



STATE OF PALESTINE
PALESTINE LIBERATION ORGANIZATION
NEGOTIATIONS AFFAIRS DEPARTMENT

LOOMING ANNEXATION

ISRAEL'S DENIAL OF PALESTINE'S RIGHT TO EXIST

DEDICATION:

To the memory of all children, brothers, sisters, husbands, wives, mothers, fathers, and loved ones, we have watched the Israeli occupying forces kill in cold blood. Most recently, Iyad Hallaq, Ahmad Erekat, Fadi Samara, Maher Za'atreh, and Sufian Al-Khawaja who were left to bleed to death until they took their last breath. Israel's shoot-to-kill policy is designed to terrorize Palestinians into giving up on our right to self-determination and existence in the one place we call home: Palestine. Israel's colonization, oppression, and dispossession of Palestinians will go down in history as a dark chapter of apartheid. Until then, it's our collective moral and legal obligation, in Palestine and beyond, to not give up until the prevalence of justice, freedom, and peace.

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FOREWORD

The timing of this Negotiation Affairs Department (NAD) publication coincides with the impending annexation announced by the recently formed Government of Israel. We have embarked on this publication not because of the novelty of illegal Israeli annexation of Palestinian land, but because of the urgency -now more than ever -of raising our voices against Israeli annexation that jeopardizes the viability of the State of Palestine and the right to self-determination, and entrenches occupation with its violations of Palestinian human rights.

The intertwine in politics: annexation, the daily life of Palestinians, and the future of the Palestinian state, is presented in the three parts of this publication with one unified and clear message by all contributing authors: *“Annexation is illegal; it ends the two state solution, legalizes apartheid, and has to be stopped”*.

Part one covers a historical background and analysis. As a chief negotiator who has been engaged in the peace process since the early 1990s, I open this part with a contextual background on annexation focusing on Palestinian-Israeli relations under annexation and moving forward. My main message on the illegality of annexation is that: *“It is Palestine’s responsibility to do everything possible to stop annexation, dismantle Israel’s colonial-settlement enterprise, and achieve freedom and independence”*.

Fatima Jaouni and **Ashraf Khatib** then take us briefly through Israel’s illegal annexation of Palestinian land throughout the years while focusing on current annexation. They explain Israeli measures of land control since the beginning of the occupation of the West Bank and the Gaza Strip in 1967 that prepared the ground for incremental annexation. Their main message is that: *“The imposition of Israeli sovereignty over occupied Palestinian land is yet another illegal action to be added to a long list of violations of international law characteristic of the State of Israel to date. By imposing annexation, Israel officially recognizes apartheid as its policy and signals that a negotiated agreement is off the table”*.

Jad Ishaq and **Suhail Khalilieh** present a geopolitical analysis of the Trump Plan. With the pertinent maps, they outline the elements of the Trump Plan, the Palestinian localities enclaved, and the consequences for the 1948 localities, Gaza, and for Jerusalem. They emphasize that the *“Trump plan shows clearly the amputation of Palestinian aspirations for a just and comprehensive peace based on the two state solution and its replacement with a capitulation map that perpetuates the colonization of Palestine”*.

Part two comprises eight articles on annexation and its impact on different sectors and Palestinian potential:

Nabil Kassis discusses the opportunity cost of the Israeli belligerent occupation and incremental annexation which has deprived Palestinians of enormous development opportunities. His main message is that: *“Annexation undermines the viability of the Palestinian state, whose embodiment is the mainstay of the only workable peace settlement. The continued belligerent occupation and concomitant creeping annexation is a road to disaster and is contrary to the national interests of countries that view peace in the Middle East as such.... if occupation and annexation continue then the greatest lost opportunity is one for regional peace, stability and prosperity”*.



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Hamdan Taha provides a general description of tourism under occupation with focus on the impact of the Trump Plan on “Palestinian land turned into a series of disconnected parcels and tourism fully controlled by Israel”. He stresses that: *“annexation of historic sites in Jerusalem and Hebron, and archeological sites, including religious and potential world heritage sites or cultural landscapes, will deprive Palestinians of their cultural and natural assets. These plans will deepen the conflict and will make peace further away than ever”*.

Sabri Saidam walks us through the challenges facing the cellular companies, internet and radio and television services under policies of occupation, while presenting the imminent

nightmare for Paltel and Jawwal, he shows what exists and what's to come with impending annexation in a seemingly endless battle with loss which will have negative consequences on the Palestinian economy currently stretched by political challenges and health conditions both depressing Palestinian finances and national revenues.

His message in regards to the effect of annexation on telecommunication is that *“annexation adds further pain and complications to what makes up an almost impossible life of operations, evolution, and development of all sectors in which telecom is a vital part for existence and survival.”*

Mitri Raheb unveils the ghettoization of Bethlehem, the implications of annexation on the land and its native popu-



lation, and the danger it poses to the future for the cities of Bethlehem, Beit Sahour, Beit Jala, and Doha by hastening Christian migration and robbing Palestine of a very important component of its colorful tapestry. To Reverend Mitri, *“Annexation will lead to de-development, shrinking space, and increased oppression We are experiencing Israeli supremacy, but Palestinian lives matter. The annexation plans are thus at this intersection of might and right, of racism and equality, of oppression and liberation”*.

Shaddad Atilli walks the reader through Israel's historical de-facto annexation of Palestinian water resources, the arrangements in the interim agreement and its violations, and the impact of impending annexation. His main message is

that: *“Water is still an issue of conflict 25 years after the signed agreement between Israel and the PLO. Throughout the years post the agreement, Israel's appetite for more land and resources has never abated. This reflects Israel's intention to maintain an endless occupation that deprives Palestinians of their rights, and exploits their land and natural resources with creeping annexation”*.

Mahmoud Muna describes what he terms “culturecide” in which the occupation attempts to erase not only the existence of Palestinians, but also their memory, their history, and their past. The innumerable challenges culture planners and those in the arts already face will be exacerbated by further annexation. He stresses that: *“Culture has become synonymous with resilience and steadfastness..... Palestine will suffer as the annexation plans progress. However, the culture will always evolve as required to form an impenetrable barrier behind which the Palestinian identity will foster itself”*.

Susan Power examines annexation under the lens of the accompanying violations of international human rights law and, in particular, the right of the Palestinian people to self-determination, and the important responsibilities of third states when addressing a situation resulting from a serious breach of international law. She sends a strong message that: *“Annexation, as a violation of jus ad bellum, constitutes an internationally wrongful act from which no rights can be derived. Imperatively, annexation which threatens the maintenance of international peace and security requires collective action to bring the illegal situation to an end”*.

Issa Kassissieh presents the threat posed by annexation to the two state solution. He describes Israel's non-compliance with signed agreements and the response of the Palestinian leadership. His main message is *the need to generate diplomatic momentum in the hopes that world capitals will succeed jointly to halt the impending annexation, in a last attempt to rescue the two-state solution before it is too late..... A successful, prosperous and contiguous state of Palestine can become an important guarantor of security and stability in the region and a bulwark against extremism”*.

Part three has three articles that cover Palestinian, regional, and international responses to annexation:

Samar Awadallah presents a historical account of Palestinian defiance and resilience against occupation and annexation. She outlines the elements of a new strategy to confront annexation and subjugation through means that include enhancing resilience and survival on the land, popular resistance, national unity, and the mobilization of international pressure. Her concluding message is that *“the Zionist project may be achieving a lot on the ground. However, it will not be able to achieve a final victory in this existential con-*

flict as long as there is Palestinian resilience and a desire to live and survive”.

Varsen Aghabekian draws attention to the complex concerns and questions pertaining to the ongoing occupation in general and the imminent threat posed by Israel’s annexation plans. Her main message is that: *“For Palestinians, the concerns and questions posed are very daunting and frustrating. Many questions go unanswered. Yet for Israelis they are just as problematic and signify a bleak future ahead. There will be significant costs and repercussions for Palestinians, Israelis, and for the region and international world Only a dignified fair and just solution will safeguard Israel and Palestine and promote peace in the regionFurther annexation adds fuel to an already burning fire”.*

Xavier Abu Eid focuses on a context in which partial annexation becomes a reality. He examines regional and international responses to annexation and whether there is reason to believe that this time the consequences for Israel may differ from previous statements of condemnation for its ongoing violations of UN resolutions and international law. His main message is that: *“As long as Israel counts on the continuation of impunity, it will have no incentives or reason to abandon its annexation plan, let alone move towards a meaningful peace process that ensures the implementation of what every other process sponsored by the international community has been based on: international law”.*

This publication targets all those interested to know more about the illegality of annexation and its impact on the lives of the Palestinian people, and their aspirations for an independent State of Palestine with an end to occupation.

The contributors to this publication come from a variety of backgrounds and expertise and are authorities in their respective fields, affiliates of the PLO, and/or from civil society organizations that include: the Negotiations Affairs Department (NAD), the Palestinian Negotiations Support Project (PNSP), the Applied Research Institute-Jerusalem (ARIJ), Al-Haq, “Law in the Service of Man”, Dar Al Kalimah University College, and Al-Istiqlal University. Some of the authors have previously engaged in the peace process, negotiations, and the Palestinian government. I wish to thank all of them for their contributions and for reflecting our oneness in our struggle against occupation and annexation as we seek liberation.

While the articles do not cover all aspects of annexation and its impact, I hope the compiled articles are useful in reflecting the increasing dangers of occupation-annexation. These challenges require a show of solidarity with the Palestinian people and action by the international community, including those in the peace camp in Israel.

The lack of accountability and impunity enjoyed by Israel for so long should not continue to be tolerated.

Despite our everyday difficulties and occasional loss of hope, we move on with resolve and resilience. We will not give up. One day soon we will be free.

Saeb Erakat
Chief Negotiator and Head of NAD
 June 2020




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PART ONE: BACKGROUND



CONTEXTUAL BACKGROUND WITH ANALYSIS: ANNEXATION

Saeb Erekat



The announcement of the annexation of occupied Palestinian territory did not emerge from a vacuum. It is part of an ongoing Israeli colonial project that, despite its blatant illegality, continues to be tolerated. Over the past decade in particular, and following the collapse of the peace talks mainly due to Israel's unilateral actions and noncompliance, Israel has pushed a maximalist agenda with the confidence that it will not be held accountable. Its "best case" scenario includes:

- Annexing occupied Palestinian territory while negating the rights of Palestinians, with the goal of the elimination of the Palestinian cause as a whole.
- Normalizing relations with countries of the region, mainly in the Arab Gulf.
- Counting on its main trade partner, the European Union (EU), not to impose sanctions for Israel's systematic violations of international law.
- Counting on the ineffectiveness of multilateral mechanisms and international organizations, including the UN Security Council and the International Criminal Court, in holding Israel to account.

This scenario, according to Israeli calculations, can be realized with support from a key actor, the United States. Other members of the international community would support it directly or indirectly by tolerating the presence of an apartheid regime, ongoing violations of international law, and noncompliance with UN resolutions and signed agreements.¹ Regardless of periodic international statements, Is-

rael, with its occupation and illegal colonial-settlements, has proved that it can ride out statements, even UN resolutions, with total impunity as there is no action or accountability. In other words, the United States is only one of several parties in the equation, which is not just about the fate and freedom of Palestine, but whether a just and fair rules-based international system exists and can be enforced.

The only option for the State of Palestine is to oppose illegal annexation at any time by all means possible, and including the steps currently advocated in the US/Israel understandings. The international community, or those who take pride in calling themselves "peace loving nations", are our strategic allies. In our conversations with world leaders, we understand that many are truly concerned and are willing to take action. Others though, act as spoilers of international justice and have made use of their positions to prevent any prospects of accountability, or even to refer to the potential consequences of annexation. These are the ones paving the path for annexation.

The Trump/Netanyahu Plan

The "messianic" mission of the Trump administration and the Netanyahu team is crystal clear. They argue that annexation of occupied Palestinian territory, or in their terms, Biblical Judea and Samaria and an integral part of the "Land of Israel", does not represent a grave violation of international law and a crime of aggression, but should be viewed as an "acceptance of reality"² and a "divine mandate".³ This is a

1 See PLO NAD (May 31, 2011) "Israel's violations of the Oslo Agreements" available at <https://www.nad.ps/en/publication-resources/factsheets/israel-s-violations-oslo-agreements> last accessed on June 11, 2020.

2 See address by US Ambassador David Friedman to AIPAC Conference 2019 available at <https://il.usembassy.gov/u-s-ambassador-to-israel-david-m-friedman-delivers-remarks-at-the-2019-aipac-policy-conference/> last accessed on June 11, 2020.

3 See address by US Vice President Mike Pence to "Christians United for Israel", part of it available at <https://www.cufi.org/mike-pence-to-cufi-i-support-israel-because-i>

new reality in international relations whereby a combination of arrogance, ignorance, and religious fundamentalism are set to oppose a rules-based world order.

From this perspective, an illegal colonial enterprise is God's will, and Jerusalem in its entirety should remain under Israeli control. This vision, supported by Christian Zionists from within the US government, not only dehumanizes the Palestinian people but considers our mere existence and rights to be a sin or an obstacle to God's will. This is the core principle behind the ideologues who detest Palestinians to the extent of refusing even to mention the term "Palestinian rights".⁴ The outcome of this perspective can be seen in the Jewish Nation State Law, approved by Israel in July 2018, whose basic principle is that the only people who can enjoy the right to self-determination in the land of historic Palestine, from the river to the sea, are Jews.⁵ From that perspective it is easier to understand the logic behind closing the US Consulate in Jerusalem that had served US interests in Palestine since 1844, and turning all relations with the Palestinian people into a desk under the US Embassy to Israel called "the Palestinian Affairs Unit".⁶

The Annexation Plan, ironically referred to as a "Vision for Peace", calls for full Israeli security responsibilities over all of historic Palestine and perpetual Israeli control over Palestinian borders.⁷ Furthermore, Palestinians are supposed to accept ten conditions that negate the very existence of a Palestinian state. As explained by PM Netanyahu, this includes cancellation of the Palestinian right of return, acceptance of Palestinian enclaves within annexed areas without citizenship, and further expansion of Israeli settlements.⁸ These and other conditions imposed in the Plan match the editorial in *Israel Hayom* newspaper, the propaganda outlet that supports the interests of the expansionist camp in Israel, that Palestinians must become Zionists under this Plan.⁹

In summary, the Netanyahu/Trump Plan dismisses international law, UN resolutions, and even previously signed agreements and commitments to create the existence of one single

state in all the land of historic Palestine, while sustaining two different systems that equate to apartheid, even if the Trump Plan refers to it as "two-states".¹⁰

Israeli-Palestinian Relations and Annexation

Relations between Israel and Palestine are based on one main reality: an occupying power and the occupied. The responsibilities of Israel in the territory it has occupied since 1967, including East Jerusalem, are those described under international humanitarian law, including the Fourth Geneva Convention, for an occupying power.¹¹ These laws state the inadmissibility of annexation of occupied territory. The peace process, including the Declaration of Principles (DoP), also known as the Oslo Agreement, was an attempt to lay the foundations for a peace process along two main tracks:

- Institution building and the provision of services (with the creation of the Palestinian National Authority).
- Final status negotiations, which remained a PLO responsibility, on the agreed issues of Jerusalem, refugees, settlements/borders, water, and prisoners, as well as other important elements for peaceful and lasting coexistence.¹²

The DoP was never about negotiating the Palestinian right to self-determination or the status of the State of Palestine, which was declared on November 15th, 1988 and recognized by 140 countries. The DoP was explicit in calling for final status negotiations to be finalized within five years from the beginning of the implementation of the agreement (by May 1999). Meanwhile the contracting parties, Israel and the PLO, were not to take actions that would change the status quo of the territory. Israel actively violated this condition with the unprecedented expansion of its illegal colonial-settlement enterprise, almost tripling the number of settlers in the 27 years after the signing of the Oslo Agreement. By 1999 alone, the number of settlers had grown from approximately 236,000 at the time of Oslo in 1993 to almost 400,000.¹³

[am-a-christian/](https://www.cufi.org/vice-president-mike-pence-addresses-cufis-washington-summit/), full statement available at <https://www.cufi.org/vice-president-mike-pence-addresses-cufis-washington-summit/> last accessed on June 11, 2020.

4 Jerusalem Post (February 13, 2020) "Greenblatt: Palestinians' aspirations do not equal their rights" available at <https://www.jpost.com/arab-israeli-conflict/greenblatt-palestinians-aspirations-are-not-rights-617527> last accessed on June 11, 2020.

5 See Al Haq (January 23, 2019) "Factsheet: Israel's Jewish Nation-State Law" and the Occupied Palestinian Territory" available at <http://www.alhaq.org/advocacy/6115.html> last accessed on June 11, 2020.

6 See the article of former US Consul General in Jerusalem Jack Wallace "Requiem for a Consulate" (October 23, 2018) available at <https://carnegie-mec.org/diwan/77553> last accessed on June 11, 2020.

7 See PLO NAD "Exposed: The 'Con of the Century' Will Not Bring Peace" available at <https://www.nad.ps/en/publication-resources/faqs/exposed-“con-century”-will-not-bring-peace> last accessed on June 11, 2020.

8 Op ed by Benjamin Netanyahu in *Israel Hayom* (available at <https://www.israelhayom.com/2020/02/14/this-election-will-determine-whether-israel-seizes-or-squanders-a-historic-opportunity/>) last accessed on June 11, 2020.

9 *Israel Hayom* (February 14, 2020) "No need to brood, sovereignty is underway" available at <https://www.israelhayom.com/2020/02/14/no-need-to-brood-sovereignty-is-underway/> last accessed on June 11, 2020.

10 See the letter by 50 former European foreign ministers in *The Guardian* (February 27, 2020) available at <https://www.theguardian.com/world/2020/feb/27/grave-concern-about-us-plan-to-resolve-israel-palestine-conflict> last accessed on June 11, 2020.

11 See the Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory by Israel (July 9, 2004) available at <https://www.icj-cij.org/en/case/131> last accessed on June 11, 2020.

12 Text of the Declaration of Principles available at <https://peacemaker.un.org/israelopt-osloaccord93> last accessed on June 11, 2020.

13 See Btsalem database available at <https://www.btsalem.org/settlements/statistics> last accessed on June 11, 2020.

The DoP and other interim agreements signed after 1993 stipulated a number of responsibilities per party. This must be well understood: the peace process was never meant to absolve Israel of its obligations as an occupying power under the Fourth Geneva Convention. It was an attempt to prepare the ground for a final status agreement, which included cooperation during an interim period not lasting for more than five years. Israel violated every one of its obligations and has dismissed the prospects of a final status agreement and an independent Palestinian state.

One of those obligations was to dismantle the “civil administration”¹⁴ and transfer its responsibilities to the Palestinian government, including its legal, economic, and security jurisdictions. Though initially dismantled, PM Netanyahu reinstated it in 2010, sending a clear message about his intentions for occupied Palestine. He refused to implement Israeli obligations, including Israeli withdrawals that were supposed to take place from all the occupied territory with the exception of a few areas to be discussed in final status negotiations, including Jerusalem (East and West), settlements, and the border regime. Instead, Israel turned Area C into its main reservoir for colonial-settlement expansion. All of these events have been well documented by all relevant international parties.



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The DoP consolidated mutual recognition between Israel and the PLO, and referenced as a goal the implementation of UNSC Resolutions 242 and 338 that are explicit on the inadmissibility of the acquisition of land through the use of force.¹⁵

It is against this background that the Palestinian leadership took the decision to absolve itself from any obligations should Israel move ahead with the process of annexation. This includes all our relations with the Trump administration.

Moving Ahead

The current reality reflects a strong partnership between the US and Israel in support of further annexation.¹⁶ The establishment of a joint annexation committee reflects one of the starkest examples of colonialism and must be rejected by all in the 21st century. The US has rendered itself incapable of playing any peacemaking role between Israel and Palestine as it has not played the role of an honest broker, mediator or facilitator. This does not signify that Palestinians reject international forms of mediation. On the contrary, we have actively called upon the international community to organize a peace conference based on the internationally agreed parameters for Middle East peace, with the aim of implementing international law and relevant UN resolutions.

It is Palestine’s responsibility to do everything possible to stop annexation, dismantle Israel’s colonial-settlement enterprise, and achieve freedom and independence. This includes both a local dimension in the form of the escalation of popular resistance against the Israeli occupation, further disengagement from the occupation, and developing the capacities to replace Israeli products as much as possible from our captive market. On the international front, overwhelming international solidarity with Palestine must be translated into political action and legal steps to hold Israel accountable. This is not only about recognition of the State of Palestine but about international responsibility to impose sanctions on Israel, the occupying power, after decades of systematic policies of colonial settlements and forcible displacement, including the current prospects of annexation.

The articles in this publication will explain, from different perspectives, the consequences of annexation for Palestine and strategic Palestinian options in light of the US-Israel Plan, whether total or partial annexation by Israel. There is also discussion of the steps to be taken to challenge the basic principles of this colonialist fantasy of the Israeli leadership and their US partners.

¹⁴ DoP, Article VI.

¹⁵ UNSC Resolution 242 states: “*Emphasizing* the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security” available at <https://unispal.un.org/unispal.nsf/0/7D35E1F729DF491C85256EE700686136> last accessed on June 11, 2020.

¹⁶ New York Times (June 8, 2019) “U.S. Ambassador Says Israel Has Right to Annex Parts of West Bank” available at <https://www.nytimes.com/2019/06/08/world/middleeast/israel-west-bank-david-friedman.html> last accessed on June 11, 2020.



ILLEGAL ANNEXATION OVER THE YEARS: FOCUS ON CURRENT SCENARIOS

Fatima Jaouni Hodali / Ashraf Khatib

The planned annexation of geographical areas of the West Bank (WB) will be accelerated now that the Israeli coalition government has been sworn in on May 17th, 2020. The annexation of Palestinian land and imposition of Israeli sovereignty was proposed and discussed openly in several rounds of the election campaign prior to the formation of the new coalition government. The annexation of areas of the WB has always been part and parcel of Israel's 'maximalist' approach of extending and imposing the sovereignty of the State of Israel beyond the border of 1967 throughout the five decades of occupation. The creation of the settlement enterprise, measures to control land, and restrictions imposed on the Palestinians are all part of an Israeli plan to impose Israeli sovereignty over the occupied WB.

Despite announcements of impending annexation, the areas targeted have not been declared officially. Israeli control over land allows us to speculate that the target will include the majority of the Jordan Valley along the eastern border of the WB, including the west coast of the Dead Sea, areas around Jerusalem with large Israeli settlements, and the majority of scattered Israeli settlements within the heart of the WB along mountain ridges and the 1967 border.

Netanyahu expressed confidence that his government will have the backing of the US administration for his annexation plans, especially in the wake of the Trump 'Peace to Prosperity'¹ Plan released in February 2020. This plan fully endorsed Israeli sovereignty over 30 per cent of the WB. In fact, the US administration has signaled through the State



Department and Secretary of State its intention to support and recognize annexation by Israel:² "...as we have made consistently clear, we are prepared to recognize Israel actions to extend Israeli sovereignty and the application of Israeli law to the area in the West Bank that the vision foresees as being part of the State of Israel".

This chapter sheds light on Israeli measures to control land since the beginning of the occupation of the WB and Gaza in 1967, steps that have prepared the ground for annexation. We also speculate about the geographic areas at risk of annexation.

From Policies to Plans Creating Facts on the Ground

The imposition of Israeli sovereignty over occupied Palestinian land is yet another illegal action to be added to a long list of violations of international law characteristic of the State of Israel so far. Since 1967, Israel has employed laws and military orders for the purpose of land appropriation, and has acted intentionally to alter the demographic and physical character of the occupied Palestinian territory. By offering benefits and incentives, by 2019 Israel had transferred more than 690,000³ of its population into occupied Palestinian territory (oPt) to live and work in more than 400 illegal settlement locations⁴ in violation of international law, international humanitarian law and the Fourth Geneva Convention. Through various land acquisition methods, the establishment of the set-

1 <https://www.whitehouse.gov/wp-content/uploads/2020/01/Peace-to-Prosperity-0120.pdf>

2 <https://www.timesofisrael.com/us-says-it-would-recognize-israeli-annexation-of-parts-of-the-west-bank/>

3 Israeli Central Bureau of Statistics, Statistical Abstract 2019; <https://www.cbs.gov.il/en/publications/Pages/2019/Population-Statistical-Abstract-of-Israel-2019-No-70.aspx>

4 Israeli locations include residential settlements, outposts, industrial zones, and facilities/services.

tlement enterprise and the construction of the annexation wall, Israel has classified more than 60 per cent of the WB⁵ today either as settlement areas, confiscated areas, state land, reserved areas, military and firing zones or simply inaccessible to Palestinians. Israeli policies have taken a variety of forms to nurture and invest in the construction of the settlement enterprise, which is the enabler of the continued expropriation of hundreds of thousands of dunums of Palestinian land.

While trying to understand how land control began and where it is heading, it is evident that the occupying state of Israel is undoubtedly pursuing a well-defined plan in its policies implemented throughout the five decades since 1967 to obtain maximum control of Palestinian land. One of the very first important Israeli plans was drafted by Yigal Allon in 1967 and became known as the Allon Plan.⁶ The plan identified Jerusalem and its surroundings, together with the Jordan Valley, as of strategic importance to Israel. As a result, the very first illegal Israeli settlements to be constructed were those in Jerusalem and in the Jordan Valley.

In the 1970s, the Drobles Plan⁷ designed by Matityahu Drobles focused on the establishment of dozens of Israeli settlements on mountain ridges of the WB in the vicinity of Palestinian localities. Tens of settlements were constructed in the heart of the WB surrounding Palestinian population centers, including Ma'aleh Adumim, Bittar Illit, Ariel, Elon More, and Beit El.

In the 1970s, Ariel Sharon⁸ presented yet another plan focusing on control of the Jordan Valley, Jerusalem area and areas close to the 1967 border. Sharon was clear that the establishment of settlements in these areas would be a means of promoting annexation. Examples are the settlements of Modi'in Illit, Alfe Menashe, and Efrat that were established in the 1980s.

These three plans are but a handful of many used by Israel to facilitate control over occupied WB land, including Jerusalem, and which were exploited by settlers and the settlement enterprise. While the establishment of settlements ensured land control, settler groups, as complementary non-state actors within the settlement enterprise, became associated with terrorism and vandalism of Palestinian territory. One example is the settler group named

'Price Tag' that has escalated its attacks on Palestinians in recent years. On July 31, 2015, for instance, an arson attack carried out by Israeli settlers against the Dawabsheh family home, in the village of Duma near Nablus,⁹ resulted in the killing of a child and his parents, and severe burns to another child. Other attacks have targeted churches with graffiti sprayed on church walls.

Guided by these plans, Israel created the settlement enterprise supported by its own jurisdiction, settlement infrastructure, and road network designed to fragment the WB and isolate Palestinian population centers and prevent their expansion. The plans ensure Israeli control over most of the WB with the natural resources of fertile land, underground water, as well as the resources of the Jordan Valley and the Dead Sea. The construction of Israeli settlements along the 1967 border blurs the path of the 1967 border¹⁰ and allows connectivity between the settlements in the WB and Israel proper. In WB areas with minimal settlement construction, Israel issued military orders and declarations of 'state land' to restrict Palestinian investment and use of resources. This has been the case in the Jordan Valley and along the coast of the Dead Sea.

The goal of control over land was evident in the 1994 interim agreement between Israel and the PLO in which the WB was divided administratively under Israeli 'withdrawal' plans, into Areas A, B and C, with Area C being 61 per cent of the area of the WB remaining under full Israeli control. Area C is where the settlement enterprise was created and where it functions, and it is here that Israel seeks full control and eventual sovereignty. The plans put forward in the early years of occupation became a reality on the ground and one of the permanent state issues to be negotiated in a peace agreement.

