



Human Rights Now

Human Rights Now

4F Suzuki Bldg., 335 Yamabukicho,
Shinjuku-ku, Tokyo 162-0801 JAPAN

Tel : +81-3-6228-1528

Website: <http://hrn.or.jp/eng>

Email: info@hrn.or.jp

2 July 2020

Israel's Plan to Annex the West Bank is Illegal, Abusive, and a Threat to Peace

Israeli Prime Minister Binyamin Netanyahu has stated that he will bring a proposal to the cabinet soon for Israel to effectively annex West Bank areas. On June 30, he stated they had discussed “the question of sovereignty, which we are currently working on and will continue to work on in the coming days.”¹

As described below, the proposal violates international law, institutes a system of apartheid over Palestinians, will increase human rights violations against Palestinians, and threatens peace and security in the region. No version of the plan is acceptable, and the United States must not encourage or facilitate it. Human Rights Now, a Tokyo-based international human rights NGO, calls on the government of Israel to refrain from considering any proposal to unilaterally annex any amount of West Bank territory.

- **Unilateral Annexation of West Bank Areas Violates International Law**

While Netanyahu has stated that his proposal will not call for “annexation” of West Bank areas, only “extending Israel sovereignty” to them, this is effectively annexation. Multiple sources of international law make clear that annexation of territory by occupation is illegal. The UN Charter Article 2(4) demands that states refrain “from the threat or use of force against the territorial integrity or political independence of any state”, and the cardinal rule of occupation under international humanitarian law, expressed by universal legal opinion, is that “Annexation amounts to an act of aggression, forbidden by international law.”² The UN Secretary-General has labeled the proposal “a most serious violation of international law”,³ and a joint letter by 50 UN human rights experts to the government of Israel began with the statement, “The annexation of occupied territory is a serious violation of the Charter of the United Nations and the Geneva Conventions.”⁴

¹ Hendrix, “Israel’s Netanyahu still working out West Bank annexation plans”, Washington Post, 1 July 2020, https://www.washingtonpost.com/world/nothing-is-clear-july-is-nearly-here--will-israel-move-to-annex-much-of-the-west-bank/2020/06/30/2172dfca-ba43-11ea-97c1-6cf116ffe26c_story.html.

² International Committee of the Red Cross, “International Humanitarian Law Casebook: Annexation (prohibition of)”, 2020, <https://casebook.icrc.org/glossary/annexation-prohibition>.

³ United Nations Secretary-General, “Secretary-General’s virtual briefing to the Security Council on the Situation in the Middle East, including the Question of Palestine”, 24 June 2020, <https://www.un.org/sg/en/content/sg/statement/2020-06-24/secretary-generals-virtual-briefing-the-security-council-the-situation-the-middle-east-including-the-question-of-palestine-delivered>.

⁴ OHCHR, “Israeli annexation of parts of the Palestinian West Bank would break international law – UN experts call on the international community to ensure accountability”, 16 June 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25960>.

- **Unilateral Annexation the West Bank Areas Institutes a System of Apartheid**

The UN experts' joint letter describes the annexation proposal as "a vision of a 21st century apartheid" creating a "Palestinian Bantustan, islands of disconnected land completely surrounded by Israel and with no territorial connection to the outside world" that Israel would "maintain permanent security control" over. The reference is to the small pockets of isolated territory (the so-called Bantustan) that South Africa attempted to force its black population into during its period of apartheid, where they were subject to intolerable living conditions and the total control of South Africa as second-class residents, despite meaningless rhetoric of self-determination. Like South Africa's apartheid, Israel has proposed that even Palestinians living in future Israeli areas of the West Bank would not have rights as Israel citizens. And the reality of the situation is that the Palestinian areas cannot be autonomous but will be under the total control of Israel, overseeing intolerable living conditions and human rights violations. The joint letter summarized this situation as the very definition of an apartheid system: "two peoples living in the same space, ruled by the same state, but with profoundly unequal rights."

- **Unilateral Annexation of West Bank Areas Will Increase Violations of Palestinians' Rights**

The joint letter by UN human rights experts flatly states that "human rights violations would only intensify after annexation," and it lists categories of significant violations including housing and land rights; political, legal, economic and social discrimination; forced displacements; excessive use of force and torture; extreme poverty; arbitrary detentions; food insecurity; and violations of the rights to work, privacy, freedom of expression, children's rights, movement, and "above all ... the right of Palestinian self-determination."

