



The Threat of Israeli Annexation in the West Bank

June 2020

On Jan. 28, 2020, at a press conference in Washington with Israeli Prime Minister Benjamin Netanyahu, U.S. President Donald Trump unveiled his long-awaited Middle East plan, “Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People.” The plan envisions a Palestinian state in parts of the West Bank and Gaza, granting Israel sovereignty over at least 30% of Palestinian land in the West Bank. Palestinians would have limited self-rule over isolated pockets of concentrated population centers linked together by tunnels and corridors and completely surrounded by Israeli territory. The plan also foresees continuing Israeli sovereignty over all of Jerusalem.

On April 20, Netanyahu and his coalition partners reached an agreement that would allow the annexation of parts of the West Bank beginning July 1, 2020, on the basis of Trump’s plan. Netanyahu further [stated](#) that the intention to declare sovereignty over Israeli settlements in the West Bank is “another glorious chapter in the history of Zionism” and the alliance with the Trump Administration on annexation is an [“opportunity that hasn’t existed since 1948.”](#)

Significant numbers of Israelis oppose Netanyahu’s annexation plan. A group of 220 Israeli former senior security officials issued a joint [statement](#), warning that annexation would jeopardize Israel’s treaties with Egypt and Jordan, antagonize allies in the Gulf, and undermine security cooperation with the Palestinians. Other Israelis to the right of Netanyahu’s Likud Party oppose the annexation plan on theological grounds. Israeli civil society organizations such as [B’Tselem](#) and [Yesh Din](#) also are opposed to annexation. Among supporters of annexation, there are divisions over the territory it should include.

The impending annexation of parts of the West Bank has provoked severe reaction from Jordan’s King Abdullah, who [said](#) that the move could cause a “massive conflict.” Palestinian Authority (PA) President Mahmoud Abbas announced that annexation would void the Oslo Accords and the security obligations under the agreements. The PA [announced](#) the severance of intelligence communications with the U.S. and Israel and has begun to downgrade security coordination. In Europe, while [some countries](#) have raised the possibility of sanctions against Israel in the event of annexation, others disagree and are unlikely to support [a hardline EU policy](#), which requires a unanimous decision. Some analysts and foreign policy voices in the U.S. have [suggested](#) that it is time for the U.S. to reconsider its special relationship with Israel.

International Humanitarian Law and Human Rights Implications – The territory designated for annexation under the plan [constitutes](#) some 30% of the West Bank (50% of Area C), although there are [calls](#) for more to be annexed in order to include Israeli settlement outposts and their road networks. The envisioned annexation would amount to a massive, illegal expropriation of Palestinian land. Under international humanitarian law, an occupying power is [prohibited](#) from “changing the legal status, geographical nature and demographic composition” of an occupied territory.

The International Court of Justice has [recognized](#) the illegality of Israeli settlements and the Separation Wall in the West Bank – the lines of which correspond substantially to the annexation map represented in the Trump plan. With annexation of the Jordan Valley, as proposed in the plan, Palestinians in the West Bank would not have access to international borders. The so-called “Palestinian state” described in Trump’s plan would grant Palestinians nominal autonomy and allow for continued Israeli control, falling well short of meeting the fundamental right to self-determination.

Israel's annexation would violate the terms of the Oslo Accords, which states that final borders should be mutually agreed upon in negotiations with the parties involved, would foreclose the two-state solution as envisioned by the international community, and would raise the urgency of calls for the equal treatment of Palestinians.

Michael Lynk, U.N. special rapporteur on the situation of human rights in the Occupied Palestinian Territory, warned: "If Israel's annexation plans proceed, what would be left of the West Bank would become a Palestinian Bantustan, an archipelago of disconnected islands of territory, completely surrounded and divided up by Israel and unconnected to the outside world. The plan would crystalize a 21st century apartheid, leaving in its wake the demise of the Palestinians' right to self-determination."

Unilateral annexation of occupied land in mandate Palestine has consistently been rejected by the international community. Following the 1967 war, Israel unilaterally annexed East Jerusalem and the Golan Heights. When, on July 30, 1980, Israel declared that "Jerusalem, complete and united, is the capital of Israel" the U.N. Security Council [resolved](#) that "all legislative and administrative measures and actions" taken by Israel, "which have altered or purport to alter the character and status" of Jerusalem are "null and void."

Commentary: The illegal annexation of the West Bank would leave Israel and the U.S. isolated. While the international community has been able to tolerate the *de facto* annexation of parts of the West Bank, *de jure* annexation will force them to confront it. It will leave the segregation of Palestinians an inescapable fact, likely to mobilize local, regional, and international actors in calling for equal rights for Palestinians and Israelis. In the legal arena, it will shift the focus of the international community toward the application of the International Convention on the Suppression and Punishment of the Crime of Apartheid (1973) and compel further action by the International Criminal Court.

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