With facts already created on the ground, the 20th Knesset¹¹ marked a transition from de facto annexation to de jure annexation¹² by proposing more than sixty bills pertaining to annexation.¹³ Annexation bills are directly related to the settlement enterprise and range in spectrum from the annexation of individual settlements to large areas such as the Jordan Valley, and including a bill for annexation of all settlement areas.

Annexation in the WB is not an entirely new phenomenon. In June 1967, Israel expanded the municipal boundaries of

5 https://www.btselem.org/download/201007_by_hook_and_by_crook_eng.pdf

6 See Yigal Allon, *Israel: The Case for Defensible Borders*, 55 Foreign Affairs 48 (1976). See also PASSIA, The Allon Plan, June 1967, <http://www.passia.org/maps/view/21>.

7 B'Tselem, *Land Grab: Israel's Settlement Policy in the West Bank* (May 2002), at 14, https://www.btselem.org/download/200205_land_grab_eng.pdf

8 B'Tselem, *Land Grab: Israel's Settlement Policy in the West Bank* (May 2002), at 14, https://www.btselem.org/download/200205_land_grab_eng.pdf

9 <https://www.middleeastmonitor.com/20180731-remembering-the-arson-attack-that-orphaned-ahmed-dawabsheh/>

10 The 1967 border is defined as the 1949 Armistice Line along with all legal modification thereto up to June 4th 1967.

11 (March 31st 2015 – April 28th 2019)

12 Yesh Din, Annexation Legislation Database, <https://www.yesh-din.org/en/about-the-database/>

13 Yesh Din, Annexation Legislation Database, <https://www.yesh-din.org/en/legislation/>

Jerusalem,¹⁴ then immediately annexed East Jerusalem (EJ) and extended Israeli law applicable to West Jerusalem prior to 1967 to include the newly expanded EJ. The Israeli Knesset adopted amendments to existing laws to “[integrate] Jerusalem in the administrative and municipal spheres”.¹⁵

In the international arena, the United Nations Security Council (UNSC) in 1967 called for Israel’s withdrawal from the territories it occupied.¹⁶ Israel did not abide by this resolution. Over a decade later, the UNSC condemned Israel¹⁷ for passing the “Basic Law: Jerusalem” which proclaimed that “Jerusalem, complete and united, is the capital of Israel”. In 2016, the UNSC adopted Resolution 2334¹⁸ that reaffirmed relevant resolutions, including 242 and 338, and the obligation of Israel as the occupying power to abide by its legal obligations and responsibilities under the Fourth Geneva Convention. UNSC Resolution 2334 also condemned all measures altering the demographic composition, character and status of the Palestinian Territory occupied in 1967, including EJ, the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, all in violation of international humanitarian law and relevant resolutions.

Anticipated Scenarios of Impending Annexation

The combined areas slated for Israeli annexation could total as much as 60 per cent of the entire WB. An indicator is the administrative area identified as Area C in the Oslo interim agreement. This is the area where illegal Israeli settlements exist, together with their infrastructure and jurisdiction, in addition to military zones, state land and Israeli-declared ‘nature reserves’. Annexation bills have been issued for parts or all of Area C. It is anticipated that annexation will proceed in line with the annexation bills proposed at the Knesset.

The bills anticipated to be prioritized for implementation include the following: First, a bill for annexation of the entire West Bank,¹⁹ submitted in May 2018, that seeks to apply Israeli law and sovereignty to all settlement areas;

second, a bill for the annexation of Greater Jerusalem,²⁰ submitted in October 2017, that seeks to expand the Jerusalem area to include Ma’aleh Adumim settlement east of Jerusalem, areas of Giv’at Ze’ev north-west of Jerusalem, and areas of the Gush Etzion settlements south-west of Jerusalem; third, the Annexation of Jordan Valley Bill,²¹ submitted in May 2015, that seeks to apply Israeli law and sovereignty to the Jordan Valley. There are other bills that are specific to the annexation of the Etzion bloc,²² Ma’ale Adumim,²³ and the Ariel settlement bloc.²⁴

The anticipated annexation of part or all the WB is yet to be announced by the Israeli government. Israel did announce its intention to annex the Jordan Valley and on other occasions, has also declared the annexation of the large and populated settlements around Jerusalem and within the heart of the WB. Any declaration of annexation or its implementation may be gradual or not, and the details are not yet clear.

The annexation of Area C is one possible scenario and in this case, Israel will begin by annexing the entire Area C, which has approximately 140 settlements with more than 460,000 settlers.²⁵ Area C surrounds Palestinian population centers and is the site of resources: the Palestinian wealth of agriculture, water, cultural heritage, archaeology, and mineral resources. The annexation bill for Area C is titled “Application of Israeli Sovereignty to Judea and Samaria 5779-2019”²⁶ and seeks “to apply Israeli law, jurisdiction and administration to the settlements, roads, and industrial areas in the West Bank”. The bill was submitted in May 2019.

Another highly likely scenario was announced by Netanyahu: the annexation of the Jordan Valley. The Jordan Valley covers around 28 per cent of the WB and is considered the economic backbone of the WB, not only as the food basket for Palestinians but also for its abundant natural resources. The Jordan Valley runs along the eastern international border between Palestine and Jordan. Settler population in this area makes up approximately two per cent of the total settler population, but 95 per cent of the Jordan Valley is under the control of the settlement enterprise, and settlers exploit more than 100,000 dunums of fertile Palestinian land.²⁷

14 <https://www.btselem.org/jerusalem>

15 See Israeli Ministry of Foreign Affairs, 13 Law and Administration Ordinance – Amendment No 11 Law, <https://mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/13%20law%20and%20administration%20ordinance%20-amendment%20no.aspx>.

16 See S.C. Res. 242 (Nov. 22, 1967) [with the preamble “[e]mphasizing the inadmissibility of the acquisition of territory by war” and calling on the “[w]ithdrawal of Israel armed forces from territories occupied in recent conflict.”].

17 S.C. Res. 478 (Aug. 20, 1980).

18 UNSC 2334 (2016), <https://www.un.org/webcast/pdfs/SRES2334-2016.pdf>

19 Formal name of bill: Application of Israeli Sovereignty to Judea and Samaria Bill 5778-2018

20 Formal name of bill: Jerusalem and its Satellites Bill 5777-2017

21 Formal name of bill: Jordan Valley Bill 5775-2015

22 Formal name of bill: Etzion Bloc Bill 5777-2017

23 Formal name of bill: Ma’ale Adumim Bill 5775-2015

24 Formal name of bill: Ariel Bloc Bill 5775-2018

25 This total number of Israeli settlers in the West Bank exceeds 690,000 of which 230,000 are in East Jerusalem, according to the ICBS in 2019.

26 <https://www.yesh-din.org/en/legislation/>

27 <https://rht.org.il/heb/wp-content/uploads/Kerem-Navot.pdf>



Figure 1: Annexation of Area C (left), Annexation of the JV (middle), Annexation of settlements surrounding Jerusalem (right)

Several annexation bills were proposed at the Knesset seeking to apply Israeli jurisdiction and law, including those submitted in 2015, 2016, 2017, and 2018.

A third scenario is the annexation of settlements around Jerusalem established under the Allon Plan to surround Jerusalem from all sides. Although the area of land on which these settlements exist makes up just six per cent of the WB, these settlements accommodate more than 60 per cent of the whole settler population. Annexation bills that seek to apply jurisdiction and law over these areas include the Annexation of Greater Jerusalem²⁸ submitted in 2017. The bill

seeks to expand the Jerusalem area of jurisdiction to include surrounding settlements and apply Israeli law and sovereignty to them.

A fourth scenario would address individual settlements to be annexed one by one in a gradual manner. Several bills on individual settlements include the Etzion settlements west of Bethlehem and south-west of Jerusalem; Ma'aleh Adumim and surrounding settlements east of Jerusalem; Givat Ze'ev settlement north-west of Jerusalem; Ariel settlements in central WB; and Modi'in settlements west of Ramallah governorate.

²⁸ The formal name of the bill is "Jerusalem and its Satellites Bill" 5777-2017

Implication of Annexation on the Two-State Solution

The challenges to the two-state solution are greater than ever. Since the Madrid Middle East Peace Conference of 1991 that introduced the concept of the two-state solution into the international discourse, this endorsed international solution has been under existential threat. Today, Israel is enacting extreme policies and the current US administration is taking radical steps to deliberately liquidate the prospects of a viable solution between Palestine and Israel.²⁹ Indeed, the unilateral steps by the Trump administration have encouraged Israel's policies of apartheid and colonialism. This policy was expressed publically when the Trump administration moved the US embassy to Jerusalem and more recently, after publishing the 'Peace to Prosperity' vision in February 2020. The vision is a reflection of the Israeli narrative and annexation plans, and gave Israel the 'go-ahead' for the 'unilateral' annexation of occupied Palestinian land.

In imposing annexation, Israel will officially recognize apartheid as its policy. Annexation will signify that a negotiated agreement is off the table, thus putting an end to all agreements signed on the basis of a two-state solution. Israel is stating that it will decide unilaterally where to mark the boundaries of its state and its sovereignty over Palestinian territory. The annexation plans are the blueprints for the new future borders of Israel. It is worth noting that since the establishment of Israel on the ruins of Palestine in 1948, Israel has never declared its official borders nor has it written a constitution.³⁰ Although a letter written in May 1948 by a leader of the Jewish Agency, Eliahu Epstein, and addressed to US President Harry Truman defined Israel's borders within the border line of the UNGA Resolution 181 of 1947, Israel has never committed to these borders. Epstein wrote: *"My dear Mr. President, I have the honor to notify you that the State of Israel has been proclaimed as an independent republic within the frontiers approved by the General Assembly of the United Nations in its Resolution of November 29, 1947"*.

Dissecting the occupied State of Palestine into pieces and isolating Jerusalem will render the two-state solution unlikely and the independence of the State of Palestine will continue to be a dream. Retaining EJ as the capital of this Palestinian state is a principle for Palestinians because it is considered to be occupied land from which Israel must withdraw under international law. Moreover, Palestinians place a high value on the city based on the vital role it plays in the viability of their state. As the political, economic and spiritual heart of the Palestinian nation, there can be no Palestinian state without

EJ as its capital. The same applies to the Jordan Valley. There can be no Palestinian state without the Jordan Valley as it is the economic hub and the eastern gate to the outside world. Under annexation, Israel will claim sovereignty over at least 30 per cent of the WB and will expand the area of the State of Israel. Palestine, on the other hand, will be left with a fragmented and disconnected geographic area in which Jerusalem is totally isolated from the rest of the WB, where movement will be restricted and without access to international borders or, more importantly, to water and natural resources in the Jordan Valley and the Dead Sea. Israel will be free to exploit these without restrictions.

The annexation of Palestinian property will violate property rights and freedom to access property, both of which are direct violations of human rights. As Israel increases settlement construction activities, Palestinians can anticipate more home demolitions, threats of expulsion, and possible forcible transfer from areas where Israel sovereignty will be imposed. The status of Palestinians in annexed areas remains unknown but in light of Israeli treatment of Palestinians in EJ, violations of rights can be expected. Since 1967, EJ Palestinians merely have residency rights in the city of their ancestors. Over 14,000 Palestinians have lost their residency rights when their ID cards were revoked as part of the Israeli replacement, displacement and Judaization policy in Jerusalem.

The international community that supports the two-state solution has condemned annexation and emphasized the consequences that may arise if annexation goes ahead. Israel should be held accountable and the international community should act to put an end to Israel's violations against Palestinians, violations that are crowned today by annexation plans. Without such action, Israel will continue to undermine the international community, international law, and international humanitarian law.

To combat Israeli annexation plans, the world community should shift from rhetoric to active and effective policies. In essence, policies that include sanctions and political and economic repercussions that will deter Israel's right-wing government from taking additional illegal and drastic measures. Official recognition of the State of Palestine both collectively and individually by European countries would not only deliver a robust message to the US and Israel, but would also affirm that annexation is illegal and cannot be ignored. Without any concrete action from the world community, we cannot only expect the death of the two-state solution but also the fueling of further conflict.

²⁹ NAD/PNSP paper titled "The TSS explained" drafted in 2019.

³⁰ <https://www.theturbantimes.com/2017/01/10/what-are-israels-borders-does-it-have-any/>



ANALYSIS OF THE GEOPOLITICAL ASPECTS OF THE TRUMP PLAN

Jad Isaac and Suhail Khalilieh

On January 28, 2020, the US President Donald Trump unveiled his long-awaited Vision for Palestinian-Israeli peace. It is true that Trump's Plan was named after the American president who supposedly drafted and scrutinized the Plan, yet it is no secret that it is the Israelis who planned and sketched out its features for it reflects their vision of how to conclude negotiations with the Palestinians. The details of the Plan clearly reveal the difference between representation of Palestinian rights, and Israeli ambitions to camouflage and continue their occupation.

The narrative of Trump's Plan cannot be further from truth and reality when it tries to sell the distorted Israeli version that: "the Israeli withdrawal from territory captured in a defensive war is a historical rarity and that the State of Israel and the United States do not believe the State of Israel is legally bound to provide the Palestinians with 100 percent of pre-1967 territory (a belief that is inconsistent with United Nations Security Council Resolution 242)".¹ The Plan states that it provides "for the transfer of sizeable territory by the State of Israel -- territory to which Israel has asserted valid legal and historical claims, and which are part of the ancestral homeland of the Jewish people -- which must be considered a significant concession".

This article will analyze the geopolitical aspects of the published Plan, although we are aware that the Israeli and American teams are working on the detailed maps.

In general, the broad lines of Trump's Plan will allow Israel to annex 32 per cent of the West Bank (WB) territory as follows:

1. the western terrains of the WB; the western zone; the isolated area between the annexation wall and the 1949 Armistice Line² (the Green Line), an area of about 12.5 per cent (705 sq km) of the WB including East Jerusalem (EJ);
2. the eastern terrains of the WB (the eastern zone); the Jordan Valley and the coastal areas of the Dead Sea, an area of about 18.5 per cent (1036 sq km) of WB land;
3. 10 enclaves that incorporate remote Israeli settlements;
4. corridors intended to link the eastern and western zones of the WB, which simultaneously divide Palestinian areas from each other geographically into isolated entities. The three corridors that link the western and eastern zones are:³ 1) the settlement bloc of Karni Shamron (east of Qalqiliya governorate); 2) the settlement bloc of Ariel (east of Salfit governorate); and 3) the Beit El community from within Ramallah governorate to the Jordan Valley. In addition, there is a fourth corridor that starts in the south of the WB from the settlement of Beit Yair on the Green Line, south of the Palestinian towns of Samou and Yattato, to the controversial Israeli-controlled (H2)⁴ area east of the city of Hebron, where the settlement of Kiryat Arba and other settlements and outposts intrude into the Palestinian geography, and where Israel would maintain control under the Trump Plan.

Within the total area (1763 sq km) to be annexed according to the Trump Plan lie 105 Palestinian localities (see Tables 1 & 2); 33 of these are located in Area B⁵ (pop: 103,000), 52 localities are in Area C⁶ (pop: 16,000), 20 localities in EJ (pop: 281,000), in addition to 56 Bedouin communities. See Map 1 and Map 2.

1 UNSC/RES/242(1967)22 November 1967

explicitly emphasizes the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security, via:

(i) Withdrawal of Israel armed forces from territories occupied during conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(a) guarantee of freedom of movement,

(b) achieving a just settlement of the refugee problem;

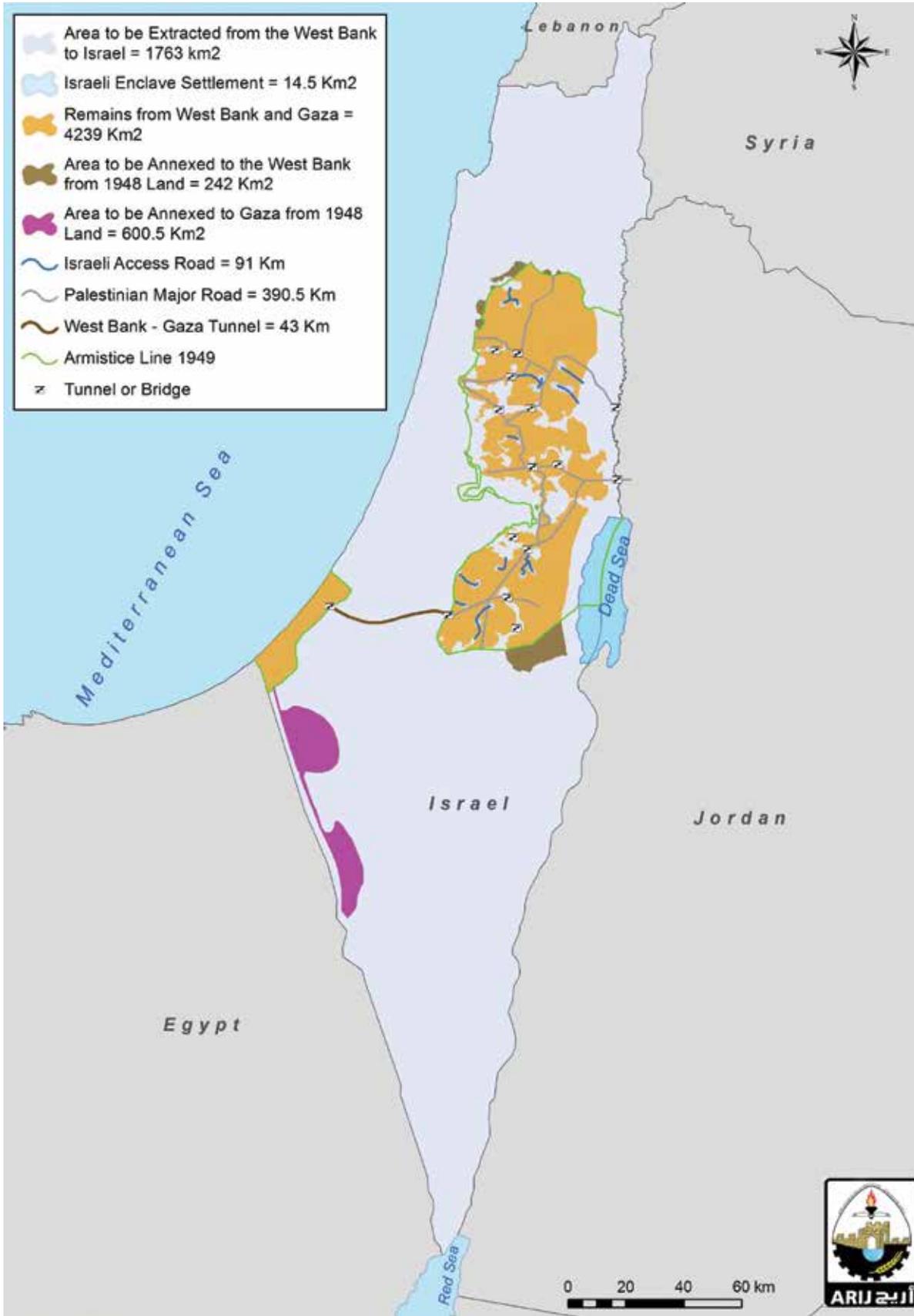
2 The 1949 Armistice Agreements (Armistice Line) are a set of armistice agreements signed during 1949 between Israel and countries with which it went to war 1948: Egypt, Lebanon, Jordan, and Syria to formally end the war. Also known as the Green Line.

3 An area that stretches along the eastern part of the West Bank, from Tubas governorate in the far northeast of the West Bank and all the way to the southeast part of Hebron governorate and ranging in width between 15 and 20 km.

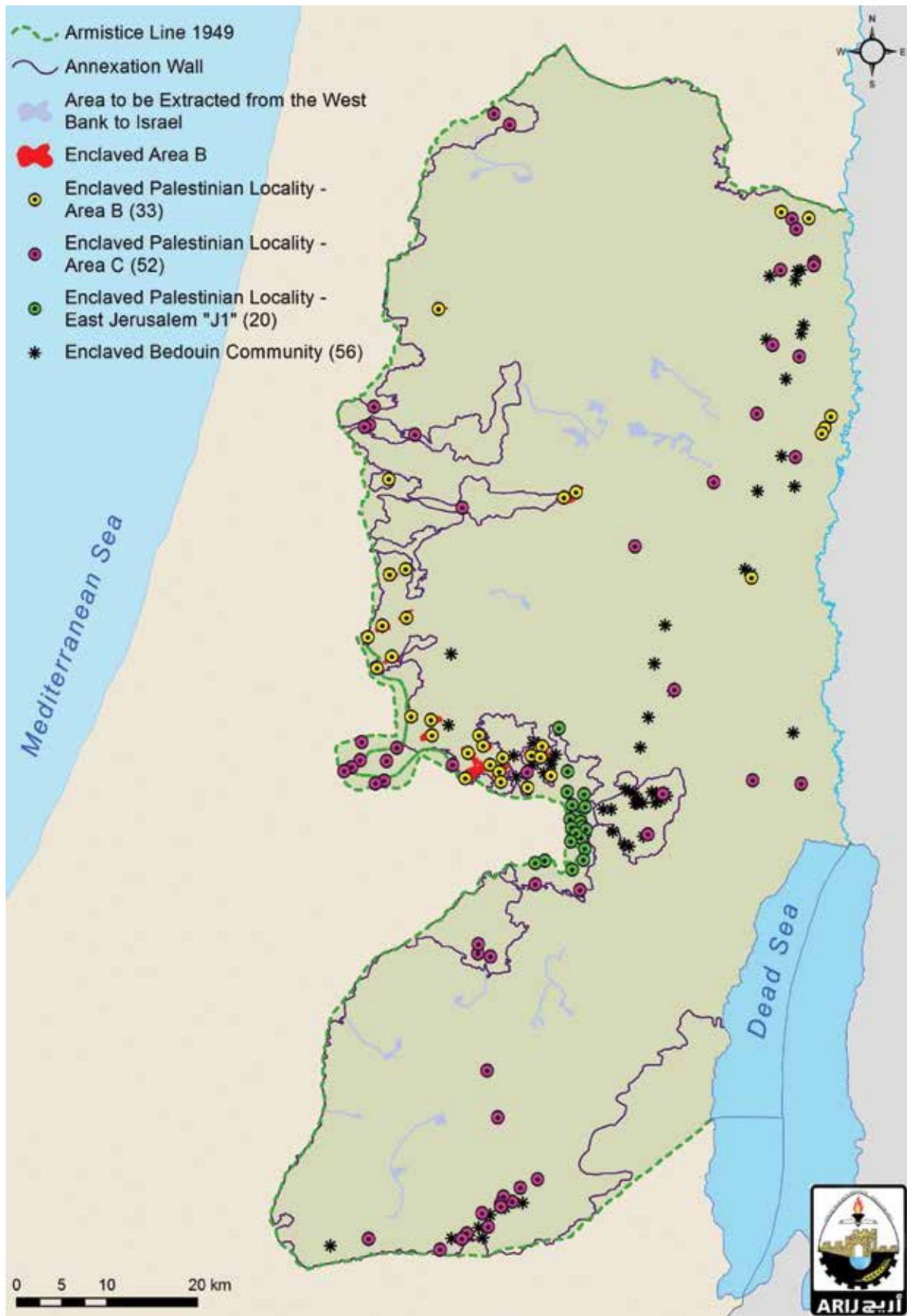
4 Under the Hebron Protocol of 1997, the city is divided into two sectors: H1, controlled by the Palestinians, and H2, about 20 per cent of the city, administered by Israel.

5 A term used in the 1995 Oslo Accords, Area B constitutes 18.5 per cent of the West Bank. It designates an area that is administered by the Palestinian Authority but where Israel still has control of security.

6 A term used in the 1995 Oslo Accords. Area C constitutes 61 per cent of the West Bank. It designates an area that remains under full Israeli military occupation.



Map 1: Outline of the Trump Plan



Map 2: Palestinian localities enclaved in the proposed annexed area

Table: 1-Enclaved Palestinian localities in Area B

Al Haffasi	Beit Sira	Fasayil	At Tira
Al Jib	Beit Surik	Iskaka	Az Zubeidat
Al Judeira	Biddu	Kharbatha al Misbah	'Azzun 'Atma
Al Lubban al Gharbi	Bir Nabala	Marj al Ghazal	Bardala
Al Midya	Budrus	Marj Na'ja	Beit 'Anan
Al Qubeiba	'Ein el Beida	Ni'lin	Beit Duquq
Shuqba	Qatanna	Beit Hanina al Balad	Beit Ikxa
Yasuf	Qibya	Beit Ijza	Beit Liqya
Rantis			

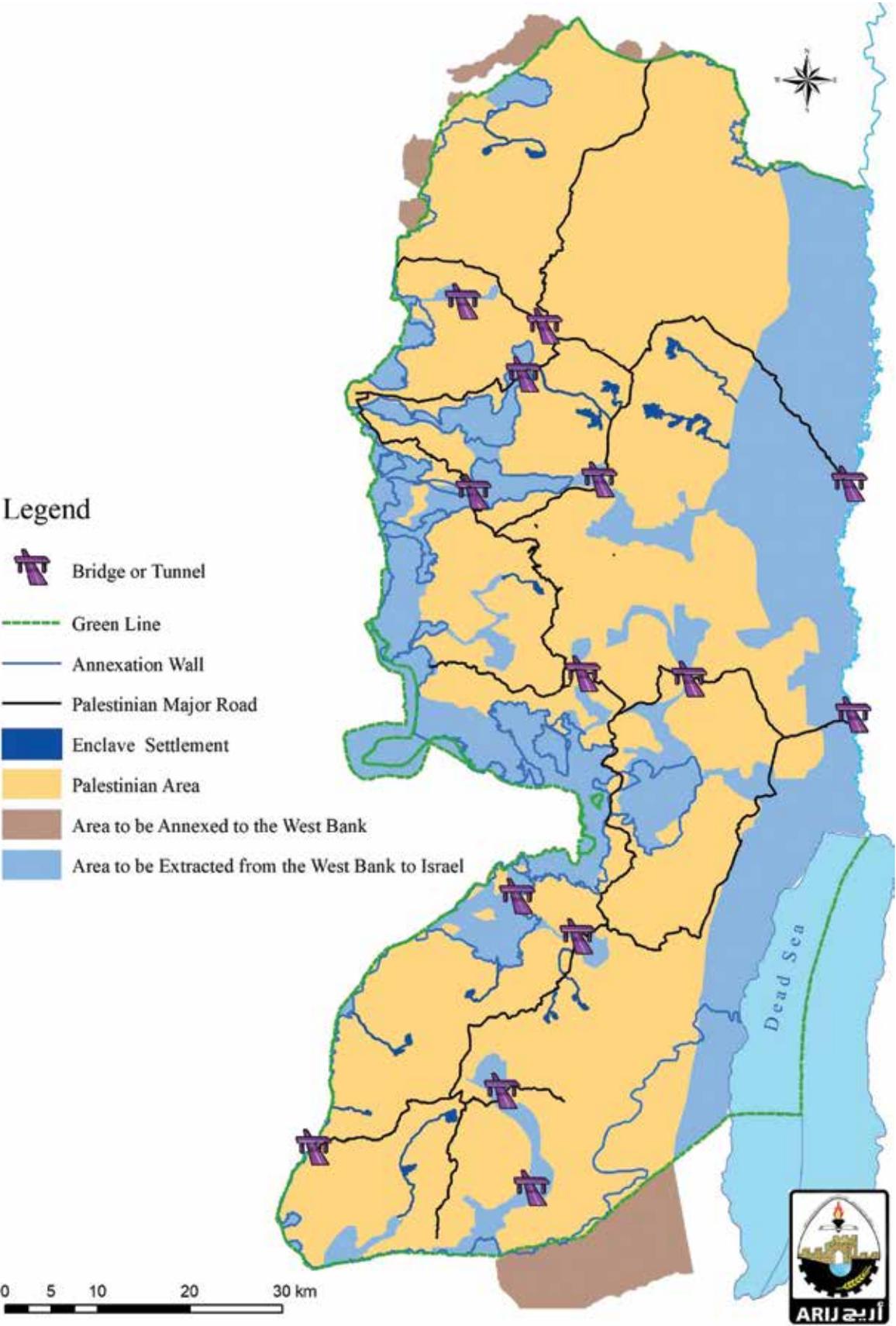
Table: 2-Enclaved Palestinian localities in Area C

Al Jiftlik	Ar Rakeez	Beit Mahseer	Khirbet Ghuwein al Fauqa
Al Khalayil	Al Farisiya	Beit Nuba	Khirbet ar Ras al Ahmar
Al Latroun	Imnezil	Beit Ayyoub	Yalu
Al Malih	Imwas	Al Ka'abina (Tajammu' Badawi)	'Arab ar Ramadin al Janubi
Al Mefqara	Izbat Abu 'Adam	Shi'b al Batim	'Arab al Jahalin (Salamat)
An Nabi Musa	Kardala	Toba	Arab Al-Khouleh
An Nabi Samwil	Khallet 'Afana	Umm al Khair	Kharayib Umm al Lahim
Al Hadidiya	Khallet al Balluta	Umm ar Rihan	Deir Hajla
Furush Beit Dajan	Al Bouaierah (Al Baq'a)	Bir Onah	Birin
Haribat an Nabi	'Arab ar Ramadin ash Shamali	Khirbet Zanuta	Khirbet Sarra
Khallet an Nu'man	At Tuwani	Qawawis	Khirbet Tell el Himma
Khallet Sakariya	Saditathaleh	Badiw al Mu'arrajat	Dhaher al Malih
Ar Rajman and Ad Dawa	Salbit	'Arab Abu Farda	'Ein El- Hilua

Transportation corridors included in this Plan create transportation contiguity that is allegedly meant to reduce the need for checkpoints, and to enhance mobility and the qual-

ity of life and commerce for the Palestinian people, but it is evident that the 14 bridges or tunnels referred to in the Plan perpetuate the apartheid regime. See Map 3.





