.

Many Palestinian communities also lie in the areas likely to be annexed at some stage. The Israeli government does not recognise some of these communities such as Khan Al Ahmar to the east of Jerusalem or around Susiya in the south. They will be deemed to be illegal aliens inside Israel who should not be within the state.

Finally, it is not clear what would happen to those Palestinians living in areas annexed to Israel. In East Jerusalem, they were not given full rights to citizenship. Israel said that Palestinians in East Jerusalem could apply but in practice most applications were rejected. If Palestinians in annexed areas are not granted full citizenship as a right, it raises additional questions as to the systematic discrimination of Palestinians under occupation. Netanyahu has made it clear that those Palestinians in annexed territory will not be eligible for Israeli citizenship.

The UN High Commissioner for Human Rights, [Michelle Bachelet](#) was clear: “The existing two-tier system of law in the same territory will become embedded, with devastating impacts on the lives of Palestinians who have little or no access to legal remedy.”

## [The International Criminal Court](#)

The International Criminal Court could investigate Israeli leaders for involvement in war crimes and grave breaches of international law, including for any annexation of occupied territory. The Israeli Attorney-General's office has warned the Israeli Prime Minister that annexation could trigger an investigation of "[senior army officers, civil service officials and heads of regional councils of West Bank settlements.](#)"

## [Palestinian statehood offered?](#)

The Trump proposal envisages a Palestinian state subject to Palestinian behaviour but one which can in no way be described as sovereign. Israel would have "overriding security control." The state would be demilitarised with all entry and exit of goods and people controlled by Israel. A Palestinian capital would be permitted to the east of Jerusalem probably at Abu Dis, outside the barrier. All the roads connecting the various Palestinian segments (bantustans) would also be under Israeli control. A Palestinian 'state' would not be permitted an airport; and in Gaza could not have an independent port. Israel would retain total control over water and the electro magnetosphere.

The Israeli government has not even accepted that there would be a Palestinian state. Netanyahu said that the Palestinians "[will have an entity of their own that President Trump defines as a state.](#)"

## [Israeli settlements](#)

There are 150 settlements and over 100 outposts in the West Bank with a total population of 620,000 settlers. All settlements are a violation of the Fourth Geneva Convention of 1949, a convention ratified by 192 states including Israel. All of these settlements and surrounding areas could be annexed to Israel under Netanyahu's plans.

Settlements fragment the West Bank. They ensure that any Palestinian state would not be contiguous and that the Palestinian economy could not develop.

## [Settlement expansion](#)

Israel has continued to advance settlement plans even after the Trump plan was released. Netanyahu announced approval of preliminary plans for [3,500 new housing units in a new settlement in E1 area between Jerusalem and Ma'ale Adumim](#) that will prevent territorial contiguity of any future Palestinian state. Israel had also announced 1,077 housing units in Givat Hamatos, to the south of Jerusalem and advanced plans for 2,200 units in the existing settlement of Har Homa.

Israel has also moved forward with [a new road plan to link settlements in east Jerusalem](#) dubbed the American road.

## [Settlement trade](#)

If annexation goes ahead, Israel would continue to consider all products and services from the annexed territories to be Israeli. The EU considers all such products not to be Israeli and therefore not subject to preferential access to the EU. The UK government says that

[“The OPTs are not covered by the current EU-Israel Association Agreement, nor by the Continuity Agreement \[2019\] agreed in principle between the UK and Israel.”](#) There is a question mark over trade access for Israeli exports to EU and the U.K. if there is legal doubt as to whether they actually originate in the Occupied Palestinian Territory, for both the EU and the U.K. will not accept that Israeli annexation is legal.

The UN has published [a database of 112 international businesses](#) operating in settlements. Some of the major international brands involved were Airbnb, Booking.com, Expedia Group and Motorola.

The UN identified three UK-based companies as working in the illegal settlements.

1. JCB sells bulldozers to the Israeli army, often used to demolish Palestinian homes.
2. The travel agency, Opodo, facilitates tourism in illegal settlements.
3. Greenkote sells anti-corrosion coatings to the Israeli armed forces.



*Palestinian date production in the Jordan Valley*

### [Palestinian position](#)

The Palestinian leadership opposes annexation and has cut all ties with Israel. It also says that in the event of annexation, it will no longer be bound by any agreements signed with Israel and the U.S. The reality is that it has very limited power and can only rely on international actors and institutions to stop Israel.

The PLO seeks negotiations on a viable two-state solution based on the 1967 lines with a capital in East Jerusalem as well as a fair resolution for the refugees in accordance with international resolutions.

In line with this, the PLO supported the Arab Peace Initiative of 2002 – in sum, an Israeli withdrawal from territories occupied in 1967 in exchange for full peace with Arab states.