- **Unilateral Annexation of West Bank Areas Threatens Regional Security**

Israel's plan has already led to an outpouring of warnings regarding its threat to regional security, including from other leaders in the region⁵ and Israel's own military, intelligence, and diplomatic officials.⁶ Threat factors include new turmoil in the West Bank, destabilizing Israel's eastern neighbor Jordan, Israel's further international isolation, the Palestinians' withdrawal from the Oslo Agreement, the Palestinian Authority's suspension of security cooperation with Israel in protest, and the loss of a key issue for future peace negotiations and the final status of Israel's relationship with Palestinians.

- **No Version of the Annexation Proposal is Acceptable**

The details of the plan, including its timeline, the amount of territory Israel plans to effectively annex, and whether the plan involves multiple stages, have not been clarified. One statement of the plan, which was endorsed by the US Trump administration's plan released in January 2020, has Israel extend

⁵ Raghaven and Hendrix, "Arab governments denounce Israel's plans to annex the West Bank, warning it will imperil regional security and peace building. But will Israel listen?", Washington Post, 26 June 2020, https://www.washingtonpost.com/world/arab-governments-denounce-israels-plans-to-annex-the-west-bank-warning-it-will-imperil-regional-security-and-peace-building-but-will-israel-listen/2020/06/26/35500c32-b71b-11ea-9a1d-d3db1cbe07ce_story.html

⁶ Halbfinger and Rasgon, "As Annexation Looms, Israeli Experts Warn of Security Risks", New York Times, 19 June 2020, <https://www.nytimes.com/2020/06/19/world/middleeast/israel-annexation-west-bank-risks.html>.

its sovereignty to most of the Jordan Valley and more than 235 Israeli settlements, covering about 30% of the West Bank and affecting nearly 110,000 Palestinians. However, even a minimal annexation of only the largest and closest settlements, covering only 3% of West Bank territory, would still have the effects of being illegal, threatening regional security, derailing any future peace negotiations, and it would only serve as a basis for future unilateral annexations, the Bantustan-like fracturing of Palestinian territory, and increased human rights violations against Palestinians. Thus, any version of the plan is unacceptable.

- **The United States Must Not Encourage and Facilitate Israel’s Illegal Proposal**

The government of the United States has aided Netanyahu in pushing his illegal proposal by its irresponsible peace plan released in January. The US plan, which has been entirely rejected by Palestinian leaders, not only encourages Israel to go forward with the most extensive annexation plan, but it provides a dangerous illusion of international support for Netanyahu’s proposal. It also appears that Netanyahu is pushing for a rapid process to extend Israeli sovereignty to the West Bank as quickly as possible before US elections in November and the loss of support from the Trump administration. The government of the US must recognize and address its responsibility in facilitating illegal actions by Israel.

- **The International Community has Condemned the Proposal**

The effective annexation plan has been widely condemned by the international community. Aside from the joint letter by UN human rights experts and the statement by the UN Secretary-General mentioned above, over 1,000 parliamentarians representing 25 European countries signed a joint letter rejecting the proposal and urging their leaders to prevent the annexation process,⁷ and seven European states—Belgium, Estonia, France, Germany, Ireland, Norway, and the UK—issued a joint statement warning that annexation would “severely undermine” the prospects for resuming the peace process.⁸

- **A Call to Israel to Respect its International Obligations**

Human Rights Now calls on the government of Israel to refrain from considering any proposal to unilaterally annex or extend its sovereignty to any amount of West Bank territory. We also call on the government of the United States to refrain from facilitating and encouraging Israel’s illegal proposal. And we request the international community to take effective measures with serious consequences pressuring the government of Israel to respect its international obligations and reject the proposal accordingly.

⁷ “Israel West Bank annexation rejected by European MPs in letter”, BBC, 24 June 2020, <https://www.bbc.com/news/world-middle-east-53139817> (a copy of the text of the letter is available at: <https://southwark.anglican.org/news/press-releases/2020/joint-letter-by-1080-european-parliamentarians-against-israeli-annexation-of-west-bank>).

⁸ Estonia Mission to the UN, “Joint Statement by France, Germany, Belgium, Estonia, Ireland, Norway and the UK following UN Security Council VTC Meeting on the Middle East”, 24 June 2020, <https://un.mfa.ee/joint-statement-by-france-germany-belgium-estonia-ireland-norway-and-the-uk-following-the-un-security-council-rtc-meeting-on-the-middle-east/>.