Map 3: Proposed transportation contiguity plan



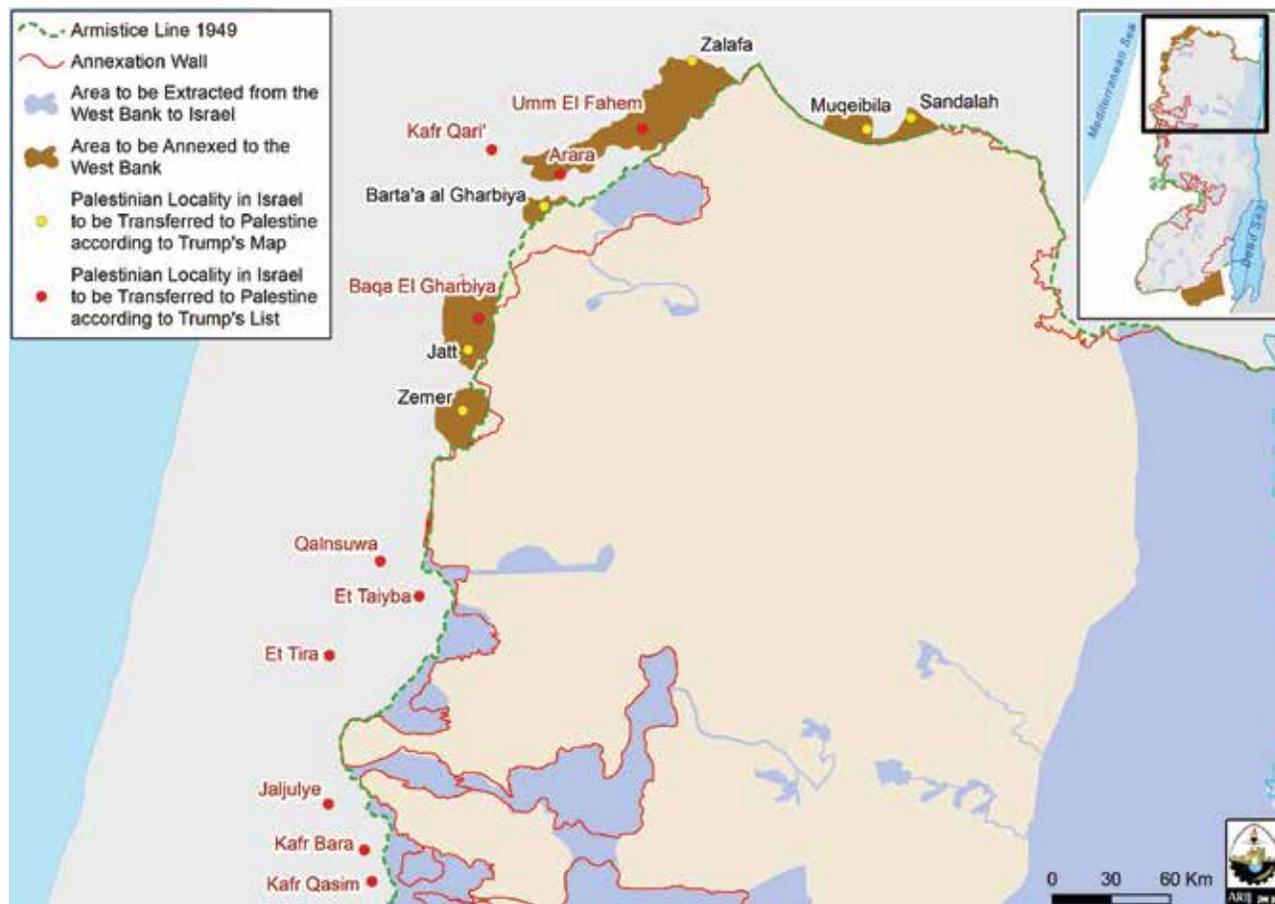
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An Unwanted Land Swap

The unilateral approach in the Trump Plan proposes that a number of Palestinian localities located on the other side of the 1949 Armistice Line (the Green Line) in the north and northwest of the WB should be annexed into the WB territory, thereby altering the demarcation of the Green Line.

It is worth noting here that the Palestinian localities named in the written text of the Trump Plan are different from those located on the map presented by Trump. Thus, while the written text of the Plan refers to the names of 10 Palestinian localities (Al-Taibah, Qalansawa, Baqa al-Gharbi-

ya, Jaljuliya, Kafr Qara, Kafr Qasim, Al-Tira, Umm Coal, Arara, and Kafr Bara), with a population of more than 257,000 Palestinians, the Trump map refers to six different Palestinian localities: Sandalah, Muqibla, Zimer, Jatt, Zalafah, and Barta'a Gharbiya with a population of approximately 34,000 Palestinians. Therefore, the proposed relocation remains open to doubt as the numbers swing between 10 and 16 localities with a total population of more than 290,000 Palestinians, constituting 15.2 per cent of the total Palestinian population remaining beyond the Green Line. According to the Trump Plan, the area of land of the 16 Arab-Palestinian localities to be annexed to the WB totals 242 sq km. See Map 4.

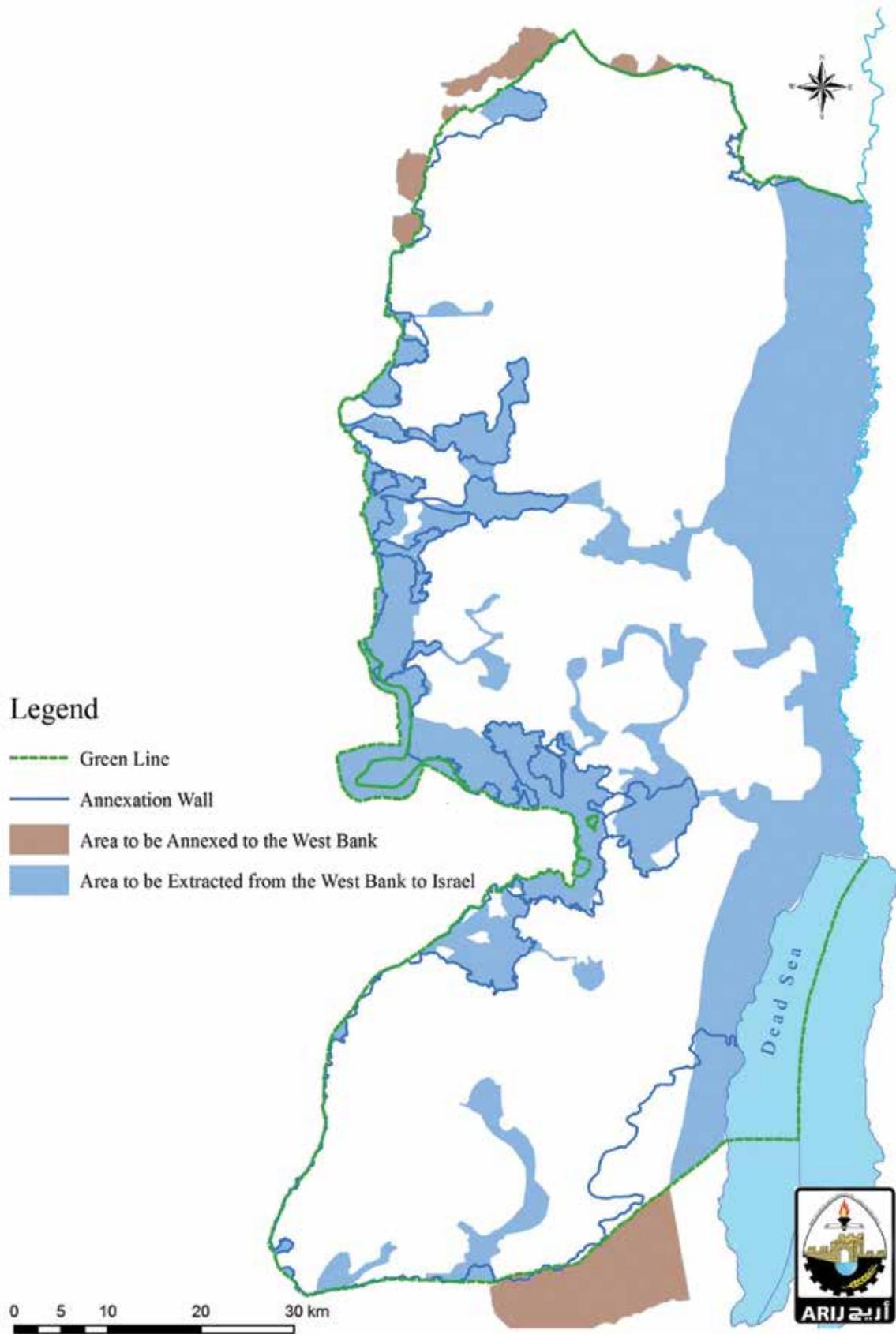


Map 4: The plan for 1948 Palestinian localities

Furthermore, the Plan also revealed an additional area of land to be annexed to the WB: 180 sq km of land located across the Green Line in the southeast of the WB (south-east of Hebron governorate and along the Green Line),

that is also part of the scheme to redraw the Green Line. It should be noted that the land designated for “swap” is a barren area and not suitable for cultivation or development. See Map 5.





Map 5: The plan for the southern Hebron area



The unambiguous reality of such unilateral and selective “land swaps” is primarily to reduce Palestinian demography beyond the Green Line and within Israel, which is concerned about the rapid demographic growth of the Palestinian community. Hence, the Plan suggests that the Palestinian residents of the targeted localities should continue to live in these localities but should reclassify their status from citizens of the Israeli State to become citizens of the State of Palestine (to be).

It goes without saying that this entire part of the Plan is distinctly racist as it is based on racial and ultimately religious domination. It panders to the Israel goal of defining itself as a Jewish State, a goal shared almost entirely by Israelis of all walks of life, and by the current administration of the White House which declared Israel a Jewish State.

The Trump Plan also included arrangements for the Gaza Strip (GS), specifically a designated road that links Gaza and the WB. Palestinians perceive this as yet another sham scheme that will never materialize on the ground unless the Israelis design the road to fulfill their purposes and their pretext of “security needs”. A similar road was agreed upon in the internationally validated Oslo Accords but Israel disavowed its obligations in the years that followed.

Nonetheless, the Plan showed two locations in Gaza (to the south along the Egyptian border going towards the Al-Naqab

(Negev) desert) to establish a techno/industrial city and another agro/residential one. The access to the two locations is yet to be determined but is anticipated to be beyond the framework of Palestinian control (the Palestinians are likely to have an administrative and logistical mandate) and would be via a designated road that would most likely be under Israeli security control. See Map 6.

The Plan also designated a section of the Israeli-controlled Ashdod sea-port (north of the GS) to be operated by the Palestinians. Israel will maintain absolute security control and Palestinians would manage the logistics of shipping and clearing operations, etc. However, all these promises will be subject to pre-emptive conditions, the first of which is that the Palestinian declare a ceasefire with Israel; the second is that they (again the Palestinians) complete demilitarization of the GS and adopt a regime based on the rule of law. This would ensure a sound and a safe environment to give the international community confidence in their future investments against any imminent or potential possibility of renewed confrontations.

On the eastern terrains of the WB, the Plan stipulates that Israel will maintain absolute control of the border area with Jordan, which stretches along the Jordan River east of the Jordan Valley, and of the Dead Sea area, including the land across from it. The Plan states that, “Israel should work with



Map 6: The plan for Gaza

the Palestinian government to negotiate an agreement in which existing agricultural enterprises owned or controlled by Palestinians shall continue without interruption or discrimination, pursuant to appropriate licenses or leases granted by the State of Israel”.

The State of Israel will allow the State of Palestine to develop a resort area in the north of the Dead Sea “without prejudice to the State of Israel’s sovereignty at such location, including, without limitation, Israel’s sovereignty to the shoreline. The presence of the Palestinian resort area along the coast of the Dead Sea will not alter the distribution arrangements between the Hashemite Kingdom of Jordan and the State of Israel for natural resources in the Dead Sea. The State of Israel and the State of Palestine will establish a road that will allow the Palestinians to travel from the State of Palestine to this resort area, subject to Israeli security considerations”. Thus, the Trump Plan abolishes the riparian rights of Palestinians to the Jordan River and Dead Sea. It is worth mentioning that under the Johnston Plan, a West Ghor Canal was planned to provide the Palestinians with 250 MCM per year but this plan was not implemented.

Moreover, the Trump Plan gives Israel the right to absolute control over all Palestinian airspace under the pretext of security imperatives and to protect itself from any possible attack on it. This is in addition to Israel’s right under the Plan to enter Palestinian areas or the future Palestinian state under the necessity of security reasons to eliminate anything that threatens its security.

Jerusalem

The city of Jerusalem was and still is the focus of the Israeli-Palestinian conflict. This is why some hours after the occupation of EJ, Israel almost immediately commenced ground work to prove or cultivate a legacy for its claim in order to declare Jerusalem as its capital.

Despite relentless attempts and efforts to affirm Jerusalem as its capital, Israel as an occupying power failed to persuade the world to adopt its position. Israel persevered during the decades that followed to legitimize its claim over Jerusalem. However, its efforts were repeatedly met with rejection and successive decisions by international bodies, including the United Nations General Assembly and the Security Council, on the illegality of EJ becoming part of the capital of the occupying state of Israel.

On October 23, 1995, (under the Clinton Administration), Israel’s relentless pursuit to realize their objective regarding Jerusalem almost became a reality when the US House of Congress and Senate made an unprecedented decision to recognize the city of Jerusalem as the eternal and united capital

of the State of Israel. The decree was converted into a law on November 8, 1995. This unlawful recognition came 41 days after the signing in Washington on September 28, 1995, of the Israeli-Palestinian Interim Agreement on the WB and the GS. The decision was put on hold pending the signature of the US President to render the law effective.

From that time, a “special postponement” was signed by the US President every six months under the pretext of national security. This routine continued during the consecutive administrations of President Clinton, President George W. Bush, President Obama, and up to the first round of the current President Trump signing the first “special postponement” in the month of June 2017. However, in an unprecedented step that took place on December 6, 2017, Trump announced that he would not sign the “special postponement” as he would recognize unified Jerusalem as the capital of the State of Israel. Accordingly, he issued instructions to transfer the US Embassy from Tel Aviv to occupied Jerusalem.

On February 23, 2018, the Trump administration announced an official decision to move the US Embassy from Tel Aviv to the US consulate site in Jerusalem (until another location for the US Embassy is determined). The actual transfer and official inauguration of the American Embassy in occupied Jerusalem took place on May 14, 2018, on the 70th anniversary of the declaration of the establishment of the State of Israel, while in parallel, the Palestinians were commemorating the 70th anniversary of the Nakba in Palestine.

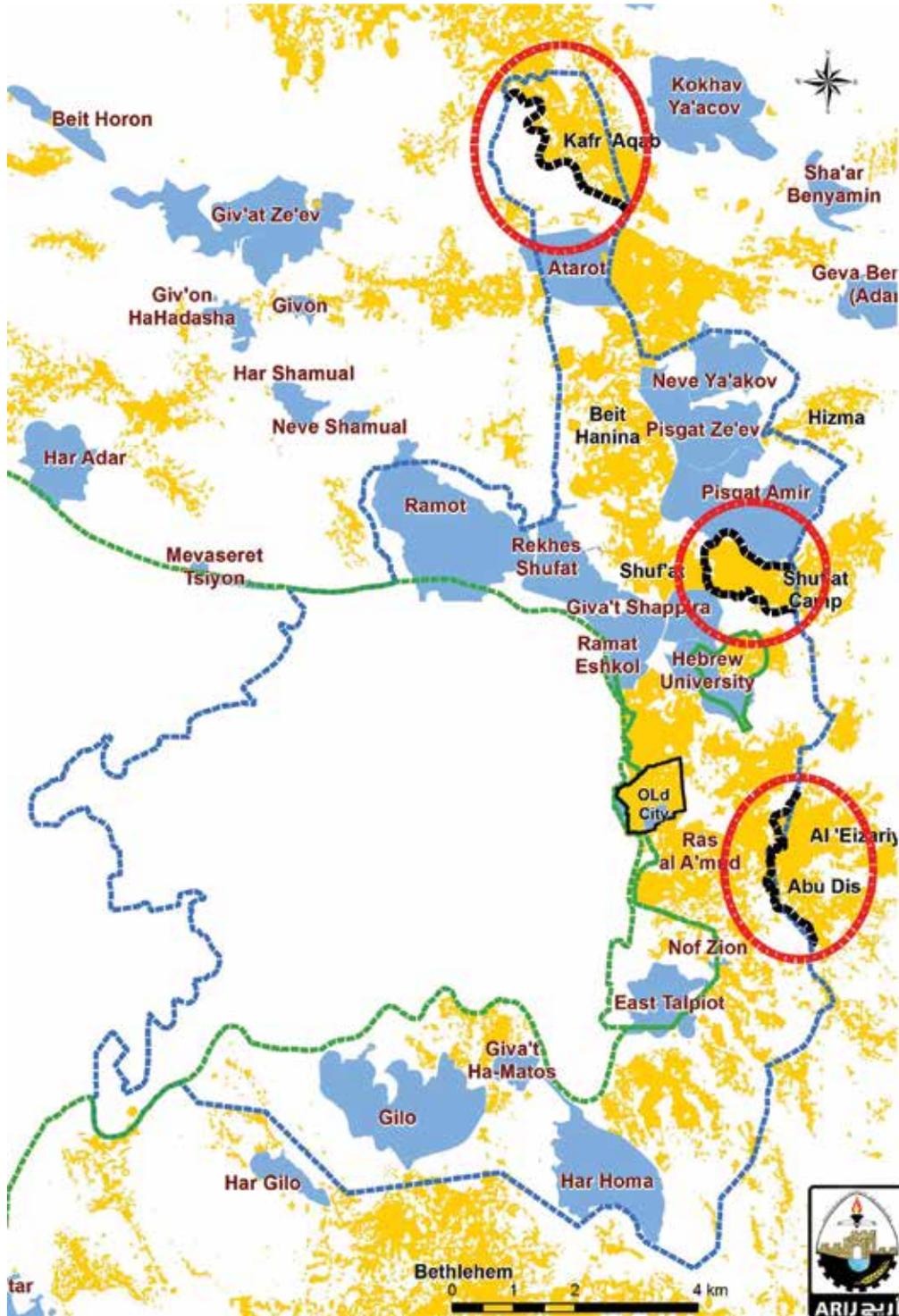
These events are not a historical presentation, but rather a look at the stages that preceded the declaration of Trump Plan, in which Jews have been allowed access and even administration of the Al-Aqsa Mosque, under the pretext of freedom of access to all sacred areas for all religions and worshipers, with specific reference to the Al-Aqsa area, known to Israelis as the Temple Mount. The Plan states, “Jerusalem’s holy sites should remain open and available for peaceful worshipers and tourists of all faiths. People of every faith should be permitted to pray on the Temple Mount/Haram al-Sharif, in a manner that is fully respectful to their religion, taking into account the times of each religion’s prayers and holidays, as well as other religious factors”.

It is here that the American Plan really encapsulates Israel’s aims as it would alter the status quo of the existing arrangement on Al-Aqsa. It foresees a geographical division of the site and its administration (in terms of space and time) between Muslim and Jewish worshipers.

The Plan clearly stated that Jerusalem should not be divided. In addition, the Plan indicated that the annexation wall that encircles Jerusalem will define the city’s future border.

This would greatly exceed the current marked boundary of Jerusalem that was unilaterally and illegally declared by Israel following the occupation of the east of the city in 1967. The wall is a geographic barrier intended to physically separate Jerusalem from its natural extending Palestinian environment. The wall will act as a physical subdivide between

the capitals of the future Palestinian and Israeli states. What is meant here - according to the Plan - is that Palestinian localities of Jerusalem outside the annexation wall, including Kafr Aqab, the eastern section of Shuafat (Shuafat camp), and Abu Dis, are areas that will constitute Palestinian Jerusalem. See Map 7.



Map 7: The plan for Jerusalem

The ramifications of the Trump Plan for geographical separation go beyond land and space, but really reflect the goal of demographic distribution sought by Israel on the ground by separating the Jerusalem localities outside the so-called Israeli Jerusalem municipality and excluding some 150,000 Palestinians from the new borders of occupied Jerusalem (what will be called Greater Jerusalem). This would reduce the Palestinian presence from the current rate of 37 per cent of the

total population of Jerusalem to a range of between 15-18 per cent of the total number of residents of the occupied city.

The Plan provides Palestinians who remain within the illegally declared “capital” of Israel in occupied East Jerusalem with three options: 1) to remain or become a citizen of the State of Israel; 2) to become a citizen of the State of Palestine; 3) to maintain their current status as permanent residents of Israel.

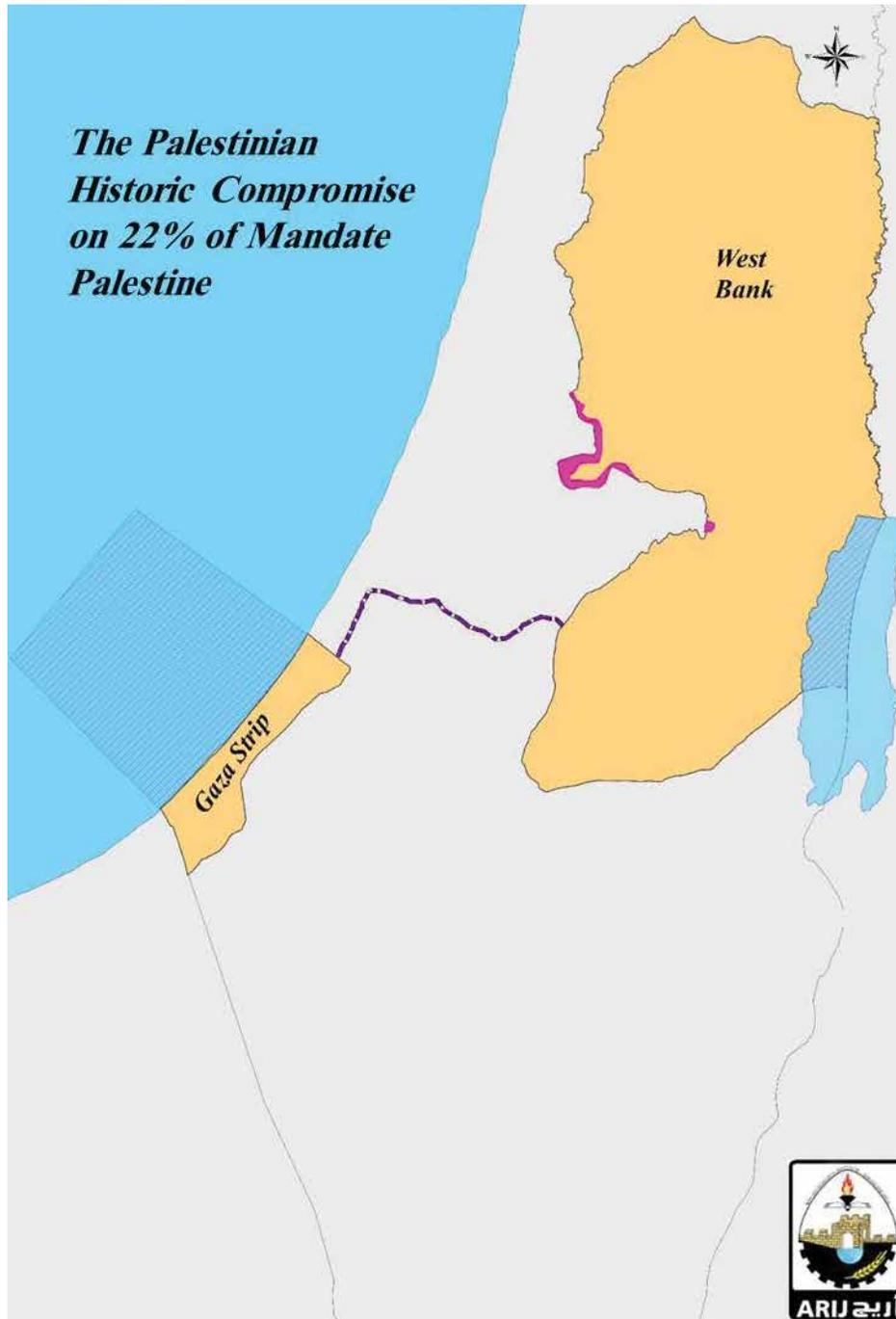


Not for Sale

For decades, the Palestinian people have sought to achieve their dream to establish and live in a country of their own and enjoy the right of self-determination. When the Palestinian Liberation Organization (PLO), as the official and only representative of the Palestinian people, decided to engage in the peace process with Israel, it conceded to establish a Pal-

estinian state on the land occupied by Israel in the 1967 war (on 22 per cent of historical Palestine), with East Jerusalem as its capital. See Map 8.

This analysis of the Trump Plan clearly shows that Palestinian aspirations for a just and comprehensive peace based on the two-state solution have been replaced with a map of capitulation that perpetuates the colonization of Palestine.



Map 8. The Palestinian historic compromise



Map 9: The capitulation map



The peace process, which was overseen under international auspices, was based in essence on realizing a two-state solution. However, Israel continued to pursue its long-standing record of violations of international law, with its settlement construction, house demolition, land confiscation, restrictions on freedom of movement, and theft of Palestinian resources.

The lack of any deterrence from those involved in the peace process and the international community only encouraged Israel to continue its transgressions despite all the statements of denunciation by the international community. The apathy exhibited by the US as the main broker of the peace process was no less harmful and encouraged the occupation to continue its systematic and methodical aggression over the 25 years following the signing of the Declaration of Principles (DoP).