The [Palestinian Prime Minister Mohammad Shtayyeh confirmed](#) that the Palestinian side had sent the Quartet (The UN, the EU, the US and Russia) a proposal to create a "sovereign Palestinian state, independent and demilitarised", with East Jerusalem as its capital. He said that land swaps might be possible equal "in size and volume and in value - one to one".

The PLO position is virtually indistinguishable from the policy of the EU and the U.K.

### [Jordanian position](#)

Jordan is one of two Arab states (the other is Egypt) which has a peace treaty with Israel. King Abdullah of Jordan [warned on 16 June](#) "that any unilateral Israeli measure to annex lands in the West Bank is unacceptable and undermines the prospects of achieving peace and stability in the region."

Jordanian Foreign Minister, Ayman Al-Safadi said annexation "would kill a two-state solution, undermine the foundations of the peace process, and set off the conflict."

### [Position of other Arab states](#)

The Arab League has condemned any annexation. The Arab Ambassadors to the UK sent a letter to the Foreign Secretary on 2 June calling for the British government to "change Israel's calculus with concrete and tangible actions" as well as making the overdue decision to recognise the State of Palestine.

In a tweet on 17<sup>th</sup> June 2020, the Crown Prince of the UAE, Mohamed Bin Zayed stated "I assured King Abdullah in our phone conversation of UAE's full solidarity with Jordan & our categorical rejection of accepting Israel's illegal annexation of Palestinian lands. We are working with our Arab brethren & the international community against this illegal move."



### [UK government reaction](#)

The British Prime Minister [reiterated on 16 June to Crispin Blunt MP](#) that he strongly opposed annexation and saw it as illegal.

The Foreign Secretary released [a statement on 31 January](#) making it clear that "The United Kingdom is concerned by reports of possible moves toward annexation of parts of the West Bank by Israel. Any such unilateral moves would be damaging to renewed efforts to re-start peace negotiations, and contrary to international law. Any changes to the status quo cannot be taken forward without an agreement negotiated by the parties themselves."

[149 British politicians have written](#) to the Prime Minister and Foreign Secretary demanding the UK government takes action including considering the option of sanctions in the event of any Israeli annexation.

### EU position

The EU opposes annexation but is divided on what action to take. EU foreign policy chief, Josep Borrell [stated that](#): "*Annexation would inevitably have significant consequences for the close relationship we currently enjoy with Israel.*"

The German Foreign Minister visited Israel in June to stress Germany's opposition to annexation. Germany is pushing for a resumption of peace negotiations. The EU has not reached a consensus on how to challenge annexation with Hungary and Poland opposing taking action against Israel.

1,080 [European Parliamentarians from across 25 countries](#) in Europe (including 248 British parliamentarians) have rejected Israel's planned annexation of illegally occupied Palestinian territory in the West Bank.

### Implications for any future peace

Annexing areas of the West Bank would risk killing off any chance of a viable two-state solution. To bring this about would require reversing the annexation. Given the power imbalance this would seem unlikely.

The Palestinian areas of the West Bank would be fragmented and under Israeli military control. Jerusalem would be further cut off from the rest of the West Bank. Israel would continue to steal Palestinian water resources and to impose restrictions on any attempt to build a proper Palestinian economy.

### Options for the UK

The UK has many options to challenge any form of Israeli annexation. It can take initial measures and follow them up with tougher ones in the event of Israeli non-compliance. To increase effectiveness this should be done with European partners. Condemnation and non-recognition of annexation are simply not enough to deter Israel, protect possibilities of peace or prevent possible clashes. The following options are ones that should have already been adopted not least to stop the illegal settlement project.

### Deterrence and accountability options

- Ban all trade in Israeli settlement products and services – whilst supporting the UN's efforts to improve its database of companies involved in the settlement business. This is a ban of an illegal practice, not a sanction nor do they affect Israeli goods as settlements are not part of the state of Israel.
- Ensure that in line with UN Security Council resolution 2334 (2016) that the UK does everything "to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967."
- Introduce a visa ban on Israeli settler leaders and settlers.

- Suspend the UK Free Trade Agreement with Israel - with the EU suspending the EU-Israel Free Trade agreement. This would end all preferential access to the EU for Israeli products and services. (This is not a sanction but merely the removal of all trade preferences.)
- Support the International Criminal Court investigation into Israeli war crimes and grave breaches of international law.
- Sanctions - Impose sanctions in conjunction with EU partners on the state of Israel. Such a sanctions regime could be tightened in the event of non-compliance. It should include a full arms embargo. A series of progressively imposed restrictive measures would echo how the EU including the UK, responded to Russia's illegal annexation of the Crimea in 2014. This included cancellations of summits; restrictions on individuals and asset freezes.