Unstinting support from the US in the legal battles fought within the UN, financial aid in the form of grants and loan guarantees, and in military and defense, necessitates intervention by third parties, or a more active role by the European Union, Russia, and the Quartet to restrain Israel's sway over the United States and in the United Nations. This could also help the peace process back on track and restore Palestinian rights.

At this point, the Palestinian people need extraordinary support in the face of the Trump Plan, which has proved to be nothing less than the long-term plan of Israel and mirrors the outcome it desires from the peace process. The Trump-Israel Plan aims to consolidate Israel's hold over what remains of

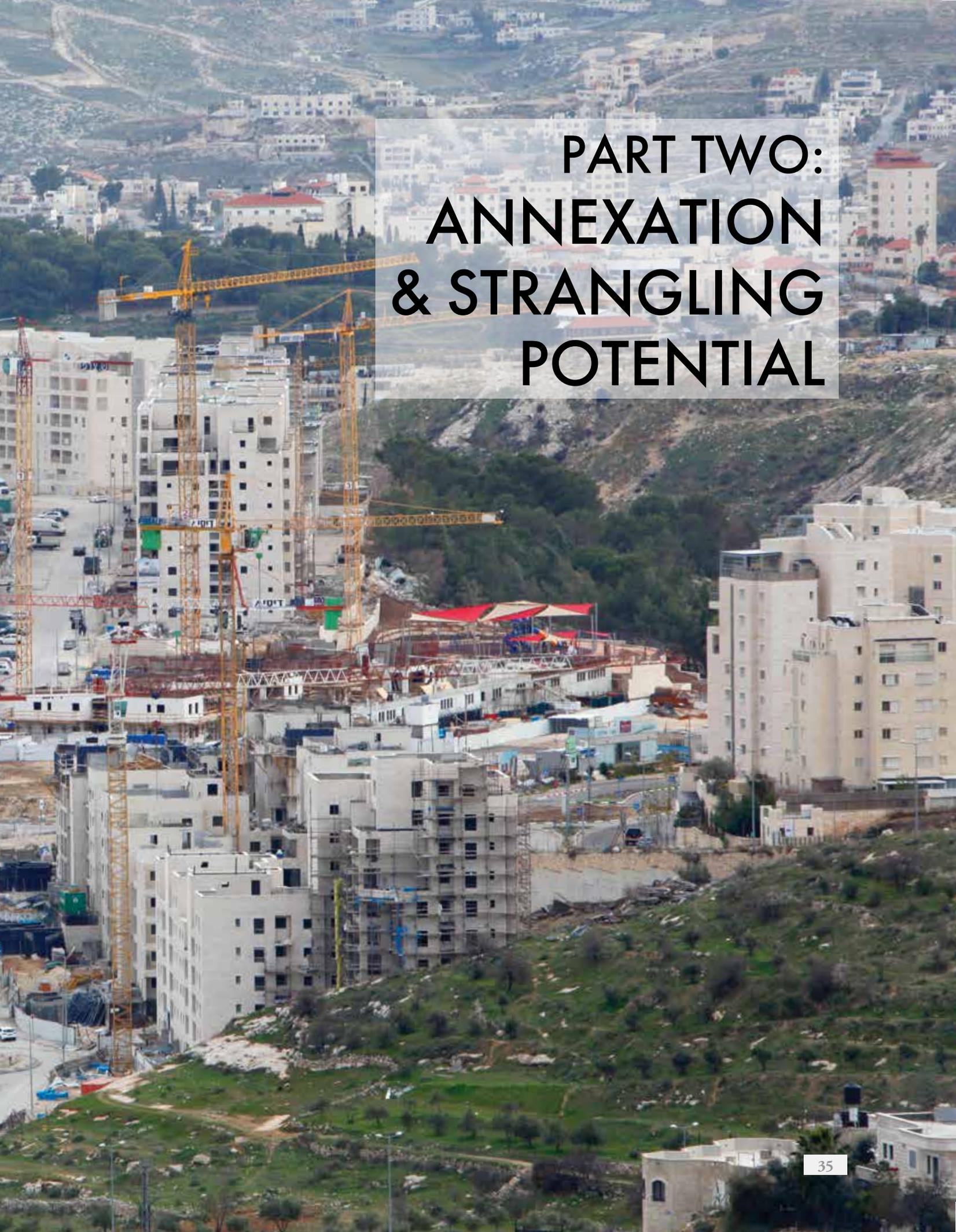
Palestine, and thus the Palestinians, by fortifying the Israeli matrix of land control through its settlements, road network, natural resources, and borders. Israel also seeks to create a subordinate and dependent Palestinian economy that may never achieve economic independence. Furthermore, the Trump Plan also demands that Palestinians do not join any international organizations and must end endeavors to pursue Israel and/or the US in any legal proceedings in international courts or bodies.

Israel Already Started Implementation of the Trump Plan

The Trump Plan is an act of aggression against Palestinian rights and overt bias in favor of Israel. As the Plan was formulated in collaboration with Israel and without Palestinian participation, it can only be seen as void. More than that, the Plan is a distortion of the narrative of the conflict and the historical rights of Palestinians over their land and holy sites, particularly Al-Aqsa Mosque. It perpetuates the Israeli occupation as it enhances Israel's quest for the Israelization of EJ and bantustanization of the (State) of Palestine. It stands in violation of international law and of the inalienable rights of Palestinians to self-determination and sovereignty over their natural resources, particularly of their riparian rights in the Jordan River and the Dead Sea. The international community, by and large, still adheres to the two-state solution on the pre-5 June 1967 borders as the end game of Israeli-Palestinian peace. The monopoly of the US as the sole broker of peace negotiations is no longer a viable option, and the intervention of third parties is more urgent than ever to maintain whatever hope may be left.





An aerial photograph of a city, likely Jerusalem, showing a dense area of construction. Numerous yellow tower cranes are visible, some with their jibs extending over buildings. The buildings are mostly multi-story, light-colored concrete structures, some with scaffolding. The city is built on a hillside, with a green, rocky slope in the foreground. In the background, more city buildings are visible on a higher elevation. A semi-transparent white box is overlaid on the right side of the image, containing the title text.

PART TWO: ANNEXATION & STRANGLING POTENTIAL

OPPORTUNITY COST OF A BELLIGERENT OCCUPATION AND INCREMENTAL ANNEXATION

Nabeel I. Kassis



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Introduction

The belligerent occupation by Israel of Arab territory in Palestine and Syria in June 1967 has continued for over half a century and is thus an unlawfully prolonged occupation with its own legal ramifications.¹ The ensuing illegal annexation by Israel of East Jerusalem (with illegally extended boundary) in the West Bank in 1980, and the whole of the occupied part of the Golan Heights in 1981, has not changed the legal status of these territories according to international law and they remain occupied territories that eventually have to be returned to their respective legal owners: the State of Palestine and the Syrian Arab Republic. Yet these breaches of international law by Israel, the occupying power, have inflicted costs and damages that are not without immediate and medium-term consequences.

Encouraged by the inaction of the international community and the often tacit - recently overt - approval of successive US administrations, Israel has continued to advance its colonization of occupied Arab lands even when the peace process was at its acme and the promise of a peace settlement looked so close. In fact, the US and Israel have become partners in the quest to realize a maximalist right-wing Zionist agenda, as evidenced in the charade called "Vision for Peace and Prosperity" announced by the US President Donald Trump with the Israeli Prime Minister Netanyahu at his side. This "Vision" formally recognizes the earlier annexations by Israel of East Jerusalem and the Golan Plateau, and calls for further annexations in the West Bank of 30 per cent of the

area that remains of it. It also tailored impossible conditions that the Palestinians have to fulfill, with Israel appointed as judge of these, a fact that Netanyahu boasted about with visible tongue in cheek while explaining the Vision to US Jewish leaders. The fact that the West Bank and the Gaza Strip constitute one territorial unit, the integrity of which should be preserved according to the Oslo Accords² signed by Israel and the PLO and witnessed by the US, meant nothing to Israel and the Trump administration.

In this article we address the cost of the prolonged belligerent occupation of the Palestinian Territory and the concomitant incremental annexation to the Palestinian people, and how this undermines the viability of a Palestinian state whose embodiment is the mainstay of the only workable peace settlement. By elaborating on the opportunity cost of belligerent occupation and incremental annexation we are certainly not proposing a barter, for there will be none. We merely emphasize that the continued belligerent occupation and creeping annexation constitute a road to disaster and are contrary to the national interests of countries that view peace in the Middle East as such.

Aspects of Opportunity Cost

Israel's belligerent occupation of the territory of the State of Palestine, annexation of its capital East Jerusalem, exploitation of its water aquifers and other natural resources, and control and banning of access and development to large sections of its territory, have been ongoing since the start of

1 Michael Lynk, Prolonged Occupation or Illegal Occupant. *European Journal of International Law*. May 16, 2018.
Valentina Azarova, Israel's unlawfully prolonged occupation: Consequences under an integrated legal framework. *European Council on Foreign Relations*. June 2, 2017.

2 Declaration of Principles on Interim Self-Government Arrangements. 13 Sep 1993.
Israeli-Palestinian Agreement on the West Bank and the Gaza Strip. 28 Sep. 1995.

occupation in 1967, and have deprived the Palestinians of enormous development opportunities. The losses have been quantified in numerous studies.³

In particular, the Interim Arrangements per the Oslo Accords left large stretches of land (in addition to East Jerusalem) designated by Israel as Area “C”. These amount to 61 per cent of the area of the West Bank, including the whole of the Jordan valley, and have been off-limits to Palestinian development during the interim period at a cost that the World Bank has estimated to be around 35 per cent of the Palestinian Authority’s GDP.⁴ The interim period, which was intended to last for five years, is already into its 26th year with no end in sight. Jews-only settlement development in those areas deprived the Palestinians of vital resources and have wreaked huge economic and social costs, which are actually plain losses due in part to missed or denied opportunities. Therefore, the “opportunity cost” is only part of the losses incurred and refers to “losses of omission” that add to the losses incurred through acts of commission by the occupying power such as: the destruction of assets, buildings, physical infrastructure and agricultural land; the theft of land and capital assets and resources; the killing, deportation and expulsion by various means of huge numbers of the workforce; and the incarceration of productive workers for millions of person/days of work. Both types of losses, whether resulting from overt crimes committed by the occupying power or covert and blatant acts of omission that undermined or wasted opportunities for development, have had their impact on the viability of the Palestinian state.

The economic viability of the State of Palestine has been an issue of contention ever since Resolution 181 partitioning Palestine into a Jewish state and an Arab state was adopted by UNGA in 1947. Solutions were worked out for both states in the form of an economic union the details of which were elaborated in the same resolution. After the peace process was launched in Madrid at the end of 1991, the question surfaced again, this time concerning the State of Palestine only, now with diminished resources and an area of land amounting to less than 21 per cent of geographic Palestine. All questions about economic viability found convincing answers. Reports by international organizations who were monitoring the economic situation and reporting to AHLC meetings⁵ stressed that the easing of restrictions on movement imposed by Israel - let alone ending the occupation - would do away with the need for recurrent budget subsidies from international donors.

Determined to obstruct the establishment of an independent sovereign Palestinian state, Israel set out to undermine its viability and hence destroy the prospects of an independent, sovereign, contiguous Palestinian state with access to neighboring countries and the rest of the world. To this end, Israel employed all methods of suppression and dispossession of the Palestinian population, but its most effective and harmful tool was its settler-colonial enterprise pursued relentlessly through land grabs, and the redistribution and thinning of the Palestinian population by various means.

Trump’s “Vision for Peace” responds to, and even exceeds, Israel’s most extreme opening negotiations positions, and adds for good measure doses of settler ideology and religious narratives. It not only cancels the right of return for Palestinians who were forced out of their homes in 1948 and in 1967 and during the many years of occupation that ensued, but also places limits, to be decided only by Israel, on the absorption of Palestinians into the Palestinian state to be established according to this Vision, which is a non-starter by design.

The experience of the Palestinian Authority, which was established after the Oslo Accords, has shown that a free State of Palestine is economically viable even on the small land area of the June 1967 boundaries with East Jerusalem as its capital. The Interim Arrangements, restrictive as they were, allowed the Palestinian people to exhibit their great potential for organization and resourcefulness in the face of severe adversity. This is a fact demonstrated by a surplus in the PA budget in 1999,⁶ just before the collapse of the peace process. Yet, Israel continued its efforts to undermine the viability of the State of Palestine by various means, mainly through the expansion of the settlement enterprise, the building of the annexation wall, and recently by resolving to “legalize” its incremental annexation of Palestinian lands, which has actually been ongoing *de facto* for decades in the Jordan Valley and other sectors of the West Bank. Add to this Israel’s total control of Palestinian airspace, territorial waters, exclusive economic zone and electromagnetic sphere, which it has for all intents and purposes practically annexed since June 1967. The areas and spheres remaining under Palestinian jurisdiction, limited as it is, are disconnected, forming a noncontiguous territory that does not support an independent state.

The larger picture is clear. The cost of prolonged belligerent occupation and incremental annexation is loss of economic viability - straight and simple. No viability means no Pales-

3 Economic costs of the Israeli occupation for the Palestinian people. Document A/71/174. General Assembly, Secretary-General, United Nations Conference on Trade and Development (UNCTAD). 21/07/2016.

4 World Bank, “Economic monitoring report to the Ad Hoc Liaison Committee”, 19 April 2016.

World Bank, “West Bank and Gaza: Area C and the future of the Palestinian economy”. (Washington, D.C., October 2013).

World Bank, “Telecommunications sector note in the Palestinian territories: Missed opportunity for economic development”. (Washington, D.C., 2016).

5 The Ad Hoc Liaison Committee is an international body coordinated by Norway that was formed upon signing the Oslo Accords. It has met twice annually to examine the progress of the peace process and report on the economic situation of the PA. Reports by the EU, UN, and World Bank are regularly submitted.

6 This is important to stress because a state that is in permanent need of foreign aid to balance its budget invites doubts about its viability. The Palestinian government has sought foreign aid since 2002 to balance its budget rather than to finance development expenditures as a result of opportunities denied for development.



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tinian state and thus, the demise of the two-state solution that the international order has prescribed as the way to end the conflict. Therefore, the ongoing enterprise by Israel – and its partner of late, the Trump administration - must be seen as a challenge to the will of the international community, to international order, to stability in the Middle East, and to world peace at large.

The following paragraphs will elaborate how the economic viability of the Palestinian state is being continuously undermined, sector by sector. We will see that a state will be beyond non-viable if the Trump Vision is implemented. We should bear in mind the existence of many reports that have shown that the State of Palestine is viable and can prosper if Israeli restrictions are removed and the occupation rolled back. Palestine has built institutions that match or exceed the best in the region in quality, effectiveness and efficiency. The potential for the free State of Palestine is great.

Economic Opportunity Costs

When assessing the losses incurred by Palestinians as a result of Israeli belligerent occupation and incremental annexation, economic losses are the most salient, and have therefore been the subject of numerous studies.⁷ In evaluating losses, one is tempted to place a monetary value against each loss, which is sometimes straightforward but not always easy. Monetary

values can be worked out - even if the sums are often contestable - when assessing losses due to destruction of infrastructure and other assets, theft of resources, and denial of use and exploitation of natural resources. However, the assessment is not straightforward when dealing with opportunity costs. In general, a cost is not necessarily a loss. One can purchase a good or service at a price and thus incur a cost, which does not entail a loss unless the service is over-charged or the goods defective and useless. On the other hand, lost or missed opportunities are actual losses because they harbor income or development aspects which would contribute to the economy and to the well-being of the people but which could not be realized. Denying people opportunities to use their resources to improve well-being and develop livelihoods leads to net losses. We use the term “opportunity cost” in this sense and it is intuitively a suitable term to use when dealing with “what ifs”, and for categorizing opportunities for economic and social gains that could not be realized, particularly because of actions taken by third party.

On 25 November 2014, the United Nations General Assembly adopted Resolution 69/20. In paragraph 9 of the Resolution, the Assembly requested the United Nations Conference on Trade and Development (UNCTAD) to report to the Assembly on the economic costs of the Israeli occupation for the Palestinian people. This author participated in the workshop that took place at UNCTAD headquarters in Ge-

⁷ References cited above.

neva in September 2015 to discuss the draft of a paper that was being prepared with a number of objectives, the main one of which was to plan the quantitative and qualitative assessment of both the physical and psychological Palestinian losses under occupation since June 5, 1967. Although, this was not the first such attempt, it was intended to be the most comprehensive and precise assessment, based on valuation methods, data, procedures, and evidence trails that were not available to previous studies. UNCTAD efforts in this respect are still ongoing and have been acknowledged by the UNGA in successive resolutions.

On 10 Oct 2018, the Secretary General of the UN transmitted a report on the costs prepared by UNCTAD. In particular, the UNCTAD report entitled “Economic costs of the Israeli occupation for the Palestinian people” outlined a four-year plan to complete a qualitative and quantitative assessment of the costs. The general direction of the ongoing work is to estimate compensation for losses incurred by the Palestinian people. It is, of course, the right of the Palestinian people to receive compensation and reparations, but the point of this paper is not to underline this right but to show how the opportunities for development that have been denied to the Palestinian people have been detrimental to the economic viability of their state-in-the-making. The two approaches intersect in that measuring the impact is tantamount to calculating the losses, sector by sector, which the UNCTAD paper attempts by working out typologies of costs or losses. This includes, but is not restricted to, the following:

- a. Physical;
- b. Water and other natural resources;
- c. Human capital;
- d. Opportunity and economic;
- e. Microeconomic, macroeconomic and fiscal;
- f. Community and neighborhood;
- g. Psychosocial.

We will concern ourselves here with part (d), opportunity and economic cost, and will make heavy use of the aforementioned UNCTAD study that the UN General Secretary has transmitted to the General Assembly. This is not a recent report and therefore does not capture all economic costs, but since these costs are cumulative, what has been captured in this report provides a lower bound on the cost and as such, serves the purpose.

Conceptual Basis for the Economic Costs of Occupation

The UNCTAD report dwells on the economic costs of occupation for the purpose of assessing reparations. This is not our object, for in our case we just want to demonstrate how the practices of Israeli belligerent occupation, includ-

ing incremental annexation, have undermined the viability of the Palestinian state and thus the two-state solution to the conflict that the international community has settled on. This assessment remains useful, however, in that it shows the extent of losses and the damages incurred. The reader is referred to the details in that report; what we need from it here are the categories of losses, because they help in pointing out the missed opportunities for development.

The UNCTAD report uses economic theory to identify three approaches for ascertaining the cost for those who suffer damages and losses as a consequence of actions by third parties: the income approach, which the report contends is widely used by courts around the world to measure the losses of injured parties solely on the basis of the income streams that would have prevailed in the absence of the injury as compared with the existing streams; the asset approach, which builds on the income approach by adding the missed opportunities to the income streams lost owing to the injury; and the utility approach, which is more general and includes a wider range of losses, and admits individual variations in responses to and consequences of injuries.

In general, a more comprehensive approach anchored in the asset and utility approaches would more aptly account for the range of losses than would the income approach. However, the exact approach and degree to which the asset and utility approaches are combined depends on the type and specific characteristics of loss, and the economic sector in which the loss occurred.

Some Earlier Estimates of the Economic Costs of the Occupation

The UNCTAD report discusses the structural deformation of the Palestinian economy as one of the elements of the costs of Israeli occupation for the Palestinian people and goes on to stress that a comprehensive assessment of these costs requires the undertaking of a complicated, detailed, and integrated process capable of estimating the direct and indirect economic costs in all economic sectors. To date, however, no systematic assessment or comprehensive records have been made of the economic costs and consequences of Israeli policies, actions, and measures in the Occupied Palestinian Territory. Thus far, all efforts made to quantify the economic costs of the occupation have been done on *ad hoc* basis, mostly by UNCTAD. A reminder here is due that we consider missed opportunities as losses and therefore do not attempt to enter into an academic categorization that distinguishes losses due to acts of commission from those due to acts of omission. Both are losses that contribute to de-development and to the undermining of the economic viability of the State of Palestine. The UNCTAD report dwells on case studies and highlights:

1. Acts of destruction and vandalism. The estimated damage in the Gaza Strip between 2008 and 2014 was at least three times the GDP of Gaza, without taking into account the indirect costs that arise from the loss of human capital and the stream of future incomes from destroyed or damaged productive assets, which hikes the costs considerably.
 2. Palestinian fiscal revenue leakage to Israel under the Paris Protocol on Economic Relations.⁸ UNCTAD estimated Palestinian revenue leakage from taxes on imports and the fiscal loss incurred by smuggling goods from Israel into the Occupied Palestinian Territory at \$305 million annually, about 3.2 per cent of GDP or 17 per cent of total Palestinian public revenue in 2010-2011. If captured, the leaked revenue could expand the Palestinian fiscal policy space and thereby increase annual GDP by about four per cent, and generate about 10,000 additional jobs per year. The estimates given do not capture all sources of leakage, which should have included:
 - a. Leakage of revenue from taxes levied by Israel on the incomes of Palestinians working in Israel and settlements;
 - b. Seigniorage revenue loss from using the Israeli currency in the Occupied Palestinian Territory, estimated to be between 0.3-4.2 per cent of gross national income;
 - c. Revenue loss from underpricing imported goods in invoices, owing to the lack of Palestinian control and oversight over borders, and the lack of access to proper trade data;
 - d. Revenue loss related to the lack of control over land and natural resources;
 - e. Financial resources loss related to goods and services imported through the Palestinian public sector, such as petroleum, energy, and water;
 - f. Loss of customs revenue as a result of not applying the World Trade Organization rules of origin on goods with less than 40 per cent of Israeli content;
 - g. Fiscal loss from the smaller tax base caused by the decimation of the productive base and the loss of natural resources to the occupation.
 3. In its report to the Ad Hoc Liaison Committee, the World Bank⁹ followed the UNCTAD study and its account of losses by estimating other sources of Palestinian revenue losses. The World Bank worked out a loss of \$285 million (2.2 per cent of GDP in 2014) from seven sources in a single year. The overlap between the World Bank and UNCTAD estimates, however, is about \$55 million.¹⁰ After excluding overlapping items, the sum of those estimates suggests an annual loss of five per cent of GDP (\$640 million in 2015). The World Bank report further indicated that Israel also retained a stock of \$668 million of un-transferred Palestinian revenues (5.2 per cent of GDP), but this practice has become commonplace in recent years and the cumulative nominal figures are enormous, even without taking into account inflation and interest earnings over time.
 4. UNCTAD has been assessing different aspects of the economic and employment costs incurred by Palestinians on account of the Israeli occupation. It is estimated that:
 - a. From 2000-2005, cumulative GDP loss was \$8.4 billion (real 1994 dollars), twice the size of the Palestinian economy;
 - b. By 2005, at least one third of the pre-2000 physical capital of the Occupied Palestinian Territory had been lost;
 - c. Losses caused by the Israeli military campaign in Gaza from December 2008 to January 2009 were half the size of the economy of the Occupied Palestinian Territory (\$4 billion, real 2004 dollars);
 - d. More than 2.5 million productive trees, including 800,000 olive trees, have been uprooted since 1967;
 - e. Only 35 per cent of potentially irrigable land in the Occupied Palestinian Territory is irrigated. This costs the economy 110,000 jobs per year and 10 per cent of GDP;
 - f. At least 10 per cent of the most fertile land of the West Bank has been lost to the construction of the annexation wall;
 - g. The Government of Palestine and Palestinian farmers are prohibited from maintaining, upgrading, or constructing water wells;
 - h. Fishing off the coast of Gaza is restricted to a range of three to six nautical miles instead of the 20 miles stipulated in Article XI of annex I to the Agreement on the Gaza Strip and the Jericho Area of 4 May 1994.
- Using its econometric model of the Palestinian economy to simulate the prospects of the economy under various policy options, UNCTAD assessed the cost of the shrunken economic policy space owing to the occupation and the Paris Protocol on Economic Relations. It assessed the impact of an integrated policy alternative that includes features of expanded fiscal, exchange rate, trade, and labor policies. The

⁸ UNCTAD, "Palestinian fiscal revenue leakage to Israel under the Protocol on Economic Relations", document UNCTAD/GDS/APP/2013/1.

⁹ Ibid.

¹⁰ Ibid.



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study showed that if a sovereign State of Palestine were empowered with the relevant policy instruments, annual GDP could increase by 24 per cent and unemployment could drop by 19 per cent.

The World Bank provided partial estimates of the costs of the occupation in Area C (61 per cent of the West Bank) in the following sectors: agriculture, Dead Sea minerals exploitation, stone mining and quarrying, construction, tourism, telecommunications, and cosmetics. The study estimated the costs of the occupation in Area C at 23 per cent of GDP (\$2.9 billion in 2015) in direct costs, in addition to 12 per cent of GDP (\$1.5 billion in 2015) in indirect costs, making a total cost of 35 per cent of GDP. Furthermore, the fiscal cost of the occupation in Area C was estimated at \$800 million in lost revenue, equivalent to 50 per cent of the Palestinian fiscal deficit. The study also contended that Palestinian employment could rise by 35 per cent if the occupation of Area C were ended.

There are several other studies by the World Bank, the Ministry of National Economy, and ARIJ that expound on the economic costs of occupation and the building of the annexation wall, but the case is clear and has been made repeatedly. The belligerent occupation and the de facto annexation of Palestinian territory through the construction of an ever expanding settlement project have made life difficult and left Palestine well behind its development potential.

Conclusions

Even though the qualitative or quantitative aspects of the economic costs of the occupation for the Palestinian people need to be fine-tuned and made more exhaustive if they are to be used for restitution purposes, we already have a clear picture of the extent of the damage to the economy, and the negative impact on development and the viability of the state. Alongside the belligerent occupation that has been ongoing for over 53 years, the de facto annexation of large sections of the occupied territory through settlement, declarations of closed military areas, and maintaining exclusive control over access and land use of large sections of the territory, have all led to extensive damage to the prospects of a viable Palestinian state. De jure annexation of these areas in the West Bank, which include East Jerusalem, the Jordan Valley and Dead Sea areas, as well as all settlements and the attached services infrastructure, will render the land to be allocated to a Palestinian state internally noncontiguous and outwardly disconnected from neighboring countries, with no control over the movement of persons and goods and, as such, totally unsuitable and insufficient in every respect. The settlement enterprise is a devilish scheme intended to fulfill an ideological end, irrespective of the requirements for a just peace. It is true that there are lost economic opportunities as a result of the occupation and creeping acquisition of occupied territory through illegal means, but if occupation and annexation continue then the greatest lost opportunity is one for regional peace, stability, and prosperity.

ANNEXATION AND TOURISM

Hamdan Taha



The Herodian Mountain (Bethlehem) ©Mahmoud Illean

Introduction

The purpose of this article is to explore the impact of the impending Israeli annexation plan on the tourism sector in Palestine. Tourism plays an important role as a driving force for economic development. It generates income ranging from 4-10 per cent of the Palestinian gross national product, employment, and foreign exchange earnings.¹ Tourism in Palestine is not independent and is part of an economy under occupation; it is hampered by Israeli border controls, checkpoints, and the annexation wall. A just political settlement in Palestine and an end to the Israeli occupation is an essential condition for peace and economic development. Tourism can play a role in promoting mutual understanding, tolerance, and peace building

Palestine has great potential for tourism; it occupies a central location in the southern part of the Levant between Eurasia and Africa. The modern State of Palestine lies within the 1967 borders with East Jerusalem (EJ) as its nominated capital. Despite its small size, Palestine has extraordinary geographical and geological features, namely its coast, mountains, desert, the Jordan Valley, and the Dead Sea. Palestine, *Filastin*, is known in historical sources by different names: the land of Canaan or the common name of the Holy Land. It is also known as the home of the three monotheistic religions, Islam, Christianity, and Judaism, the birthplace of Jesus Christ, and the site of the heavenly journey of Prophet Muhammad to Jerusalem.² Palestine, the Holy Land, is a major attraction for tourism from all over the world.³

Palestine has a rich and diverse cultural and natural heritage, an abundance of archeological sites, sacred landscape, and historic centers in Jerusalem, Gaza, Hebron, Bethlehem, Ramallah, el-Bireh, Jericho, Nablus, Jenin, Tulkarem, and Qalqilya, in addition to its rich intangible heritage. This unique geopolitical position of Palestine, its multi-layered history, and the mosaic of its culture places it at the core of human history and has made it a global tourist attraction.

Tourism and Political Context

Tourism in Palestine is associated with the modern political struggle. It is a land of two historical narratives: an indigenous Palestinian historical narrative and a colonial settler narrative used to serve the Zionist colonial project in Palestine. Therefore, an objective narrative that acknowledges the historical facts is at the center of this conflict. The historical narrative must be based on a new objective and inclusive vision of history. Thus, the history of Palestine should be viewed as a whole in which people of all cultures and faiths are integral to its history, including Muslim, Christian and Jewish cultures. This vision contradicts categorically the exclusive Zionist narrative based on the denial of Palestinian rights to land and history.

The population of Palestine at the beginning of the Mandate period, one hundred years ago, was predominantly Arab, making up more than 94 per cent of the population. The Zionist colonial project in Palestine was implemented under the British Mandate following the Balfour Declaration

1 Fallah, Bilal, 2014, Mapping Tourism in Palestine, Analytical Report, Ministry of Tourism and Antiquities and JICA, the Centre for Development Studies, Birzeit University. and Isaac, R. 2010, Palestinian Tourism in Transition: Hope, Aspiration, or Reality. *The Journal of Tourism and Peace Research*, 1 (1): 16-26.

2 Taha: 2017. Palestine, A Fascinating History, *This Week in Palestine*, Issue no. 232:6-11

3 Isaac, R. 2010, Palestinian Tourism in Transition: Hope, Aspiration, or Reality. *The Journal of Tourism and Peace Research*, 1 (1): 16-26.

in 1917. Palestinians revolted against the British and Zionist policies during the British Mandate of 1920-1948. In 1947 the United Nations adopted a Resolution for the Partition of Palestine into two states: one for Arabs (48 per cent of the land), and one for Jews (52 per cent of the land), with Jerusalem under a special international regime. Israel was established as a settler nation project in 1948 and immediately took over an additional 26 per cent of the territories of the Arab state, and in 1967 occupied the rest of the land in the West Bank (WB) and the Gaza Strip (GS).

In 1948, the name of Palestine was replaced by that of Israel and approximately one million Palestinians were expelled from their homes in areas proclaimed as belonging to the State of Israel. More than 600 towns and villages with a rich archeological and historical heritage were demolished.⁴ The division of Palestine in 1948 into three entities: Israel, WB and GS, completely transformed the structure and market orientation of tourism.⁵

However, Palestine is still the homeland and a living memory for millions of displaced Palestinian refugees. After 53 years of a settler occupation policy in WB and GS, the Israeli government is planning, through the so-called Deal of the Century, to grab more than one-third of the land left to Palestinians in the WB to Israel, which would then control over 85 per cent of historical Palestine with devastating future prospects for peace. It is important to emphasize that apart from historical justice, Palestine has accepted a compromise based on the two-state solution, endorsed by the international community.

Tourism and Occupation

Between 1948 and 1967, tourism was managed by the Jordanian government in the WB and the Egyptian administration in the GS. After 1967, Israel gradually incorporated the economy of the Palestinian territories into its own economy and over years of occupation, the territories were subjected to harsh economic policies. Although high taxes were imposed and collected, there was no investment in infrastructure, tourism facilities, and services in Palestinian areas. The occupying power maintained control over utilities such as land, water, and electricity, etc.⁶ The private sector, especially in Jerusalem, was under strict Israeli control; some parts of the private sector fell into decline and some managed to survive without being able to develop.

At least 15 military orders and regulations related to tourism have been issued by the Israeli military authorities. These orders raised the requirements for licensing for tourism in the occupied territories. Furthermore, access to public funding was denied, in addition to a lack of incentives and tax reductions received by the Israeli tourism sector.⁷

To address Israeli violations in the local and international arenas, it is necessary here to refer to the recent decisions issued by the General Assembly of the United Nations regarding Israeli annexation plans, urging Israel as an occupying power to comply strictly with international law, cease actions aimed at altering the demographic composition of the territory, and immediately halt all settlement activities.⁸

Following the Israeli occupation of the WB, including EJ and the GS, the Palestinian tourism sector suffered a significant decline in volume and quality of businesses and has remained underdeveloped. Israel has consistently blocked the development of Palestinian tourism by withdrawing licensing from tour operators or new hotels and hampering training for Arab tour guides.⁹

The Israeli authorities manage key historical and archeological sites in Jerusalem and Hebron, along with major archeological sites in Qumran, the shores of the Dead Sea, Sebastia, Mount Gerzim, Tel Rumedia, Susiya, Tel Seilun, Tel Dotahn, Tel Taannek, and many other natural sites.

Israel also controls a significant part of the tourism resources in the Palestinian territories by incorporating them into the settlements scattered in the Palestinian occupied areas, including more than 900 archeological and natural sites.¹⁰

Tourism and the Interim Agreement

Following the Madrid Declaration of Principles in 1992 initiating a peace process between the Palestinians and the Israelis, a Palestinian technical team drafted a negotiation plan for tourism. In 1994, according to a Palestinian-Israeli agreement, Jericho and Gaza were handed over to Palestinian control. By December 1995, the Palestinian National Authority was given control throughout the WB and the GS in several spheres of responsibility, including archeology in Areas A and B. In some parts of Area C, powers and responsibilities over archeological sites were to be transferred gradually to Palestinian jurisdiction; eventually, this should have included the entirety of Palestinian territory in the WB, Jerusalem,

4 (Pappe 2006). Pappe, I. 2006. *The Ethnic Cleansing of Palestine*. Oxford: Oneworld Publications

5 Isaac, R. 2010, *Palestinian Tourism in Transition: Hope, Aspiration, or Reality*. *The Journal of Tourism and Peace Research*, 1 (1): 16-26.

6 Isaac, R. 2010, *Palestinian Tourism in Transition: Hope, Aspiration, or Reality*. *The Journal of Tourism and Peace Research*, 1 (1): 16-26.

7 Isaac, R. 2010, *Palestinian Tourism in Transition: Hope, Aspiration, or Reality*. *The Journal of Tourism and Peace Research*, 1 (1): 16-26.

8 Resolution of the 74th Session 37th and 38th

9 Isaac, R. 2010, *Palestinian Tourism in Transition: Hope, Aspiration, or Reality*. *The Journal of Tourism and Peace Research*, 1 (1): 16-26.

10 Taha 2015. *Archeological Heritage in Area C*. *This Week in Palestine*, Special Issue.



and Gaza.¹¹ According to the Declaration of Principles on Interim Self-Government Arrangement for Palestinians, final negotiations were to be completed by May 1999, but the mutually agreed timetable that called for power transfer was delayed and never implemented by Israel.

Tourism as an economic sector was regulated by the Protocol on Economic Relations, called the Paris Agreement, signed between Israel and the PLO in 1994, and incorporated with minor amendments in 1995. This protocol was part of the Gaza-Jericho agreement and its jurisdiction was extended to all Palestinian territories in the Oslo II Accords. The protocol regulates the relationship between Israel and Palestine in several spheres of authorities, including tourism, and was to remain in force for an interim period of five years. It is still applicable today despite substantial political changes on the ground.

According to this agreement, all external and crossing borders are controlled by Israel. Thus, the flow of tourists to Palestinian areas was controlled by Israel.

The roles and responsibilities in tourism were regulated in Article X, which mandates the establishment of a Palestinian Tourism Authority and identifies, inter alia, the following main powers and responsibilities:

1. Regulating, licensing, classifying, and supervising tourist services, sites, and industries.
2. Promoting foreign and domestic tourism, and developing Palestinian tourist resources and sites.
3. Supervising the marketing, promotion, and information activities related to foreign and domestic tourism.

Other issues relating to the scope, mandate, mutual cooperation, and coordination mechanisms were stated in eight articles in this agreement.

The Ministry of Tourism and Antiquities (MoTA) was established in 1994 as a national body for the management of tourism and antiquities. This new situation gave the Palestinians- who won autonomy at the end of the last century - an independent body to manage tourism and a wide range of economic activities were undertaken by the public and private sectors in support of the tourism sector .

However, in the absence of a final peace agreement, Israel remains a military occupier in the occupied Palestinian territory, and therefore remains bound by international humanitarian law as outlined in the Hague Convention and Regulations of 1907, the Fourth Geneva Convention of 1949, and the Hague Convention and Protocol of 1954. Israel is also bound by The World Heritage Convention Concerning the Protection of the World Cultural and Natural Heritage; UNESCO, 1972, the World Charter for Sustainable Tourism (1995); International Cultural Tourism Charter: Managing Tourism at Places of Heritage Significance; ICOMOS, 1999, Convention for the Safeguarding of the Intangible Cultural Heritage; UNESCO, 2003, Convention on the Protection and Promotion of the Diversity of Cultural Expressions; UNESCO, 2005, The World Charter for Sustainable Tourism, Basque Country, Spain, 2015; the Bethlehem Declaration on Religious Tourism, 2015; and many other resolutions and recommendations related to tourism and cultural property in the occupied Palestinian territories.¹²

11 Taha 2015. Archeological Heritage in Area C. This Week in Palestine, Special Issue.

12 Taha 2014. The State of Archeology in Palestine. In Patrimoine en Palestine. Paris: 23-41.

The State of Palestine was acknowledged as a full member of UNESCO in 2011 and given non-member observer status in the United Nations by the General Assembly in 2012. Following this status, Palestine was able to accede to a significant number of international conventions relating to cultural heritage, including the Hague Convention of 1954 and the World Heritage Convention of 1972.

Palestine is not yet a full member in the World Tourism Organization (UNWTO). In 1999, Palestine gained observatory status in this organization and in 2015 organized an international inter-congress on Religious Tourism in Bethlehem in cooperation with UNWTO. The Bethlehem Declaration on Religious Tourism as a Means of Fostering Socio-Economic Development of Host Communities, UNWTO, Palestine, 2015, was adopted in this conference, indicating international recognition of the status of Palestinian tourism.

In 2016, Palestine submitted a formal request for membership in the UNWTO. In 2017, WTO postponed the vote on the request by Palestine to become a full-fledged member of the organization. The postponement is due to aggressive Israeli and American efforts to prevent Palestine from any membership status in international organizations, despite the acknowledgment of international organizations of the extraordinary Palestinian efforts to develop tourism.

In 2017, Palestine was registered as the fastest growing tourist destination in the world. The World Organization for International Security identified a 57.8 per cent increase in the number of tourists who visited Palestine, whereas Israel had a 25.1 per cent increase in incoming tourism despite Israeli control over borders and visas.

Management of Tourism in Palestine

Tourism in Palestine is managed by the private and public sectors, along with the growing role of community organizations. Community-based tourism is developing steadily and is actively contributing to the development of this sector.

The Ministry of Tourism and Antiquities manages the tourism sector and quality assurance through a number of tourism departments for licensing, promotion, and marketing. The Cultural Heritage Administration is dedicated to preserving cultural heritage and rehabilitating tourist sites.

The Ministry's tasks are to reorganize the various components of tourism: hotels, transportation, tourism agents, tour guides, and restaurants. Since 1995, exceptional efforts have been made to rebuild and upgrade the tourism sector.¹³ Var-

ious programmes and projects were implemented to develop this sector through building new hotels and extending lodging capacity, promotional efforts, and participation in international exhibitions and fairs. These efforts were combined with the rehabilitation of historical cities and cultural heritage sites. The Bethlehem 2000 project and the rehabilitation of the historic center of Hebron are illustrative examples of these efforts.

The Ministry of Tourism established the Tourism Advisory Council, which includes representatives from all tourism sectors, and has begun a process of hotel classification with the aim of improving the quality of tourism services and products. New regulations and a draft of a modern tourism law have been prepared, in addition to active participation in international exhibitions and endorsing Palestine on the tourist map.

Private tourism in Palestine is organized into seven main sectors, each of which is professionally organized by an association.¹⁴ Prior to the establishment of the Ministry of Tourism and Antiquities in 1994, tourism work in Palestine was organized by the Supreme Tourism Council from its headquarters in the city of Jerusalem. This non-governmental body formed an administrative arm known as the administrative services of tourist societies in Palestine, some of which were established before the Israeli occupation in 1967 and included the following organizations:

1. Arab Hotels Association (AHA)
2. Palestine Society of Tourist and Travel Agents (PSTTA)
3. Arab Tourist Guides Union (ATGU)
4. Arab Tourist Restaurants Association (ATRA)
5. Holyland Incoming Tour Operators Association (HILTWA)
6. Arab Tourism Transport Association
7. Oriental Artifacts Association in Jerusalem

Joint efforts were made by the public and private sectors to formulate a strategy for tourism in Palestine and in 1999, the MoTA developed a draft tourism strategy with the assistance of an international team. This strategy focused on the following areas: human resource development, development of the deteriorated infrastructure, rehabilitating and upgrading tourist facilities, and development of policies, legislation, and administration. The accomplishment of these tasks was not possible without joint efforts and close cooperation between public and private sectors.

Incoming tourism based on pilgrimage is the main form of tourism and constitutes 64 per cent of total visitors. However, other forms of tourism have developed in the last decade,

¹³ Isaac, R. 2010, Palestinian Tourism in Transition: Hope, Aspiration, or Reality. *The Journal of Tourism and Peace Research*, 1 (1): 16-26.

¹⁴ Daher, Y. 2006, Palestinian Private Sector Strategy, TWIP, Vol. 103.

including community-based tourism, cultural, environmental, hiking, and solidarity tourism.

The last two decades have witnessed a revival of Palestinian tourism. Since 1995, exceptional efforts have been made to build and upgrade the tourism-related sector that had been deliberately left to deteriorate for more than three decades of Israeli occupation. Some US \$700 million was invested in new tourism projects and upgrading existing facilities and services.¹⁵

Data provided by the Palestinian Central Bureau of Statistics on the tourism sector in 2012 indicate that there were more than 6,593 investment establishments and activities, providing job opportunities for tens of thousands of workers in this sector.¹⁶ The direct and indirect income is about half a billion dollars.

According to indicators of growth in tourism, monthly visitors grew steadily, yearly hotel occupancy rose, and the number of hotel rooms increased significantly over the last two decades. Furthermore the number of licensed tour operators and tour guides increased significantly.¹⁷

Despite the constraints imposed by the occupying authorities on the development of this sector, especially in Jerusalem and Area C, the Palestinian tourism sector has developed a dynamic of survival by providing competitive services, investment in the hotel sector, building a network of tourism facilities, efforts in branding Palestine as an independent destination, and diversifying the Palestinian tourism product.

Annexation Wall and its Impact on Tourism

Another major threat to tourism was caused by the annexation wall constructed illegally by Israel in the occupied Palestinian territories, including in and around Jerusalem. It is huge system composed of concrete walls, razor-wire, trenches, and fences cut into the WB and Gaza, and separates people from their land and history.¹⁸

Besides its direct human, economic, and social negative impact on Palestinian life, the separation wall has a devastating impact on the rich archeological remains and cultural heritage sites, and most importantly, the cultural landscape of Palestine.

The annexation wall encircles Palestinian population centers in a series of disconnected blocs. At the same time, the 462 Israeli settlements inside the Palestinian areas already control more than 900 archeological sites and features. After building the wall, Israel will control more than 4500 archeological

sites and features, including some 500 major archeological sites that constitute 50 per cent of the cultural resources of the Palestinian areas.¹⁹ It is important to note here that the advisory opinion of the International Court of Justice in 2004 considered the construction of the wall by Israel in the occupied Palestinian territories illegal under international law and that it creates an illegal situation on the grounds that is contrary to international law.

Control of Cultural Heritage Sites and Tourism Assets

In the regional development plan for the Jordan Valley prepared by a joint Palestinian-Japanese study team in 2005, tourism was identified as the area's main economic resource, in addition to agriculture. A project for sustainable tourism was conducted in the Jericho area between 2009 and 2015, supported by the Japan International Cooperation Agency (JICA). Aural and visual methods were used to promote archaeological sites, tourist information centres were established, training was given to local tourist guides, signage was improved, and work took place with local community groups to develop community-based tourism.

These development projects aimed to create a corridor of peace by promoting regional cooperation in sustainable tourism between Palestine, Israel, Jordan, and the surrounding countries. Now the Israeli government's annexation plan opens a new frontline of confrontation and perpetuates conflict rather than cooperation and development.

The Palestinian part of the Jordan Valley within the 1967 borders has more than 500 known archeological sites. A considerable number of these sites have been excavated and reveal a cultural history stretching over 10,000 years, represented by many key locations. The areas identified in the annexation plan north of the Dead Sea and the Jordan Valley contain many significant archeological, historical, and religious and natural sites, including the Dead Sea, the Jordan River, the baptism site, Qumran, and caves. According to the statistics provided by the Palestinian Ministry of Tourism, 572 sites are located in Area C belonging to the governorates of Jericho and Tubas, including 303 and 209 archeological sites respectively. In total, 423 sites are to be annexed in the framework of the Deal of the Century, 223 in Jericho governorate and 200 in Tubas governorate, in addition to a large number of cultural features. In the WB more than 350 main archeological sites were incorporated into Israeli settlements, and consequently into the Israeli annexation plan.

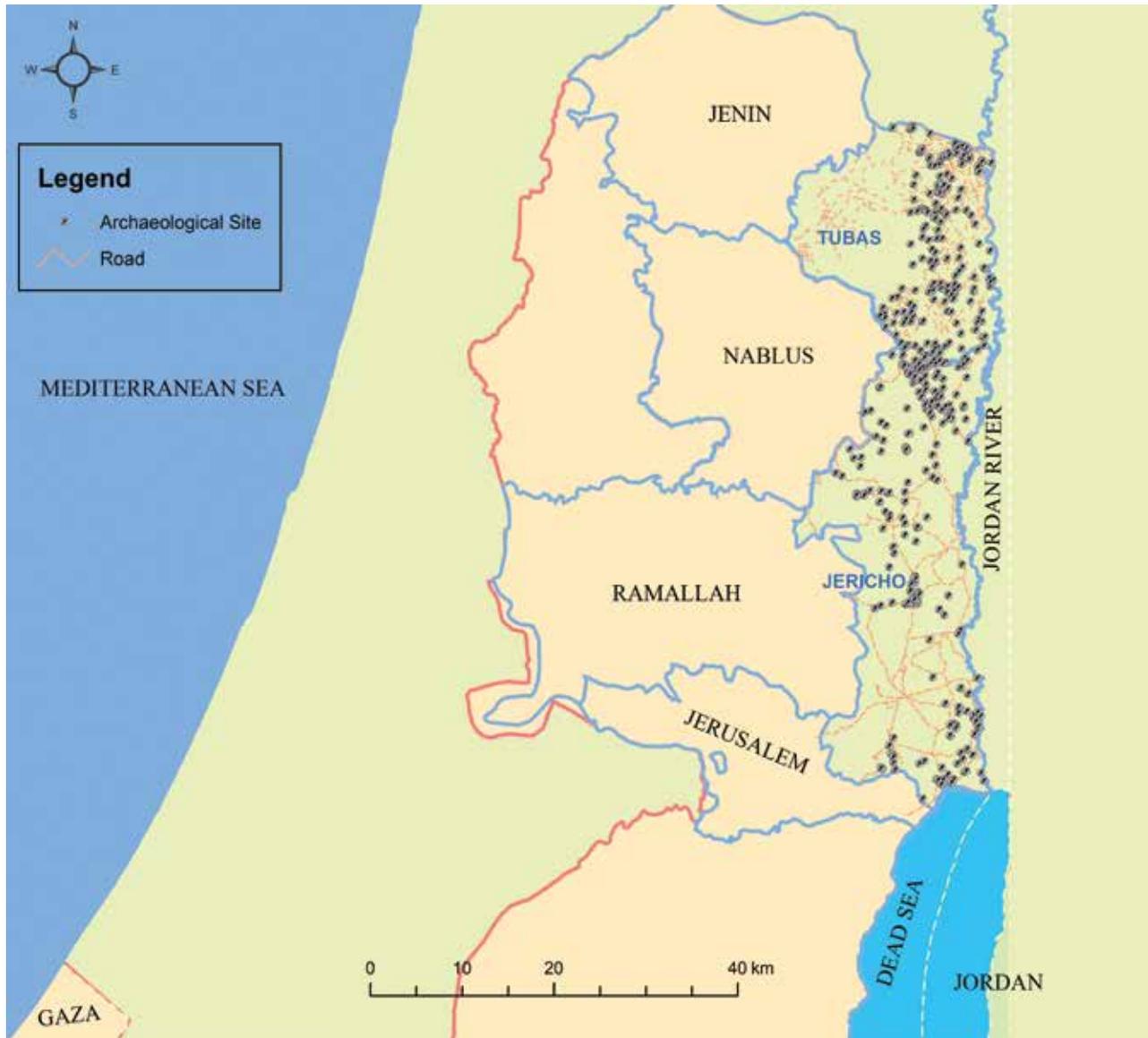
15 Isaac, R. 2010, Palestinian Tourism in Transition: Hope, Aspiration, or Reality. *The Journal of Tourism and Peace Research*, 1 (1): 16-26.

16 Fallah, Bilal. 2014, Mapping Tourism in Palestine, Analytical Report, Ministry of Tourism and Antiquities and JICA, The Centre for Development Studies, Birzeit University

17 Isaac, R. 2010, Palestinian Tourism in Transition: Hope, Aspiration, or Reality. *The Journal of Tourism and Peace Research*, 1 (1): 16-26.

18 Taha 2017 Palestine, A Fascinating History, This Week in Palestine, Issue no. 232:6-11

19 Taha 2017 Palestine, A Fascinating History, This Week in Palestine, Issue no. 232:6-11

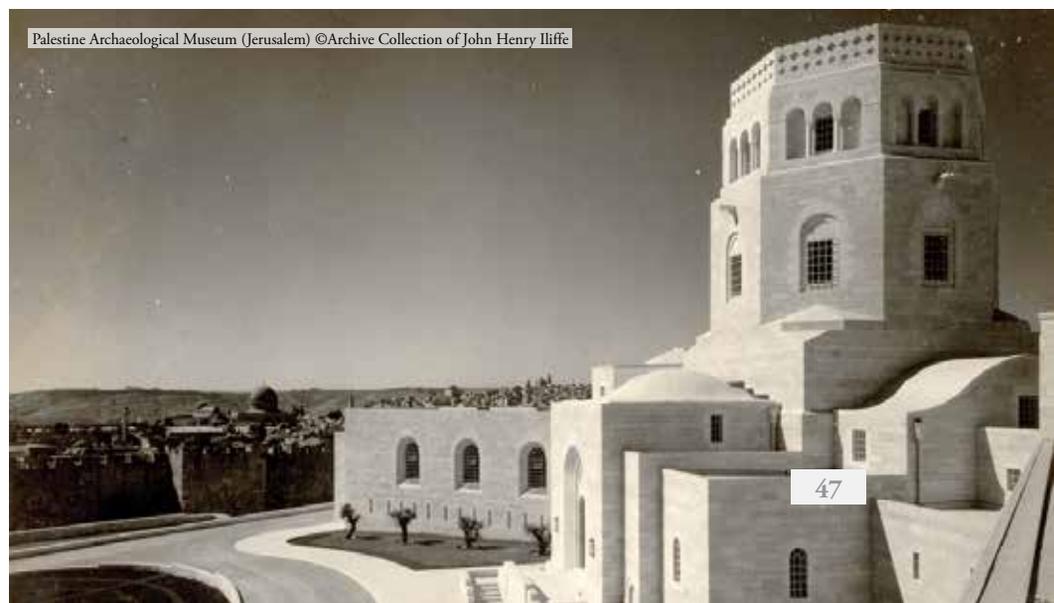


Map showing the distribution of archaeological sites in the Jordan Valley, MoTA

Area C: 572 sites, 303 in Jericho and 269 in Tubas Governorates

“Deal of the Century” Area: 472 sites, 223 in Jericho and 200 in Tubas governorates, MoTA Database.

Museums are cultural institutions and tourist attractions. Some are still under occupation such as the Palestine Archeological Museum located in occupied EJ. It was opened in 1937 and exhibits thousands of archeological artefacts that relate to the history of Palestine. This museum has been under occupation since 1967 and is inaccessible to the vast majority of Palestinians. Furthermore, the occupied museum is promoted as an Israeli museum.



Palestine Archaeological Museum (Jerusalem) ©Archive Collection of John Henry Iliffe



Annexation of Palestinian World Heritage Sites

In 2011, UNESCO recognized Palestine as a full member state. The acknowledgement crowned a long journey that began when Palestine was first given observatory status in 1989.

In June 2002, a major breakthrough was achieved when the 22nd session of the World Heritage Committee raised the issue of protecting Palestinian heritage in light of the siege of the Church of the Nativity in Bethlehem, and damage to the center of the Old City of Nablus. As a result, an inventory of potential world cultural and natural heritage sites was developed.²⁰ This contained 20 cultural and natural heritage

sites (16 cultural heritage sites, 3 natural sites, and one mixed site). The list reflects the cultural and natural diversity of Palestine. Between 2012 and 2017, three sites (Bethlehem, Cultural Landscape of Battir, and Hebron) were inscribed on the World Heritage List. Some of these heritage sites are located in the Jordan Valley, including Qumran, the cultural landscape of el-Barriya, the baptism site, Tel el-Fureidis, the Dead Sea, Tel Sultan, and Hisham's Palace. The first three of these are located in Area C and are therefore still under occupation.²¹ Some are currently under consideration for nomination to UNESCO's World Heritage List (<https://whc.unesco.org/en/statesparties/ps>). Other sites including Jerusalem, inscribed in the World Heritage List in 1982, and Hebron, inscribed in 2017, are under imminent threat from the Israeli annexation plans.

20 Taha, H., 2009 (Editor), Inventory of Cultural and Natural Heritage Sites of Potential Outstanding Universal Value in Palestine. Ministry of Tourism and Antiquities, Ramallah, 2nd edition.

21 Taha, H., 2020 Two Decades of Archaeology in Jericho, 1954-2015, In Digging Up Jericho Past Present and Future, edited by R. Sparks, B. Finlayson, B. Wagemakers and J. Briffa, Archaeopress Publishing LTD. Oxford: 269-287.



Direct Impact of Annexation on Tourism

The vague Israeli annexation plan for parts of the occupied Palestinian territories in the WB, backed by the American administration, has far-reaching complex consequences on the relationship between Palestine and Israel.

The most evident part of the plan is the theft of land and resources in a grave violation of international law and the interim peace agreement between Palestine and Israel. The annexation of land north of the Dead Sea and the Jordan Valley, in particular, means literally blocking the eastern boundary of Palestine with Jordan, the gateway to the Arab world and beyond, and enforces a de facto apartheid system in Palestine. In other words, the occupation will be transformed to a formal permanent occupation and Israel will

enforce its role as a colonial power in Palestine under the pretext of security.

The impact of the plan on tourism is devastating. It will turn Palestinian land into a series of disconnected parcels. Israel will keep control of the external borders of Palestine and the flow of tourists will be fully in the hands of Israel. Moreover, annexation of historic places in Jerusalem and Hebron, archeological sites, including religious sites, and potential world heritage sites, will deprive Palestinians of their cultural and natural assets. These illegal expansionist plans for settlement blocs or parts of the Jordan Valley with its tourist assets are an act of aggression on Palestinian historical, cultural, and economic rights. It will deepen the conflict and will make peace far more unlikely as it will undermine opportunities for a just peace based on the two-state solution, and will unfold open conflict in the future.