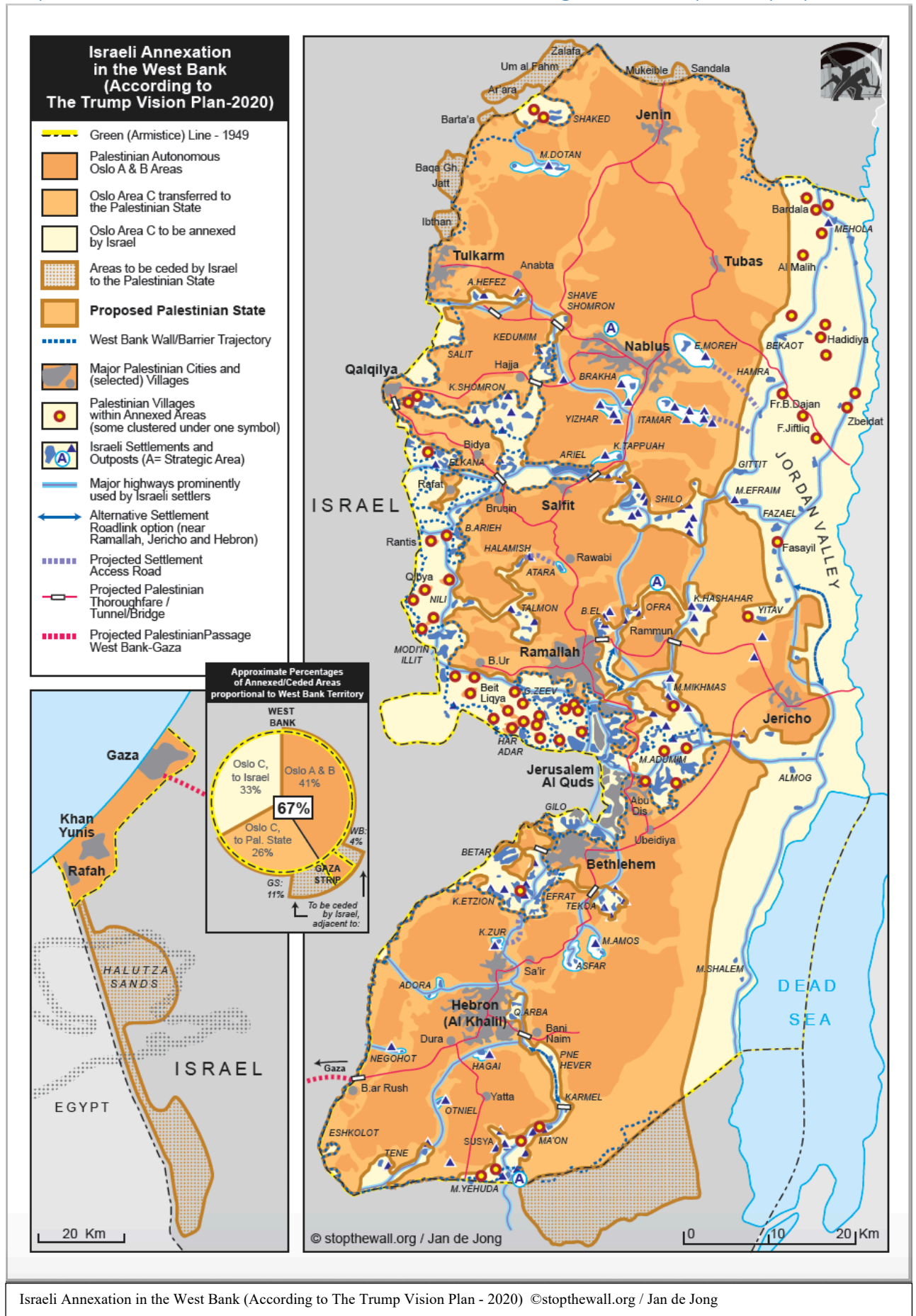
### Recognise Palestine

The UK should recognise an independent state of Palestine based on the 1967 lines with a capital in East Jerusalem. This is long overdue, should be done now, and would give meaning to UK long-standing support for two states - but recognition is not a response to an illegal Israeli action. Palestinians deserve a state on merit and as a right to self-determination - not as a response to an Israeli violation of international law.



*The Jordan Valley*

Map of the Israeli Annexation in the West Bank according to the Trump 2020 proposal



Israeli Annexation in the West Bank (According to The Trump Vision Plan - 2020) ©stopthewall.org / Jan de Jong

Map of Planned Annexation in Jerusalem