ANNEXING AIR

How the Israeli plan to annex the Jordan Valley will affect the Palestinian telecom sector?

Sabri Saidam



Introduction: Where it All Began

“Israel recognizes that the Palestinian side has the right to build and operate separate and independent communication system and infrastructures including telecommunication networks, a television network and a radio network.” Oslo D.O.P 1993

Nothing of such a statement defined in the Oslo Declaration of Principles ever materialized in terms of independence nor sovereignty. According to telecom experts, Israel may have allowed investment in the sector but insisted on holding the switch.

The backbone of the telecom network is to-date totally dependent on Israel by virtue of military rule blended with Israel’s favourite term: security. A state of denial of legitimate rights applied to telecom too.

In 1995 the Palestinian people marked a new and historic turning point by planning to go ahead building fresh telecom network to replace the traditional copper-based old-fashioned network inherited from Israel.

In 1996 the first Palestinian telecom law was born to pave the way for the launch of services in 1997 after the Palestinian incumbent (The Palestinian Telecom Co. -Paltel) land-line operator was born.

In 1999 the first Palestinian cellular company - Jawwal started rolling its operations in the West Bank and Gaza. Yet this was not a smooth ride as it was often daunted by unfair frequency allocation, coordination-delayed maintenance, hindered release of spare parts and development equipment; and unfair competition posed by illegal Israeli mobile phone operators who used the strategic location of settlements to erect its antennas, signal boosters and repeaters.

In September 2006 a new bid for a second mobile operator was released with the condition that the winner would be responsible for acquiring the necessary frequencies for operations. Al-Wataniya Mobile won the bid and embarked on a lengthy journey of Israeli- invoked delays that lasted more than three years for the West Bank and eight years for Gaza. In November 2009, Al-Wataniya launched its services in the West Bank, its launch in Gaza was delayed a further eight years before frequency allocation was allowed in April 2017. It wasn’t before October of that year that Ooreedo (the new name of Al-Wataniya) was able to launch its services in Gaza marking the beginning of new era of competition in mobile phone services. Such a development was accompanied with a freshly negotiated pledges by Israel to allow telecom operators to function in a restrictions relieved environment. This once again was to no avail.

The internet sector as well as the radio and television services suffered the same fate with frequency deprivation and lack of licensing prevailing. Scores of stations and posts were raided and removed under security-driven excuses that proved to be totally baseless. In fact, the use of Frequency Modulation (FM) radio stations for example is still to-date considered illegal by Israel. This means that the Palestinian Ministry of Telecom and IT effectively licenses stations at the owners’ respective responsibility.

The provision of various services to Palestinians in the Jordan Valley was almost impossible which forced companies to look for creative ways to deliver such services. Most companies sustained loss of revenue as the cumbersome Israeli measures prolonged the eventual time span to achieve decent Return on Investment (ROI). According to several telecom sources it was clear that Israel was keen to allow minimum services to be rolled out in preparations for annexation. It was equally clear that priority was given to Israeli providers for obvious reasons.

Tough Battle to Fight

The Palestinian Telecom sector experiences de-facto control and manipulation by the Israeli Defense Ministry which treats the telecom frequency spectrum as a highly sensitive security file. Joint work is handled by the Joint Technical Committee which meetings often delayed by years.

Israel solidly controls the entire telecom sector allowing no Palestinian access to an international gateway leaving Israeli operators as the only available option which clearly means that routing of all calls happens through Israeli operators. Routing includes all communications services landlines, mobile, internet and beyond. According to the Palestinian National Voluntary Review on the Implementation of the 2030 Agenda, Palestinians pay more than Israelis do for lower quality IT services.

Internet, although partially provided by Palestinian operators still comes via Israel providers. Satellite uplink services are forbidden for public use and continues to be restricted to media firms with close Israeli army monitoring.

Calls through all platforms are subjected to massive surveillance although some Israeli providers claim to have signed to charters and treaties ensuring respect of human privacy, access to information and integrity of service. Such a claim seems to be unfounded given the scale of intrusion Israel has in Palestinian life. Furthermore, Israeli operators are subject to close monitoring by a series of laws, military rulings and government decisions. Although privately owned, Israeli operators can't escape official surveillance. A number of former Israeli army generals are said to own shares in almost all companies.

Telecom, media and internet surveillance is directly associated with military field operations with several applications and 'cookies' developed to secure maximum surveillance and tracking of users with keyword- invoked recording available. Textual material, applications and services are closely monitored too. An army unit is dedicated to handle such surveillance.

Palestinian radio and TV channels are considered illegal and often targeted by physical removal or surgical bombardment. The majority are accused of incitement or frequency interference, two reasons considered sufficient to demand their removal.

Social media platforms are considered the best sources of information. They're considered a goldmine of voluntary information that helps profile every Palestinian user, modes of life, interests as well as political affiliations and inclinations. Such platforms are also used to direct public opinion

through smear and insinuation leading to possible development of unrest or diversion of attention from key political happenings. Their value equally includes potential marketing of occupation as well as recruitment of collaborators.

Telecom and media network maintenance, improvement and replacement in Area C is only allowed through Israeli military approval often delayed for no clear reason. The experience of Al-Wataniya mobile mentioned above is testimony to the injustice equally sustained by investors.

Acquisition of modern internet services is often hampered. The approval for the second generation of communications (2G) took almost ten years; whilst the release of 3G frequencies was delayed for 14 years through which such technology became redundant worldwide. A World Bank report released in 2016 put the losses incurred by the Palestinian economy reached up to \$1,150 as evident in figure(1) below.

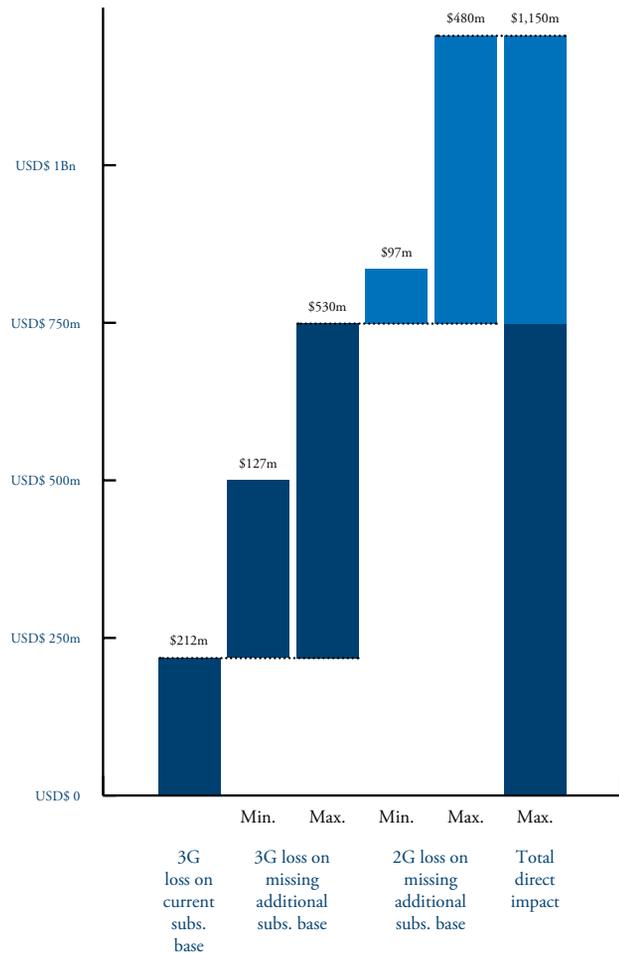


Figure 1: Total revenue loss over the last three years (2013-2015) for Palestinian mobile operators due to the absence of 3G and other bilateral and domestic issues
Source: World Bank calculations

The 3G service was eventually rolled out in January 2018 after a lengthy and painful diplomatic battle fought by the Palestinian Ministry of Telecom and IT, the Palestinian Cabinet at large, diplomatic missions and the Office of the Quartet. The release of 4G is impossible and is likely to take another 15 years to settle should Israel continue with its policy of oppression and refusal. 5G is unthinkable!

Maintenance in Area C requires military coordination and is often hampered by military closures or policy of punishment. The annexation of any strip of land is going to add further pain and complications to the above listed factors of what makes up an almost impossible life of operations, evolution and development of all sectors in which telecom is a vital part for existence and survival. The case below shows what exists and what's to come in a seemingly endless battle.

An Imminent Nightmare – Paltel and Jawwal's Showcase

The following evidence of the incumbent operators Paltel and Jawwal is showcasing the harsh reality and the imminent nightmare to be endured as a result of annexation of the Jordan valley for example. The odds survived over the past two or more decades by the two companies has led to the introduction of stringent operation measures.

Paltel records of the year 2020 acquired for the purpose of authoring this paper show that the company was able to so far install the following: 38 transmitters, 42 distribution cabinets, 487km in copper wires, 263km of optical fiber line, 131 fiber connectors, 413 man-holes, 2190 distribution boxes, 5591 posts and 35 re-transmitters.

The map shown in figure (2) reflects the scarcity of Jawwal posts at the Jordan Valley east of the black line. This certainly is totally disproportional to population size. It is a result of the difficulties experienced by the company over 20 years of operation. The map also shows how Israel has evidently

worked to minimize development and modernization of services in an attempt to maintain the poor living conditions endured by Palestinians and hence drive them away towards other localities that enjoy better living conditions.

The following map shows the right side of the black line where the annexation of the valley supposed to be executed:

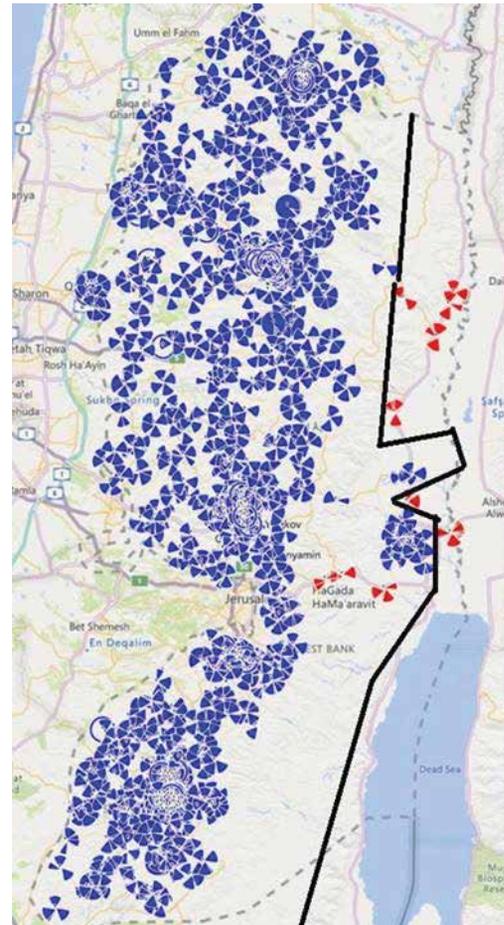


Figure 2: Distribution of Jawwal's cells



The figure below shows comparative figures of thousands of subscriptions (ksub) in the area which clearly shows the level of will the Palestinians inhabitants have toward using Jawwal services whilst relying on the scarce number of cells or by roaming on Israeli and Jordanian networks that enjoy competitive agreements with Jawwal.

For Jawwal:	
Area	Estimated served customers
Jericho_Villages	10 Ksub
Jerusalem_Villages	3.7 Ksub
Jerusalem_Villages	10 Ksub
Jericho_Villages	4.1 Ksub
Jericho_Villages	3.6 Ksub
Jericho_Villages	3.2 Ksub
Jericho_Villages	0.5 Ksub
Nablus	4.3 Ksub
Jericho_Villages	7 Ksub
Jericho_Villages	2.9 Ksub
Total Distinct Subscribers	38 Ksub

Figure 3: Comparative subscription per region in thousands of subscribers (Ksub)

Israeli annexation would lead to the total cessation of activities and the migration of current subscribers, if they're ever permitted to stay at their homes, to other Israeli providers whilst Jawwal and Paltel would lose substantial revenue. Such loss will have negative consequences on the Palestinian economy currently stretched by political challenges and health conditions both depressing Palestinian finances and

national revenues. Moreover, both companies like many others, are likely to lose access to Jordanian services and consequent development of services which in turn would lead to a worsening of economic conditions.

Conclusions

UN Security Council Resolution 2334, adopted in 2016 passed in a 14-0 vote. Four members with UNSC veto power voted for the resolution, the United States abstained. The resolution condemns “all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including inter alia, the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, in violation of international humanitarian law and relevant resolutions.”

Whilst annexation of territory is a political disaster, it is considered by any sector inclusive of the telecom sector as an economic disaster. It's implementation as far as such sector is concerned does not only mean a daytime theft of property in defiance of UN resolutions and international laws but also as total denial of scores of decisions passed by the International Telecom Union.

The fight for all sectors is a fight for liberty and sovereignty for Palestinians; whilst the fight for human connectivity is a fight for humanity, free speech, access to services and civilization. This clearly means that annexation is not a recipe for giving up but rather a platform to press charges against Israel in relevant courts and organizations.

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Palestinian National Voluntary Review on the Implementation of the 2030 Agenda, June 2018, <https://sustainabledevelopment.un.org/content/documents/20024VNR-2018PalestineNEWYORK.pdf>

ANNEXATION: THE GHETTOIZATION OF BETHLEHEM

Rev. Dr. Mitri Raheb



In recent years we have witnessed a certain pattern repeating itself in Israeli politics. This pattern has occurred within a context of change shaped by the election of President Trump in the USA, the rise of populism worldwide, the re-election of Netanyahu, weakened Arab countries, a divided Palestinian territory with political divisions (West Bank (WB) versus Gaza), and an Israel-friendlier Gulf region. The first move was made by President Trump in December 2017 when he recognized Jerusalem as Israel's capital,¹ followed by the opening of the US Embassy in the city six months later. In July 2018, the Israel Knesset passed the so-called Nation State Bill² that defined Israel as the nation state of the Jewish people. The next move came from President Trump in March 2019, when he recognized Israeli sovereignty over the occupied Golan Heights.³

The culmination of this process is the annexation plan announced by Netanyahu to take place in July of this year (2020). In all these moves, the pattern has been to legalize what is not legal, thus transforming a de facto status to a de jure one. This is true for the Palestinians inside Israel who comprise over 20 per cent of the population and who have been de facto second-class citizens; the new Nation State Law made them second-class citizens legally. East Jerusalem, the WB, and the Golan Heights are occupied territories⁴ according to international law although they are effectively under Israeli control. The annexation plan aims to change the sta-

tus of the WB from occupied territory to annexed land under full Israeli sovereignty. With the backing of President Trump, Israel believes that this is an opportune moment to fulfill a longstanding, exclusivist, settler colonial Zionist dream of Greater Israel. Although the US and Israel are so far isolated on the world stage and the plans have not been supported by any other country, Israel believes that might is right. The political impunity enjoyed by Israel to date strengthens that belief. Israel continues to be treated as an exception.

In this article I will look at the implications of annexation on one region of the WB: the Bethlehem governorate, to see what impact annexation will have on the land and its native population. What dangers will this plan pose to the future prospect of the quadrangle of cities at the center of the governorate: Bethlehem, Beit Sahour, Beit Jala, and Doha?

Israel occupied the WB in June 1967. At that time the area of Bethlehem governorate was 658 square kilometers. Today Bethlehem governorate has a Palestinian population of about 230,000 people.⁵ To the north, Bethlehem governorate was directly connected to East Jerusalem, to the south was the Hebron governorate, to the west the Green Line, and Jordan with the Dead Sea to the east. Since ancient times, Bethlehem's location on the main road between Jerusalem and Hebron was an important asset for the development of the city

1 The White House. "Statement by President Trump on Jerusalem". Accessed June 11, 2020. <https://www.whitehouse.gov/briefings-statements/statement-president-trump-jerusalem/>

2 "Final Text of Jewish Nation-State Law, Approved by the Knesset Early on July 19 | The Times of Israel." Accessed June 11, 2020. <https://www.timesofisrael.com/final-text-of-jewish-nation-state-bill-set-to-become-law/>

3 The White House. "Proclamation on Recognizing the Golan Heights as Part of the State of Israel". Accessed June 11, 2020. <https://www.whitehouse.gov/presidential-actions/proclamation-recognizing-golan-heights-part-state-israel/>

4 B'Tselem. "The Occupied Territories and International Law". Accessed June 11, 2020. <https://www.btselem.org/international-law>

5 PCBS. "Projected Mid -Year Population for Bethlehem Governorate by Locality 2017-2021." Accessed June 11, 2020. http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/BethlehemE.html

as a commercial hub. As the birthplace of Jesus Christ, the city is a key tourist destination. Its location between the fertile terraces to the west and the wilderness with its monasteries to the east made it a meeting point for farmers, shepherds, and city dwellers. The religious mix of Christians and Muslims was another important and unique feature of the city. Annexation will change all of that and will jeopardize the character of the city and its surroundings in the following ways:

Starting in the early seventies, Israel embarked on the construction of exclusive Jewish colonies on land belonging to the Bethlehem governorate. Today there are twenty-seven colonies (settlements) with close to 150,000 Jewish settlers.⁶ If we look closely, we can see that these settlements are located in two main areas:

The so-called Gush Etzion bloc⁷ consists of 22 Jewish colonies that strangle the Bethlehem quadrangle. The first set is located north of Bethlehem, with Gilo and Jabal Abu Gneim (Har Homa) being the two largest with close to 70,000 settlers; to the west of Bethlehem there are several colonies built around the largest and fastest growing colony of Betar Illit with its 60,000 settlers; to the south are further colonies with Efrat (11,000 settlers) the largest of them; and to the south-east, colonies around the settlement of Tekoa house close to 4,000 settlers.

All these colonies are organized in a regional council for the Gush Etzion bloc. The location of these colonies was not a matter of chance but of deliberate choice. First, for their proximity to the Green Line, thereby expanding the area of the State of Israel by encroaching deep into WB territory. Second, most of these colonies are built on the western slope of the mountain range that runs from Jerusalem to Hebron with an altitude of 750+ meters above sea level, an area with enough annual rainfall to ensure very fertile ground. It is not by chance that the Bible calls this area of Bethlehem the fertile ground (Micha 5:2). These Jewish colonies surround the Bethlehem quadrangle and are spread widely to encompass the maximum amount of Palestinian land for future expansion, while choking Palestinian towns and making it impossible for them to grow. Most of these colonies are separated from the Palestinian quadrangle by a 56 kilometer, eight meter high concrete wall⁸, two-thirds of which is completed, and all built on occupied land inside the borders of

Bethlehem governorate. After the town of Qalqilya in the north-west of the WB, Bethlehem is the second city most affected by the annexation wall.

Under international law these colonies are illegal⁹ and are therefore administered by the civil administration of the Israeli army. The annexation plan will trigger three major changes to these colonies. First, they will no longer be administered by the military civil administration and will fall under Israeli law and sovereignty as recognized cities within the State of Israel, thus enabling future development. Second, once under Israel sovereignty it will be much easier to claim more Palestinian land since the Palestinian owners, living less than a mile away behind the wall, will be declared absentees, thus legalizing the mass confiscation of property by the State of Israel. This phenomenon is already a familiar one to Palestinians inside the Green Line in the aftermath of the 1948 Nakba. Third, the plan for this settlement bloc is to become part and parcel of a greater metropolitan Jerusalem that will include Ma'ale Adumim to the east and Givat Zeev to the north-east of Jerusalem, as well as the Gush Etzion bloc.

The Greater Metropolitan Jerusalem Bill¹⁰ introduced to the Knesset in 2017 aims to shift the boundaries of Jerusalem to include as many Jewish settlers as possible with as few Palestinians as possible, i.e., confiscating Palestinian geography while excluding Palestinian demography. It is a tool for demographic engineering that will bring the total population of the metropolitan area to around 1.5 million Jews. It will reduce the Palestinian population within the new boundaries to about 300,000 people, taking the percentage of Arab Palestinians from one third to one fourth. Although located within this metropolitan area, the Bethlehem quadrangle will be excluded from it and hidden behind the annexation wall.

The Palestinian towns of the Bethlehem quadrangle will be transformed into a ten square kilometer ghetto totally isolated from both Jerusalem and from its fertile land and fruit basket. The remaining two fertile areas west of Beit Jala, Cremisan and Makhroun,¹¹ are the last two fertile mountains to be annexed. The annexation of the Gush Etzion bloc will result in Bethlehem losing between 15-20 per cent of its prime, fertile land forever. Part of this area at risk of annexation is of utmost historic, religious, and archeological importance.

6 B'Tselem. "Statistics on Settlements and Settler Population." Accessed June 11, 2020. <https://www.btselem.org/settlements/statistics>

7 Gush Etzion Foundation. "Gush Etzion." Accessed June 11, 2020. <https://gush-etzion.org.il/>

8 *International Court of Justice. Conséquences Juridiques de l'édification d'un Mur Dans Le Territoire Palestinien Occupé: Avis Consultatif Du 9 Juillet 2004 = Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory: Advisory Opinion of 9 July 2004.* The Hague: International Court of Justice, 2004; United Nations Office for the Coordination of Humanitarian Affairs - occupied Palestinian territory. "West Bank Barrier." Accessed June 11, 2020. <https://www.ochaopt.org/theme/west-bank-barrier>.

9 "Israeli Settlements and International Law". Accessed June 11, 2020. <https://www.amnesty.org/en/latest/campaigns/2019/01/chapter-3-israeli-settlements-and-international-law/>.

10 Ir Amim. "Annexation Moves Intensify: Greater Jerusalem Bill Hits Ministerial Committee on Legislation on Sunday." Accessed June 11, 2020. <http://www.ir-amim.org.il/en/node/2121>.

11 Eid, Xavier Abu. "Annexation of Cremisan - Makhroun." In *The Double Lockdown: Palestine under Occupation and COVID - 19*, edited by Saeb Erakat and Mitri Raheb, 2020. <https://www.nad.ps/en/publication-resources/publications/double-lockdown-palestine-under-occupation-and-covid-19>.

Battir is a Palestinian World Heritage Site.¹² Khirbet Tekoa¹³ is the birthplace of the prophet of social justice, Amos. Not far from Tekoa is Herodion mountain,¹⁴ a major tourist attraction, built by Herod the Great around a castle in the first century B.C. to be his mausoleum. In the opposite direction we have Cremisan with its famous winery. To the north, Mar Elias monastery is a site for religious pilgrimage by native Palestinian Christians. All these areas will fall under Israeli sovereignty and access for Palestinians will be barred.

The second set of Jewish colonies in Bethlehem governorate was built along the Dead Sea shore and organized within Megilot Regional Council. It comprises seven small colonies with less than 3,000 settlers. The size of these colonies be misleading. Although small in size, they are very strategic in nature because they control 32 km of Dead Sea coastline, the longest strip on the west side of the Dead Sea. The east of Bethlehem governorate borders Jordan and Bethlehem should control this 32 km of the western Dead Sea shore and water, while Jordan controls the eastern shores. Under the annexation plan, the Trump maps show that Israel intends to annex the whole western Dead Sea shore and water resources that belong to Bethlehem. The Dead Sea is a major tourist attraction and a very important source of foreign currency income through international tourism, as well as for internal tourism. The Dead Sea is also a very rich reservoir of minerals and potash.

Until 1920, residents of Bethlehem held the rights to exploration of Dead Sea potash and minerals, the last of them being Ibrahim Hazboun,¹⁵ a Palestinian Christian. In the annexation plan, Palestine will lose the Dead Sea, a unique, priceless cultural heritage, an environmental, therapeutic and touristic treasure. The Dead Sea is not the only attraction. This area was chosen by the Essenes to retire to under Roman rule, where they founded the Qumran¹⁶ community. It is in those caves in January 1947 where Muhammad ed-Dib of the Ta'amreh clan discovered the Dead Sea Scrolls and brought them to the Syrian Orthodox antique dealer, Khalil Kando, to view.¹⁷ He bought them and later sent them to the US via a Syrian Orthodox Bishop. Under international law the Dead Sea Scrolls are a Palestinian treasure that need to be reclaimed. Along the Dead Sea there are several freshwater

springs:¹⁸ Ein-Faschcha, Ein el-Ghuwer, and Ein et-Turabe. These are popular locations for leisure, picnics, and swimming for WB Palestinians. The area intended for annexation along the Dead Sea shore makes up around 10 per cent of the Bethlehem governorate.

In addition to the two settlement blocs discussed above, a third area is located west of the Dead Sea and east of Bethlehem. It consists of a strip in the Bethlehem wilderness currently declared a military zone and used by Israel for military training. This five km strip runs from north to south across the Bethlehem governorate and makes up 40 per cent of the land of Bethlehem governorate. Although called a wilderness, it sits over a good portion of the Eastern Basin Aquifer with over 125 million cubic meters of fresh water¹⁹ and is also an important habitat for wildlife.

The wildlife and biodiversity of this area are of utmost important and will be lost if annexation takes place. This area is also important for its monastic heritage. In the fourth to sixth century A.D. this area became a magnet and center for monastic life. Within three centuries, over 150 monasteries were established in the Bethlehem wilderness. Monastic life was triggered by St. Chariton who came from Asia Minor in the early fourth century and settled in a wadi that was later given his name: "Wadi Khretoun".²⁰ His students Euthymius and Theoktisis established another monastery in Khan el-Ahmar²¹ where the parable of the good Samaritan took place. Half a century later, St. Saba established the Mar Saba monastery that became one of the most significant centers for Palestinian monasticism.

Through Mar Saba, several other monasteries were established in the Bethlehem wilderness, the most well-known among them is Kastellion in Hyrkania.²² In the 8th century St. Saba monastery became the home of John of Damascus, whose father had served as a treasurer under the caliph Abd al-Malik and who played an important role in the icon debate. Mar Saba monastery,²³ following the stance of John of Damascus on iconography, became an important safe haven for hundreds of ancient Christian icons that survived invasions and turmoil throughout the centuries. Mar Saba monastery played also a major role in the Arabization of the-

12 "Palestine: Land of Olives and Vines – Cultural Landscape of Southern Jerusalem, Battir." UNESCO World Heritage Centre. Accessed June 11, 2020. <https://whc.unesco.org/en/list/1492/>.

13 Keel, Othmar. *Orte Und Landschaften Der Bibel. Band 2: Der Suden*. Köln: Vandenhoeck and Ruprecht, 1992, 662-668.

14 Keel, 650-660.

15 Norris, Jacob. *Land of Progress: Palestine in the Age of Colonial Development, 1905-1948*. 1st edition. Oxford: University Press, 2013, 191-196.

16 Keel, 455-470.

17 Hanson, Kenneth. *Dead Sea Scrolls: The Untold Story*. 2 edition. Council Oak Books, 1997.

18 Keel, 451-454.

19 El-Fadel, M., R. Quba'a, N. El-Hougeiri, Z. Hashisho, and D. Jamali. "The Israeli Palestinian Mountain Aquifer: A Case Study in Ground Water Conflict Resolution." *Journal of Natural Resources and Life Sciences Education* 30, no. 1 (2001): 50–61. <https://doi.org/10.2134/jnlrse.2001.0050>.

20 Keel, 461.

21 Keel, 472-474.

22 Keel, 587-592.

23 Keel, 594.



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ology. It was in and around this monastery in the 8th and 9th century that the first projects of Arabization of theology and Bible translation from Syriac and Greek into Arabic took place. Through John of Damascus, Theodore abu Qurrah and others, Mar Saba monastery developed to become one of the earliest centers for Christian theological engagement with Islam.²⁴

Besides the Christian monasteries, the Bethlehem wilderness has several Muslim shrines. The best known is Nebi Musa²⁵ where, according to Muslim sources, the prophet Moses was buried. Nebi Musa gained importance at the time of Saladin as a location for a major Muslim festival and a place of Muslim pilgrimage. Much of this area belongs to Palestinian Christians in Bethlehem. If the area is annexed, Christians will lose access to their land and will ultimately lose their property as well. The annexation will separate Palestinian Christians and Muslims from their monasteries and shrines. It will cut the spiritual connectedness and fabric between people and their spiritual havens, making these places empty shrines without living worshippers and communities. Apart from its religious importance, the Bethlehem wilderness is a tourist site with enormous potential for wildlife observation, hiking, camping, sky gazing, mountain climbing, desert biking and quad biking. If the area is annexed, this potential will be lost.

It is not clear yet if Israel will implement its annexation plans on July 1st or which areas it will decide to annex. This very much depends on pressure exerted by the European Union, the Arab League, the UN, and the international community. If the pressure is evident and there is no American green

light, Israel may postpone its annexation plans. However, if it decides to pursue these plans, there are several possible scenarios. The first scenario would be to annex the Gush Etzion bloc as there is agreement on this between the coalition parties and Israel may claim these colonies as part of a land swap in a future peace agreement. If implemented, 15 per cent of the Bethlehem governorate area will be lost, the current wall built entirely on West Bank territory will become a semi-final border, and 12 Palestinian communities will be separated from the rest of the governorate. The Christians of Beit Jala will lose the land they need for any future expansion. Bethlehem will be separated from Jerusalem entirely, will be disconnected from Hebron except through a tunnel, and will be totally isolated economically.

A second scenario would be for Israel to annex the Gush Etzion bloc, the Jordan Valley, and the Bethlehem wilderness. These three areas make up 66 per cent of the Bethlehem governorate. If Israel were to annex all three areas, there will be little left of Bethlehem. Israel would steal all the prime land of the Bethlehem governorate and leave Palestinians with only one third of their territory and no resources whatsoever.

Another scenario would be for Israel to continue its incremental annexation. It might start in July with the annexation of Gush Etzion and await another opportune moment to annex the Jordan Valley and the Bethlehem wilderness. If a settler government were to be formed, Israel may go further to annex an additional 20 per cent of the Bethlehem governorate designated as a nature reserve. In the Oslo Accords, 20 per cent of the Bethlehem governorate was declared a nature reserve. This is the area between the Bethlehem wilderness

24 Griffith, Sidney H. *The Bible in Arabic: The Scriptures of the "People of the Book" in the Language of Islam*. Reprint edition. Princeton University Press, 2013, 110-118.

25 Keel, 477.



and the villages to the east of the quadrangle which is thinly populated, mainly with Bedouin tribes. According to the Trump plan, the Palestinians will have the possibility of this 20 per cent being included in a future Palestinian state, if they behave and prove worthy of it. Jewish colonizers who oppose the Trump plan want to include the nature reserve in the area they control, thus leaving Palestinians with only 15 per cent of the total territory of Bethlehem governorate, which is mainly the crowded built-up area.

Whichever scenario is pursued by Israel, the annexation is a violation of international law. It will represent the end of the two-state solution and the legalization of an apartheid system. Bethlehem governorate, indeed the whole WB, will look like a piece of Swiss cheese where Israel gets the cheese and the Palestinians are pushed into the holes. We will have two groups of people with unequal rights on the same territory of Bethlehem: Israeli colonizers will have sovereignty and supremacy while Palestinians will have to live under Israel's knee. The same territory will have two separate road systems and two different legal systems. One group of people will have access to the outside world and to resources, while the others will become aliens in their own homeland. The Bethlehem quadrangle will resemble a native American reservation without land or natural resources, and with no potential to unlock it. There will be no access to the outside world. Everything will have to be imported and exported via Israel. International solidarity groups, visiting scholars and exchange students will be unable to visit the Palestinian people and volunteers will not be able to stay in Palestine at all.

Annexation will lead to de-development, rising unemployment, social tension, and crime. This is not a natural catastrophe but a man-made catastrophe. At heart, this represents a recipe for the silent transfer of Palestinians. Shrinking space, increased oppression, and lack of opportunities will lead many Palestinians to look for their future elsewhere. The brain drain will make the remaining Palestinian population poorer and more vulnerable. The fact that 50 per cent of the Palestinian Christian community live in the Bethlehem quadrangle will accelerate Christian migration

and rob Palestine of a very important component of its colorful tapestry.

Let me end with a personal note. If Israel is allowed to pursue its annexation plans, I will no longer be able to listen to any western politician talking about human rights or international law. I'm afraid that these values we were trained to believe in are meant only for privileged white supremacists and not for Palestinians, not for people of color, not for indigenous peoples. It will be the ultimate proof that Israel is the last prevailing western settler colonial project that seeks ultimately to exterminate the native people of the occupied land. If Israel proceeds with its annexation plans, I will no longer be able to listen to Jewish theologians preaching to me about the Christian church that remained silent in the face of Jewish pogroms. I don't see many Jewish rabbis raising their voices against Palestinian oppression or annexation plans. To me, this will be the end of Jewish innocence.

Last but not least, annexation will mean the end of any possibility of peace during our lifetime. The Christian preacher Tony Campolo is known for his saying: "It's Friday, but Sunday is coming", meaning that we might live now in a difficult situation, but relief is coming. If annexation takes place, then we will be stuck in a long Saturday behind a heavy wall that strangles our cities. We will continue to live for another generation with an Israeli knee pressing our neck, stealing our breath, and holding our bodies hostage. If annexation takes place, liberation will disappear from the horizon. It will be a dark, cold and long Saturday with no light whatsoever at the end of the tunnel. Yet, the South African experience has taught us that an apartheid system has no future. The events in East Germany showed that walls will ultimately fall. The demonstrations in the aftermath of the lynching of George Floyd in the US and across the world are proof that institutional racism will be exposed and fought. Yes, we are living in the Trump era with its white supremacy, but it is also the George Floyd era where black lives matter. We are experiencing Israeli supremacy, but Palestinian lives matter. The annexation plans are thus at this intersection of might and right, of racism and equality, of oppression and liberation.

PALESTINE'S WATER DE FACTO ANNEXED SINCE 1967

Shaddad Attifi



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Prior to the establishment of the State of Israel, the Dead Sea received water from three rivers: the Hasbani from Lebanon, the Dan River originating from the north of historical Palestine, and Baniyas flowing from the Golan Heights in Syria. The three rivers met and formed the upper Jordan River, which discharged into the Hula Lake and its swamps, then continued its flow to discharge into Lake Tiberias, the largest freshwater reservoir in the region. Water continues to flow downhill and five km from the Lake, it meets the Yarmouk River that forms the natural border between Jordan and Syria. The lower Jordan River, a meandering river that is also fed by valleys on its two banks, stretches in length from 105-143 km and drains into the Dead Sea with a total flow historically estimated at 1500 million cubic meters

(MCM). This ecosystem with water, swamps, fauna, lakes, valleys, springs, rivers, and the unique Dead Sea lying at the lowest point on earth, have all existed in harmony in what is known as the Jordan River Basin, with a unique natural ecosystem.

The groundwater aquifers in historical Palestine are numerous. The major one is the Mountain Aquifer Basin in the West Bank (WB) and beyond (679 MCM), while the Coastal Aquifer Basin (420 MCM) lies along the coast and extends underneath the Gaza Strip (GS). Other aquifer basins¹ in the north are: Galil (154 MCM), Tiberias (605 MCM), Karmel (37 MCM), the Negev (37 MCM), and the Arabah (28 MCM), with a total yield of 824 MCM.

¹ http://www.water.gov.il/Hebrew/ProfessionalInfoAndData/Data-Hidrologeime/DocLib4/water_report-MEDITERRANEAN-SEA-AND-THE-JORDAN.pdf



How Israel De Facto Annexed Water Resources

On 29 November 1947, the UN General Assembly (UNGA) adopted the Partition Plan for Mandatory Palestine as per Resolution 181. The Partition Plan paved the way for the termination of the British Mandate over Palestine. A civil war erupted and escalated to war between Arab countries (Jordan, Iraq, Syria, and Egypt) and Zionist groups. Consequently, the Jews controlled not only the area proposed for the Jewish state, but also took control of almost 60 per cent of the area proposed for the Arab state. A ceasefire was reached early in 1949 and Jordan took control of the remainder of the former British Mandate territory, which it annexed, while the Egyptian military took control of the GS. Around 750,000 Palestinians fled or were expelled from their homes and became Palestinian refugees of the Nakba (catastrophe). In December 1948, UNGA Resolution 194 called for the right of refugees to return. To support Palestinian refugees, the UN established the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in December 1949. One of the key demands of both the refugees and the other populations in the region was adequate supplies of water.

Based on hydrogeological studies² carried out during the British Mandate, the newly born state of Israel made its seven year plan in 1952³ and began to implement the vision of founding father David Ben Gurion to “make the desert bloom”.⁴ The seven-year plan called for the utilization of the Jordan waters in the framework of an integrated plan to make use of all available water resources in the country. It defined the need for irrigation to enable food production for the country and hence, agricultural development was given utmost priority. While one-third of the country’s irrigable land is located in the Negev, the water resources available there are extremely small. The major objective of irrigation planning was, therefore, to convey surplus supply from the north to the south by diverting the waters of the Jordan River.

In 1953, Israel - in the absence of agreement with other riparians in the basin -began construction of a water canal to take water from Lake Tiberias to population centers and agricultural land south of the country. The construction of the

first section of the Jordan-Battauf canal began with anticipated completion by 1957, including a hydro-electric station. The diversion structure on the Jordan was to be constructed near the Banat Yakoub Bridge.

UNRWA commissioned a plan on the use of Jordan River water for irrigation in an attempt to assist Palestinian refugees in Jordan and to ensure sound management of the Jordan River basin. This was known as the Unified Water Resources Development of the Jordan Valley.

Military clashes erupted between Arabs and Israelis due to Israel’s ongoing construction to divert the river. The US President, Eisenhower, appointed Ambassador Eric Johnston to the region to work out a plan that would regulate water usage by the Arabs and Israelis. Four rounds of negotiations led to a plan named the Jordan Valley Unified Water Plan, commonly known as the Johnston Plan.⁵ It was based on the UNRWA plan and was developed between 1953 and 1955. The Plan discussed the diversion of the Jordan River, water allocation, the use of Lake Tiberias as a regional reservoir, the building of Unity Dam on the Yarmouk River, and construction of West and East Ghor Canals for irrigation in the Jordan Valley. It also allowed for diversion of the river out of the basin.

In term of water allocation, the Plan proposed for Jordan (including the WB) an allocation of 720 MCM, of which⁶ 215 MCM was the allocation for the WB, 132 MCM for Syria, 35 MCM for Lebanon, and the remaining water of around 616 MCM was allocated for Israel.⁷ The Plan was approved by technical water committees of all riparians to the basin, but was rejected by the Arab League for the political reason that it did not recognize the state that had taken over Palestinian territory.

Both Israel and Jordan undertook to abide by their allocations under the Plan. The US provided funding for Israel’s national water carrier after receiving assurances from Israel that it would continue to abide by the Plan’s allocations. Similar funding was provided for Jordan’s East Ghor Canal, today know as King Abdullah Canal, after similar assurances were obtained from Jordan.

2 In the late 1930s and mid-1940s, Jordan and the Zionist Organization commissioned studies on mutual water resource development. The Jordanian study, performed by Michael G. Ionides, concluded that the water resources naturally available were insufficient to sustain a Jewish homeland and the Jewish immigrants. The Zionist’s study by the American engineer Walter Lowdermilk concluded similarly, but noted that by diverting water from the Jordan River basin to the Negev to support agricultural and residential development there, a Jewish state with four million new immigrants would be sustainable.

3 <http://altawasul.com/MFA/ForeignPolicy/MFADocuments/Yearbook1/Pages/1%20Israel%20Seven-Year%20Plan-%20from%20Data%20and%20Plans-%20sub.aspx>

4 https://en.wikipedia.org/wiki/David_Ben-Gurion

5 Johnston drew initially on the plan commissioned by the UNRWA and developed by the company Chas. T. Main under the direction of the Tennessee Valley Authority (commonly known as the Main Plan, released in August 1953). However, various further plans were produced through the mid-1950s and Johnston used all of these to a greater or lesser degree to develop his own proposals for the allocation of water to the co-riparians within the Jordan River basin. These proposals were discussed with the Israeli government and Arab League representatives during four visits by Johnston to the region, extending from October 1953 to October 1955. The Johnston Plan which was eventually considered for adoption by the regional authorities was dated 30 September 1955.

6 https://www.researchgate.net/publication/242201446_Toward_a_Unified_Management_Regime_in_the_Jordan_Basin_The_Johnston_Plan_Revisited

7 Phillips, D. J., Attili, S., McCaffrey, S., & Murray, J. S. (2007). The Jordan River Basin: 1. Clarification of the Allocations in the Johnston Plan. *Water International*, 32(1), 16–38.



In the absence of agreement on basin management and allocation, Israel continued implementation of its seven year plan. It proceeded with drainage of the Hula Lake: an agricultural region in the north onto which the three rivers discharge their water, forming swamps and the Hula lake prior to draining away. This area is a major stopover point for migrating birds and has a finely balanced ecosystem. The draining of the lake, carried out by the Jewish National Fund (JNF), began in 1951 and was completed by 1958.⁸ Israel completed construction of the diversion and created the national water carrier by 1964.

With no consensus on the Plan, the diversion of the Jordan River was seen as a violation of international law and riparian countries' rights. The Palestinians attacked the diversion structure and the pumping station at Eilabun village tunnel (Beit Netofa). This operation was the first for which Fatah, the major Palestinian political party, claimed responsibility while announcing the party's formation in 1965.

In Jordan, the construction of the East Ghor Canal took place in phases. Construction began in 1959 and the first section was completed in 1966. The United States (via USAID) provided financing for the initial phase after obtaining explicit assurances from the Jordanian government that Jordan would not withdraw more water from the Yarmouk than the quantity allocated to it under the Johnston Plan. The original canal was part of a larger project - the Greater Yarmouk project - which envisioned two storage dams on the Yarmouk, and a future West Ghor Canal on the WB of the

Jordan. The West Ghor Canal was never built because Israel occupied the WB but the PLO has retained the concept of restoring its rightful share from Tiberias once occupation ends.

The diversion of Arab water via the Israeli national water carrier (see route of carrier in Map 1) triggered military clashes between Jordan, Syria, Lebanon, and Egypt against Israel in which the UN intervened to declare a ceasefire and establish a no man's land.

Clashes escalated and on June 4, 1967, war erupted. This was the Six Day War in which Israel occupied the WB, East Jerusalem (EJ), Gaza, the Golan Heights, Sheba Farms in Lebanon, and Sinai in Egypt. Israel completed its control over all the tributaries of Lake Tiberias, including the whole Lake and its catchment area in the Golan Heights, and occupied the lower Jordan River in the WB, as well as 37 km of the Dead Sea. The UN intervened and issued Resolution 242 calling for Israel to withdraw from occupied territories (oPt) but Israel maintained its military presence.

With Jordan River water now totally in Israeli control and diverted through the national water carrier to supply Israeli cities along the coast and make the desert bloom in the Negev, the Palestinians in the oPt face exclusion from the supply as their water pumps were destroyed and their land declared a strict military zone from 1967 to the present day. Ground-water resources in the WB and the GS were subjected to a series of military orders by Israel, the occupying power.⁹

⁸ The draining was achieved by two main engineering operations: the deepening and widening of the Jordan River downstream; and two newly-dug peripheral canals diverting the Jordan at the north of the Valley. The drying out caused the extinction of the unique endemic fauna of the lake. It became evident that the transformation of the swamp into agricultural land involved significant tradeoffs and had an effect on the ecosystem that had not been perceived in the first half of the twentieth century. Additionally, water polluted with chemical fertilizers began flowing into Lake Tiberias and lowered the quality of its water.

⁹ Military Order of 7 June 1997 states that "all the water resources that have been occupied again are the property of the state of Israel".

• Order No. 291 (1968). All pre-1967 land and water-related arrangements are declared invalid. Order No. 158 (1967): «Order Amending the Water Supervision Law»

In the occupied WB, Israel now controls all water resources and treats them as state property. Palestinians are banned from developing any resource without permission from the military officer in charge. Palestinians living in the WB and the GS are now deprived of their water and natural resources under Israel's de facto water annexation.

Another dilemma has surfaced: the shrinking of the Dead Sea. The diversion of the Jordan River through the Israeli carrier and Jordanian East Ghor Canal has reduced the amount of water discharged into the Dead Sea from approximately 1500 MCM in the past to between only 50 and 200 MCM today. Several dams built on the banks of the river in Syria and Jordan increase the demands on water, but a substantial quantity of seawater is lost through evaporation, artificial evaporation and mineral industries in Israel, and to a lesser extent in Jordan. This has led to the disappearance of the southern part of the Dead Sea.

Permanent Sovereignty of the Palestinian people over their Natural Resources

Israel controls and exploits all natural resources. Military orders deprive Palestinians of their natural resources, restrict access to land and agricultural development, and create water shortages and crises, while natural resources are used for the benefit of settlements built illegally in oPt, in violation of the Fourth Geneva Convention. Israel's policies and violations forced the UN to issue the UNGA Resolution 3175 of December 17, 1973, entitled "Permanent sovereignty over national resources in the occupied Arab territories"¹⁰ deploring Israel's failure to comply. The UN has consistently reiterated its decision on the permanent sovereignty of Arab people under occupation over their national resources.

The UNGA has repeated such declarations in subsequent years, most recently in December 2017.¹¹ Since 1967, no enforcement has taken place of UN resolutions or international

law on the exploitation of the Dead Sea salts and minerals, which have been a major factor in Dead Sea shrinkage.

In 1993, the PLO and Israel signed the Declaration of Principles (DoP) to solve the conflict based on a two-state solution. Jordan signed the Wadi Araba peace treaty with Israel in 1994. The two parties agreed on water allocation and storage of Yarmouk River access water in Lake Tiberias during winter for access during summer via the East Ghor Canal. Jordan's allocation of water from the Jordan River is very much less than the historical allocation in the Johnston Plan. Israel and the PLO reached an interim agreement covering the occupied territories and both sides agreed to postpone major issues until five years after the signature of the Oslo Accords in 1995. Water, being one of the major issues, was postponed, along with Jerusalem, refugees, settlements, and borders.

In the agreement, the WB and the GS were divided into different jurisdictions: Area A (18 per cent) under Palestinian jurisdiction, Area B (22 per cent) under mutual jurisdiction, and Area C, representing 60 per cent of the WB, under Israeli control. Area C represented the area of the settlements and around 90 per cent of the Jordan Valley. Israel recognized Palestinian water rights in the WB but postponed details to the final status negotiations.

Article 40 of the Interim Arrangements

The arrangements on water and sewage include the division of groundwater in the WB into three aquifers basins: the Eastern Aquifer situated mainly under the Jordan Valley and uphill reaching Nablus, Ramallah, Bethlehem, and Hebron, and extending to the Negev; the North Eastern Aquifer underneath part of Tubas and Jenin, and extending beyond the Green Line into Israel; and the Western Aquifer under Qalqilia, Tulkarem, and Salfit, and extending into Israel. See Map (on page 61).

ordained that all wells, springs and water projects are under the full direct command of the Israeli Military Commander. Every installation or resource built without a permit will be confiscated. Order No. 92 (1967) states that it "gives the absolute authority of controlling all issues related to water to the Water Officer who is appointed by the Israeli courts." Military Orders 498 and 558 of 1974 and 1977 transferred all powers to the IDF in Gaza.

- Order No. 58 (1967) states that "it is prohibited to construct any new water installation without a license and that the licensing officer has the right of rejecting any application for a license without having to give the justification for his rejection."
- Order No. 948 states that every citizen in the Gaza Strip is compelled to obtain the approval of the Israeli military commander before implementing any water-related project.

10 The Resolution reaffirms the right of the Arab States and peoples whose territories are under Israeli occupation to full and effective permanent sovereignty over all their resources and wealth; Also reaffirms that all measures undertaken by Israel to exploit the human, natural and all other resources and wealth of the occupied Arab territories are illegal and calls upon Israel immediately to rescind all such measures; Further reaffirms the right of the Arab States, territories and peoples subjected to Israeli aggression and occupation to the restitution of and full compensation for the exploitation, depletion and loss of, and damages to, the natural and all other resources and wealth of those States, territories and peoples.

<https://unispal.un.org/UNISPAL.NSF/0/8F9EF0C2108AB49C852568C6006704CC>

11 The Resolution reaffirmed the inalienable rights of the Palestinian people and of the population of the occupied Syrian Golan over their natural resources, including land, water, and energy resources; Demands that Israel cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources in the oPt including EJ, and in the occupied Syrian Golan; Also recognizes the right of the Palestinian people to claim restitution as a result of any exploitation, damage, loss or depletion or endangerment of their natural resources resulting from illegal measures taken by Israel, and Israeli settlers in the oPt including EJ. It determined to include in the provisional agenda of its seventy-third session the item entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including EJ, and of the Arab population in the occupied Syrian Golan over their natural resources".

<http://www.mofa.pna.ps/en-us/mediaoffice/ministernews/permanent-sovereignty-of-the-palestinian-people-in-the-occupied-palestinian-territory-including-east-jerusalem-and-of-the-arab-population-in-the-occupied-syrian-golan-over-their-natural-resources>

The allocation of water was limited to these aquifers and excluded the Jordan River, which was considered part of the border and part of the permanent status negotiations. Gaza was quasi-mentioned in Article 40 of Annex III of the Agreement concerning the Protocol of Civil Affairs.¹²

The allocations provided Israel with 85 per cent of its water yield but only 15 per cent for Palestinians. The Palestinians were allocated 54 MCM from the Eastern Aquifer (springs and wells), while Israel was allocated 40 MCM for their settlers in the Jordan Valley. Palestinians were allocated 42 MCM from the North Eastern Aquifer while Israel was allocated 103 MCM. Palestinians get 22 MCM from the richest source, the Western Aquifer, while Israel is allocated 340 MCM. Palestinians were allowed to develop an additional 78 MCM from the Eastern Aquifer and other agreed resources during the five years of the interim period but this has not happened 25 years later.

Thus, Article 40 maintains Israeli control of all water resources and related infrastructure projects via the Joint Water Committee (JWC) regardless of the jurisdiction status of the WB areas. A construction permit must be obtained from the Israel Civil Administration for any development to take place in Area C, which constitutes 60 per cent of the West Bank.¹³

The interim allocation of water resources is deeply inequitable and unreasonable. Gaza was quasi-neglected as it is located downstream. The Coastal Aquifer runs underneath Gaza where it faces problems of seawater intrusion, over-abstraction, and sewage pollution.

Through the mechanism of the JWC and the CA, Israel holds the power to veto any Palestinian project and has hindered development of the Palestinian water sector. This was acknowledged in a 2009 World Bank report¹⁴ and an Amnesty International 2009 report.¹⁵ The French General Assembly mission¹⁶ described the water situation in WB as water apartheid.

Israel has continued its settlement expansion without any respect for the interim agreement obligations and understandings, nor has it respected its obligations under the 2003 Road Map. Israel has succeeded in keeping the Jordan Valley for its colonial activities, army training, settlement construction,

agricultural activities, tourism, and natural resources development.

Access to the Jordan River and the Dead Sea is restricted, hindering any innovative water scheme for the Fashkha springs, which discharges more than 100 MCM of brackish water that is not put to use.¹⁷

Saving the Dead Sea

Located at the lowest point on earth, the Dead Sea has lost one-third of its original surface area and has reduced in size from around 1000 sq km to less than 600 sq km. It is shrinking in size by one meter every year. In 2003, the World Bank launched a project to save the Dead Sea. Palestine has engaged with Israel and Jordan on the project despite Israel's objection. It took around three years of negotiations of the project's terms of reference (ToRs) until Israel recognized the riparian right of Palestinians. Recognition was made in response to international financing of the project as donors will not engage in project that undermines international law in a transboundary river basin. It then took an additional seven years to conclude a feasibility and other studies on how to build a conduit transferring water from the Red Sea to the Dead Sea. The project proved feasible with an investment requirement of around \$10.9 billion (based on 2013 prices). The studies proved that the Dead Sea needs a flow of more than 400 MCM per year to be restored. Such a quantity of seawater would alter the nature of the Dead Sea and its chemical composition so it was recommended not to make the conduit without prior studies on water mixing.

An agreement was reached on the first phase and signed in December 2013. The envisaged cost was estimated to be \$1.2 billion. The agreement included regional water sharing¹⁸ with the construction of a desalination facility in Aqaba, from which desalinated water would be transferred to Israel in the south, and a water swap of an equivalent quantity from Lake Tiberias to be transferred to Jordan. Palestinians would purchase 20-30 MCM from Israel.

By 2020, the project has not been implemented due to political and financial disagreements between Israel and Jordan. The Palestinian status in the conduit project was marginalized and Israel and Jordan signed separately. Israel has insisted on pricing any water purchased based on the Oslo pricing

¹² <https://www.nad.ps/en/publication-resources/agreements/israeli-palestinian-interim-agreement-west-bank-and-gaza-strip>

¹³ The Oslo Accords divide the West Bank into three areas of jurisdiction: Areas A (18%) under Palestinian jurisdiction apart from water drilling; Area B (28% of WB) under mutual jurisdiction, and Area C (60%) under Israeli jurisdiction.

¹⁴ <http://documents.worldbank.org/curated/en/775491468139782240/pdf/476570SR0P11511nsReport18Apr2009111.pdf>

¹⁵ <https://www.amnestyusa.org/pdf/mde150272009en.pdf>

¹⁶ <http://www.assemblee-nationale.fr/13/rap-info/i4070.asp>

¹⁷ I was behind the project to use part of that water and channel it to Jericho for irrigation of palm trees and for domestic water supply in the Jordan Valley. The plan aimed to use around 20 MCM, which would alleviate the shortages faced during the summer. Israel not only prevents Palestinians from developing supplies but bans Palestinians from entering the area.

¹⁸ <https://www.worldbank.org/en/news/press-release/2013/12/18/clarification-water-sharing-agreement-israeli-jordanian-palestinian-representatives>



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protocol, which is contrary to the spirit of regional cooperation agreed upon.

This deviation from the signed agreement was viewed by the international community as a breach to the riparian status of Palestinians and was a factor in refraining from financing the first phase as the project turned to be bilateral rather than trilateral.

Water Still an Issue

Water remains an issue of conflict 25 years after signing the agreement with Israel despite the sharing of aquifers. Palestinian per capita consumption varies from 20 to 80 liters per capita per day (LCD)¹⁹ versus 300 LCD in Israel and 400 to 600 liters per settler per day.

Rather than Palestinians being able to develop their resources, they were forced to become clients of the Israel Water Company, Mekorot. It is unfortunate that the 1.5 million Palestinians in the WB on the eve of the Oslo agreement in 1995 were allocated 118 MCM. Today, the population in the WB is around 3 million but the water available to them

from the three aquifers has been reduced to 104 MCM instead of rising to 200 MCM by 2000 as promised.²⁰ How can a message of peace be conveyed to the public when their allocation of water prior to Oslo was much better than after the agreement? How can settlers in the Valley be allocated 32 MCM out of 40 MCM from the Eastern Aquifer when this is one-third of the total quantity allocated to three million Palestinians in the West Bank?

In September 2003 Israel built the annexation wall around the settlements. The wall did not follow the 1967 border but cut deep inside the occupied territories around settlements and adjacent areas. These settlements are built on the land richest in water sources, in particular on the Western Aquifer like Ariel settlement and Latroun area.

The wall has annexed the water aquifers underneath it and Palestinians now live with the wall's impact on water, agricultural land, access and movement, etc. In July 2004, the International Court of Justice declared the wall to be in contravention of international law.²¹

In early 2020, Israel formed a unity government after three

19 The WHO recommended daily water per capita is 150 LCD.

20 <http://www.pwa.ps/userfiles/server/%D8%A7%D8%B3%D8%AA%D8%B1%D8%A7%D8%AA%D8%AC%D9%8A%D8%A7%D8%AA/Eng/Water%20Strategy%20English%20Final.pdf>

21 Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the construction of the wall being built in the occupied Palestinian territory, including in and around East Jerusalem. It should provide reparation for all damage caused by the construction and all states are under an obligation not to recognize the illegal situation resulting from the construction of the wall, and not to render aid or assistance in maintaining the situation created by such construction; as well as all states to ensure compliance by Israel with international humanitarian law and the Fourth Geneva Convention.

national elections and announced its intention to annex 30 per cent of the occupied West Bank, including settlement outposts and the Jordan Valley.

The Palestinian leadership has announced that if Israel proceeds with annexation, this will put an end to the two-state solution, to the peace process, and to the creation of an independent sovereign Palestinian state. Annexation will end the riparian status in the Jordan River and the Dead Sea, as well as undermining access to underground aquifers, in particular the Western and Eastern Aquifer basins.

Water from De Facto to De Jure Annexation

The annexation of the Dead Sea is theft from the future of Palestinians and will undermine the viability of a state, its economic development, and water resources, and loss of the Palestinian breadbasket in the Jordan Valley.

With regard to water resources, the annexation of settlements and the Jordan Valley will have the following consequences:

1. Loss of an international border with Jordan and the Jordan River with its sites. Palestinians will lose riparian status in the Basin, the River, and the Dead Sea. They will also lose their rightful share of water, estimated at 215-250 MCM, if they agree to the Peace to Prosperity Plan²² proposed by Trump administration, and any potential for the West Ghor Canal in Jordan Valley development.
2. Palestinians will lose riparian status in the Dead Sea, and all other touristic, industrial, and economic aspects. Palestinians will lose all water estimated at 100 MCM from the Fashkha springs group.
3. Annexation of the Jordan Valley means loss of space for agricultural activities, vital space for future development, loss of irrigable land, and loss of land for transportation, including a potential airport and rail connection between the sea port in Gaza and the Jordan Valley for import and export activities.
4. Annexation will include the loss of 42 MCM of groundwater used by settlers in the Valley and Eastern Aquifer as per the Oslo interim arrangement. It will also impact Palestinian water resources like Aluja spring and others. The loss of Palestinian wells in areas like Ein Samia would be catastrophic if annexed.
5. Annexation of settlements will undermine access to the Western Aquifer and water productive zones like those beneath Ariel and Latroun.
6. Annexation will undermine any possible comprehensive planning for water supplies and demand. It will undermine the possibility of a water link between Gaza and the WB, as well as within the WB itself. With Palestinians isolated in scattered cantons, the transfer of water from north to south will be impossible.
7. Annexation will put some Palestinian water and sewage facilities (wells, springs, sewage treatment facilities, trunk lines and related pumps) under Israeli control and jurisdiction.
8. Annexation will encourage more water theft as settlements will become Israeli cities and communities eligible for expansion and natural growth. This will increase the appetite to grab more land and exploit natural resources, triggering further conflict between Palestinians and Israelis competing for land and natural resources.
9. The imposition of Israeli law will create more problems for Palestinians living in enclaves inside what will become part of Israel. To whom do they belong in terms of water supply? Who do they pay for water with different prices and different operators?
10. In annexed areas, water prices, employment and productivity will be turned to the advantage of settlers at the expense of Palestinians in enclaves or outside annexed areas who be face new polices of access and movement.
11. It is not yet clear about the status and ownership of Palestinian infrastructures in annexed areas.
12. Bedouin communities in the Jordan Valley and Area C will be also affected with many unenvisaged impacts.
13. It will certainly has an impact on Jordan as well as on regional stability.

In conclusion, none of the 80 UNSC resolutions and more than 750 UNGA resolutions on ending conflict, on settlement activities, on violations of human rights, on breaching of international law, on EJ, on the right of refugees and on permanent sovereignty over natural resources have been enforced. With an absence of accountability for breaching international law and the Fourth Geneva Convention, Israel's appetite for an endless occupation and creeping annexation will never end. Palestinians must be granted self-determination and the creation of an independent Palestinian sovereign state with EJ as its capital, with a fair and just solution for refugees, and attainment of their water rights.

Annexation will not only end the two-state solution but will create an apartheid state and crush the possibility of a viable independent Palestinian state.

²² <https://www.whitehouse.gov/wp-content/uploads/2020/01/Peace-to-Prosperity-0120.pdf>

ANNEXATION AND CULTURE

Mahmoud Muna



Culture, Identity, and Resilience

When nations are pushed into narrow corners, their identity is challenged, their past is disregarded, their food is appropriated, and their symbols are hijacked. When their land is confiscated, they will turn inwards to their inner soul, to their traditions, norms and beliefs, in other words, they will hold on and develop their culture even further.

Culture serves as a form of entertainment, perhaps a chance for people to engage artistically, or to exhibit an idea or a thought skillfully. In Palestine, culture has always been a vehicle for social and political change, and more so as a strong and steady assertion of identity. For Palestinians, culture has become synonymous with *sumud*, Arabic for resilience and steadfastness.

Therefore, to understand the annexation impact on culture in Palestine, we must look into the challenges that such an oppressive act poses to the general public, and to the culture planners and art producers. We must also study the way people have historically reacted to similar realities, and how they developed the necessary tools to challenge oppression and maintain high moral value, most notably by utilizing and maintaining their identity and culture. As the late Edward

Said noted in his seminal work, *Orientalism*: “Ideas, cultures, and histories cannot seriously be understood or studied without their force, or more precisely their configurations of power, also being studied”.¹

Palestine is a strikingly good example for studying the relationship between culture and identity. Individuals are living humans that exist by themselves and they often form their identity through introspection. Therefore, it is important not to see them as just a passive part of a community. As everyone needs to feel a sense of belonging to “home” or “nationhood”, individuals collectively develop and construct a shared culture. The fact that the Israeli occupation has fragmented the Palestinians for so long and has produced different realities of oppression, prompted people to respond in various manners to such oppression.

Everywhere and always, the Palestinians have used culture as the last or perhaps the strongest fence behind which they collectively and fearlessly defend the Palestinian identity. While the Israeli authorities have managed (to some extent) to divide the Palestinian people along geographical, political and economic lines, culture stood as the one unquestionable and indispensable denominator that brought them together, at home and in the diaspora.

¹ Orientalism 1978, E. Said, p. 89

Palestinians inside historic Palestine for example, and for the last 72 years, have rejected assimilation and submerging in the colonizing culture. They have defended and successfully maintained their language and traditions, celebrated their



writers and poets, musicians and dancers, and by doing so, have not only kept their identity and national affiliation strong, but have further developed cultural hubs that shine and voice their indigenous identity. Today, the city of Haifa is one example of a cultural focal point in which the Palestinians inside historic Palestine are showcasing the best of being an Arab Palestinian.²

In Jerusalem, the heart of the matter, where the Israeli occupation is deploying its “best” practices to maintain an Israeli-Jewish vibrant and lively presence in the city, Palestinian Jerusalemites often look to an unusual avenue for hope: Culture. Banking on the power of culture when forced to live under a culture of power, many consider the arts and cultural engagement as their last defense against forced alienation, fragmentation, and displacement.

In the last 15 years, and while the Israeli occupation has been upgrading its tactics of oppression, the number of cultural institutions has risen, old institutions have revived their work and upgraded their premises, and the total number of cultural activities in the city has substantially grown. In the small squeezed part of East Jerusalem (EJ), a total of eight cultural

institutions are working around the clock: a theatre, a museum, a music school, two art galleries, a multidisciplinary culture center, and a bookshop. Their unwritten joint contract is crystal clear: preserve and develop the Palestinian identity in occupied EJ through culture.

The main cities of the West Bank (WB) have also joined forces to foster cultural initiatives and to incubate festivals. Ranging from music to literature, from cinema to theatre, the agenda of every city in the WB is crowded with events and festivities. In fact, the Palestinians in the WB have found an admirable way to express their fond connection to the land by establishing a series of festivals to promote and celebrate specific fruit and vegetable seasons: the lettuce of Artas festival, the aubergine of Battir festival, the grapes of Hebron festival are all good examples. Furthermore, Palestinians have been organizing and celebrating beer festivals in the city of Tayybah on the outskirts of Jerusalem for years - all in an attempt to further exhibit their strong roots to the land and their love for their life on it.

Threats of Impending Annexation

Perhaps the biggest challenge for cultural planners and art managers within the first days of annexation and every day thereafter is first how to develop a national, aimful cultural strategy within a further disconnected territory where people’s movement is heavily restricted. Neither artists can move easily, nor can culture goers and audiences roam freely between cities to attend events held at different venues. The network of checkpoints that Israel has invested in throughout the last decades has resulted in severe constraints on the ability of art and culture to be fluid, mobile, and diverse. Hence we have seen a rise in city-specific events and festivals.

The knock-on effect of localized festivals and cultural activities is that it limits the potential of Palestinians to meet and exchanging opinions and experiences. One of the main beauties of culture is that it presents a civilized medium in which diverse people can meet, agree or disagree, an opportunity to express their critique or share their admiration or otherwise. In Palestine, culture has lacked such a privilege for a long time, and with planned annexation, further localization will sever this reality.

In fact, people in the education sector have a similar pain to share. Since the second Intifada and the intense city closures that the Palestinians have experienced, students started to choose local universities, close to home, with less travel and less sleeping away. While universities in Palestine have always displayed pride in having a diverse student

² Haifa represents the new blend of Arab culture. Liberal art and culture are produced with a touch of modernity, yet rooted in traditional culture, and mostly in Arabic despite Israel’s attempt to officially downgrade the language. The blossoming Palestinian scene in Haifa is reminiscent of the city during British rule, when a lively Arab cultural life flourished. Much of that ended in the Nakba of 1948.

body and staff, they suddenly became attractive mostly to local students within their district. Furthermore, the ability for a wide range of Palestinian youth to meet, exchange ideas and experiences was halted. The effect of this is even more damaging if you acknowledge the role universities play in providing a place for people to meet, fall in love, and eventually form families - how immoral the occupation is to be interfering with the gene pool of the Palestinian people, controlling and dictating their ability to meet and charm each other.

While Israeli annexation of Palestinian land has been ongoing, the recently announced annexation to be implemented soon is yet another illegal act and a continuation of a series of events under which Palestinians have been living for decades. Such is the situation in which cultural organizers and art producers have been struggling for year after year. It is a huge hurdle to produce a relevant cultural program that tackles real and relevant community issues, one that is directed towards socio-political change and one which also advances awareness of the world, develops understanding of modernity, and builds appreciation of creative art and culture.

To achieve such complicated objectives, planners and producers can use the arguably modular and flexible art forms like theater, literature, and visual art. However, forms like performing art, conceptual art, and music are perhaps more arduous. The long years of experience that current cultural leaders have in the field of their work should encourage them to tackle such obstacles with responsibility and commitment.

Working in areas with potential Israeli presence and military control also presents health and safety challenges to both artists and their audience. We have witnessed in the past numerous incidents whereby the Israeli forces had no regards for Palestinian lives, and have often acted with excessive force to end people's lives. The areas that are threatened with annexation are located within the proximity of bloc of ultra-nationalist illegal settlements. While acknowledging settler terrorism against Palestinians, there is further concern over people lives in these areas during cultural gatherings and festivals.

Although these areas will remain occupied in the eyes of Palestinians and international legal bodies, cultural work and general development projects will be subjected to political dynamics and manipulation. Therefore, it will be even harder to secure funding from local and international donors for art and cultural projects that are already not the top priority on the agenda of donors, and will further exacerbate funding deficiencies.

This added complication will introduce new restrictions as-

sociated with international donors who are the main financial supporters of cultural events. Local artists and writers have often spoken about a feeling of unworthiness and lack of appreciation of their work that has increasingly driven them to seek opportunities for talks, exhibitions, and performances abroad. Adding to this sense rather than encouraging participation in the local cultural sphere, annexation amid a conditional, conventional and donor-driven culture will contribute to the existing crisis of emigration by artists and intellectuals out of Palestine.

Annual religious events are also under threat. The annual Nabi Musa (Prophet Moses) festival on the Friday before Good Friday, and which includes a procession to the shrine, has existed since the time of Saladin. It was stopped following the Israeli occupation in 1967 and later banned. However, in 1997, the Palestinian *Awqaf* Ministry began holding the festival again. The Nabi Musa shrine stands on an area of 4,200 square meters and is located in area currently under the menace of annexation.

Ecological and environmental sites that are ideal for outdoor cultural activities are already suffering under illegal Israeli control and will be jeopardized further under the annexation plan. At the time of writing, the settlement of Betar Ilit is planning a 600-dunam industrial zone to its north in an area known as the English Forest. This area, famous for its springs and terraced agriculture, was declared a UNESCO World Heritage Site six years ago. It is adjacent to the Palestinian villages of Wadi Fukin, Battir and Husan, if the project goes ahead, it will endanger the natural springs that Palestinian farmers use for irrigation.

Artists and cultural leaders are known to excel when working in an atmosphere of freedom, loose bureaucracy and little control; these are the ingredients of creative art. It is very unlikely that such conditions will be met in the annexed area under Israeli control. In fact, it is very likely that the Israeli authorities will demand advance applications for permission to hold events or to use public space. Palestinian artists will refuse to apply for such permission from the occupier; hence, the closing of events will be a regular practice (as often happens in EJ). Confrontation and friction with Palestinians is a likely scenario.

We must not forget that Israel, on the other hand, may try to whitewash its crime of annexation by trying to promote cultural initiatives within the areas annexed under its own umbrella. By providing generous financial stimulus and a political agenda of toxic normalization, Israel can appear as if it supports the local cultural scene, perhaps in an attempt to assimilate, integrate or submerge the annexed areas with its surrounding settlements.

Similar attempts have been made in Jerusalem in areas

across the Green Line. Abu Tor is a good example where good neighborhood projects provided Israel with a fig leaf – although only until their true nature was exposed. In fact, Israel has facilitated the funding of organizations like “Roots-Shorashim-Judur”, which claims that: “Despite living so close to each other, Israelis and Palestinians in the West Bank exist in almost complete separation, and both sides have little knowledge of each other’s lives or humanity. Through our projects and workshops we create trust and partnership — the societal foundations upon which future political agreements can be built”. The utter audacity of promoting cultural exchange between Israeli settlers and indigenous Palestinians is beyond belief.

Such projects will certainly not gain traction in the colonized Palestinian areas. They will, however, further isolate those who take part in such normalization activities, and will distance them from their community in which they could find productive political work that exposes Israeli policies rather than whitewashes it.

Conclusion

Since day one of the occupation, the Israeli government has been involved in what could be described as “culturecide”, erasing not only the existence of people but also their memories, their history, and their past, in urban cities, in remote villages, or even in Bedouin clusters which have not been spared harassment. The challenges posed by the infamous annexation are mountainous and sequential. Indeed, art and culture in Palestine will suffer as the annexation plans progress. However, it will always evolve into the mechanism required to act as an impenetrable barrier behind which the Palestinian identity will foster itself.

People who are concerned with cultural work within these areas should step up to the plate and show the utmost level of commitment and courage. The positive side of the story is that past experiences have taught us a good lesson: culture and identity are inerascable, especially when they are safeguarded by a strong will and a national spirit of perseverance.

Nabi Musa Shrine ©Wafa



ANNEXATION AND HUMAN RIGHTS

Susan Power



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Introduction

As 1 July 2020 approaches, the Palestinian people are brought to the precipice of Israel's policies and plans for colonization.¹ After 72 years of Nakba and 53 years of military occupation, Israel will implement a phased annexation of much of the West Bank (WB), leaving only a small fringe area under the control of the Palestinian Authority. In doing so, Israel, the occupying power, will apply its sovereignty over Palestinian lands and settlements, in the final implementation of a policy initially conceived as former Israeli Minister Yigal Allon's 1967 territorial acquisition 'Allon plan', and now entrenched nearly wholesale in the United States President Trump's so-called 'Peace to Prosperity' Plan, 2020.² This includes the area of the Jordan Valley extending from the 1949 armistice line in the north, to the Dead Sea in the south, and stretching for almost 1,200 square kilometers along the west bank of the Jordan River, an area considered the main agricultural supply and breadbasket of the State of Palestine.³

As such, the Plan represents a flagrant violation of the most basic principles of international law, including the prohibition on acquisition of territory through use of force, and the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations in 1945, the

violation of which breaches peremptory norms of international law.⁴ While much has been written about the plans to annex, this paper will examine the annexation under the lens of the accompanying violations of international human rights law and, in particular, the right of the Palestinian people to self-determination.

1. Continuation of Occupation Law

To begin, it must be emphasized that although Israel is expressing an intention to annex, and has already *de facto* annexed much of Area C of the occupied WB, this has no bearing on the belligerent occupation of the territory that continues in force on the *de facto* basis of actual or potential effective military control and the substitution of governing authority.⁵ In particular, Article 47 of the Fourth Geneva Convention expressly protects the occupied population against any institutional changes brought about by the occupying power, including annexation, and the laws governing occupation continue to apply as the legal framework. Accordingly, on 8 June 2020, the Prosecutor of the International Criminal Court (ICC) "noted with concern, Israel's declared intention to imminently annex parts of the Occupied Palestinian Territory," recalling the invalidity of the annexation

1 Josef Federman, "Israeli Prime Minister Netanyahu Vows to Push Ahead With Annexing West Bank" Time (25 May 2020), available at: <https://time.com/5842297/israel-annex-west-bank/>

2 Passia, "The Allon Plan, June 1967", available at: <http://www.passia.org/maps/view/21>; White House, "Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and the Israeli People" (2020), available at: <https://www.whitehouse.gov/wp-content/uploads/2020/01/Peace-to-Prosperity-0120.pdf>

3 Al-Haq, "Settling Area C: The Jordan Valley Exposed" (2018) 15, available at: http://www.alhaq.org/cached_uploads/download/alhaq_files/publications/SettlingAreaCTheJordanValleyExposed.pdf; PLO Negotiations Affairs Department, "Israeli Annexation Policies in the Jordan Valley, Destroying the Future State of Palestine" (September 2013), available at: https://www.nad.ps/sites/default/files/jordanvalley_factsheet.pdf

4 Article 2(4) Charter of the United Nations, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations"; Article 1(2) Charter of the United Nations, "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace".

5 Article 42, Hague Regulations (1907), "Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised."

and the continuation of occupation law.⁶ In this respect, the Hague Regulations, the Fourth Geneva Convention, the customary provisions of the First Additional Protocol of 1977, and international human rights law, continue to regulate Israel's administration of the occupied Palestinian territory – as is the case in annexed East Jerusalem (EJ) and the annexed occupied Syrian Golan⁷ – regardless of Israel's unlawful application of its domestic law to the occupied territory.

The continuation of the laws of occupation despite annexation of occupied territory is reflected in numerous United Nations (UN) General Assembly and Security Council resolutions, in particular on Jerusalem and the occupied Syrian Golan, including Security Council Resolution 242 (1967), which underlines the basic international law tenet prohibiting the acquisition of territory through use of force and calling on Israel to withdraw from the territories occupied since 1967.⁸ Additionally, annexationist changes to Israel's 'Basic Law' providing for the absorption of occupied Jerusalem into Israel have been denounced emphatically in UN Security Council Resolution 478 (1980), which affirmed that "the enactment of the 'Basic Law' by Israel constitutes a violation of international law and does not affect the continued application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949". Critically, these Security Council resolutions are internationally binding on all states.

Meanwhile, following Israel's annexation of the occupied Syrian Golan, the UN General Assembly warned Israel that "to impose its laws, jurisdiction and administration on the occupied Syrian Golan... constitutes an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX)".⁹ Additionally, it must be noted that the Rome Statute of the ICC criminalizes as an act of aggression the annexation and acquisition of territory through the use of force, and incurs individual criminal liability for those in political or military control implicated in planning, preparation, initiation or execution of the act. However, Article 8bis of the Rome Statute applies only to states parties who have ratified that amendment, which, to date, Israel has failed to do.¹⁰ Notwithstanding, other provisions of international criminal law may be prosecuted including, *inter alia*, the war crimes of forcible

transfer, appropriation and destruction of property, wilful killing, and grave breaches of the Geneva Conventions, as well as the crimes against humanity of population transfer, persecution, and apartheid.¹¹

2. Complementary Human Rights Framework

That human rights treaties continue to bind the belligerent occupant extraterritorially to areas under its jurisdiction or effective control, is well established.¹² Undoubtedly the most egregious denial of human rights entailed by further annexation of the occupied Palestinian territory is the denial of the right of the Palestinian people to self-determination, including permanent sovereignty over natural wealth and resources. Article 2 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by General Assembly Resolution 1514 (XV) of 14 December 1960, guarantees that: "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development". Further, common Article 1 to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) enshrines the collective right of all peoples to "freely determine their political status and freely pursue their economic, social and cultural development", including the free disposal of natural wealth and resources, and the protection of their means of subsistence as a people.

Similarly, the obligations of the State of Palestine towards the Palestinian people, including in the Jordan Valley, will continue in line with the core international human rights treaties to which the State of Palestine has acceded without reservations. For example, in its initial review of the State of Palestine, the UN Committee on the Elimination of Discrimination Against Women has advanced that the Convention "is applicable in the entire territory of the State party and that the State party should implement it in all parts of its territory".¹³ Similarly, the Committee on the Elimination of Racial Discrimination "notes that the Israeli occupation of the territory of the State party, the expansion of settlements and the continued blockade of the Gaza Strip, which are considered unlawful under international law, pose severe

6 Prosecution response to "The State of Palestine's response to the Pre-Trial Chamber's Order requesting additional information", ICC-01/18, 8 June 2020, para. 6.

7 On 25 March 2019, President Trump signed a proclamation recognizing the occupied Syrian Golan as part of Israel, contrary to international law.

8 UNSC/RES/242 (1967), para. 1(1).

9 General Assembly Resolution 37/123A of 16 December 1982

10 Article 8 bis 2(a), Statute of the International Criminal Court. "The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof".

11 Al-Haq, "Palestinian Human Rights Organisations Submit Evidence to the ICC Prosecutor on Crimes Committed in West Bank" (20 September 2017), available at: <http://www.alhaq.org/advocacy/6318.html>; Office of the Prosecutor, "Report on Preliminary Examination Activities (2018) – Palestine" (5 December 2018), available at: <https://www.icc-cpi.int/Pages/item.aspx?name=2018-otp-rep-PE-Palestine>

12 CERD/C/ISR/CO/17-19, Committee on the Elimination of Racial Discrimination, Concluding observations on the combined seventeenth to nineteenth reports of Israel (12 December 2019) para. 7, available at: http://www.alhaq.org/cached_uploads/download/2019/12/21/cerd-cos-1576920588.pdf

13 CEDAW/C/PSE/CO/1, Concluding observations on the initial report of the State of Palestine (25 July 2018), para. 9, available at: <https://www.un.org/unispal/wp-content/uploads/2018/09/CEDAW.C.PSE.CO.1.pdf>



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challenges for the State party [Palestine] in fully implementing its obligations under the Convention. However, it reminds the State party that the Convention is applicable in its entire territory and that the State party should take all possible measures to implement it in all parts of the territory”.¹⁴

Israel, by effectively ending administrative acts carried out under military order, and instead extending its domestic law to the newly annexed areas by legislating in the Israeli Parliament (the Knesset) for the occupied territory, will act in violation of treaty and customary international law by failing to apply the requisite legal framework to the occupation.¹⁵ Noting, of course, in this respect, that states cannot rely on provisions of their domestic law to evade their international law obligations, Israel will simply be operating in breach of international law.¹⁶

3. Human Rights Impacts

Notwithstanding, the accelerated human rights abuses that we have witnessed, especially in the past year in Area C of the WB, and in the rest of the occupied Palestinian territory, will continue, but implemented instead under the discriminatory application of Israeli law, as we already see happening in annexed Jerusalem. The remaining fringe area, outside the freshly annexed territory, is an integral part of Israel’s plan to deeply entrench the already existing apartheid regime in

Palestine. Continued demographic manipulation and forced transfers of the Palestinian population, from the annexed areas into the remaining Palestinian fringe, will continue as Israel progresses its “structural and institutionalised racial discrimination against the Palestinian people on both sides of the Green Line” and condenses the Palestinian population further into segregated and geographically fragmented ghettos. In this vein, UN Special Rapporteur Michael Lynk has 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”.¹⁷

3.1 Land Appropriations, House Demolitions, and Population Transfer

Throughout 2019, there was a sharp incline in house demolitions and forcible transfer in Area C as Israel prepared the scene for full annexation of the territory in violation of international law.¹⁸ Al-Haq documented the demolition of 362 public and private structures across the occupied Palestinian territory, including 97 in Area C of the WB, as the Israel implemented its policies and plans of forcible transfer and erasure of the Palestinian presence, a continuous policy since the Nakba. Of the structures demolished, 130 houses were located in close proximity to illegal Israeli settlements, the

14 CERD/C/PSE/CO/1-2, Committee on the Elimination of Racial Discrimination concluding observations on the combined initial and second periodic reports of the State of Palestine, (20 December 2019) para. 3, available at: https://www.un.org/unispal/wp-content/uploads/2019/09/CERD.C.PSC_CO_1-2.pdf

15 Article 43, Hague Regulations (1907).

16 Article 27, *Vienna Convention on the Law of Treaties*, 23 May 1969, United Nations, Treaty Series, vol. 1155, p. 331, available at: <https://www.refworld.org/docid/3ae6b3a10.html> [accessed 13 June 2020] “A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. This rule is without prejudice to article 46”.

17 United Nations Human Rights Office of the High Commissioner, “Israeli annexation plans would lead to “cascade of bad human rights consequences”, says UN expert” (1 May 2020), available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25857&LangID=E>

18 Al-Haq, “Al-Haq Field Report on Human Rights Violations in 2019” (4 February 2020), available at: <http://www.alhaq.org/monitoring-documentation/16346.html>

annexation wall, planned settlement areas, or land under the threat of confiscation. This resulted in the displacement of 669 Palestinians, including 271 children. In addition, a total of 169 other private structures were demolished. Of these, 128 structures were located in Area C and 41 within the Israeli municipal borders of Jerusalem. Further, in 2019, Al-Haq documented the demolition of nine water wells in Area C.

At the end of February 2020, the novel coronavirus disease (COVID-19) broke out in Bethlehem, and on 5 March 2020, the Palestinian Authority declared a state of emergency, resulting in curfews and restrictions on movement between Palestinian governorates.¹⁹ Nevertheless, Al-Haq continued to document human rights violations across the occupied Palestinian territory, highlighting that even during the crux of pandemic, Israel continued its human rights violations in Area C, demolishing 14 houses between March and May 2020, and leaving 54 Palestinians displaced.

These on-going house demolitions and resulting population transfers stem from Israel's discriminatory planning and zoning of the land in the Jordan Valley as state land, survey land, closed military zones, archaeological and nature reserves – zoning which is carried out under Military Order 418 (1971), an order which itself unlawfully altered the Jordanian Planning Law.²⁰ Construction is prohibited for Palestinians in these areas and the Israeli occupying forces carry out administrative house demolitions therein under the pretext of administrative violations of the planning law and zoning law, in the absence of military necessity.²¹ Overall, house demolitions and forced evictions violate the full spectrum of Palestinians' rights under international human rights law, ranging from the violation of the right to adequate housing, to unlawful interference with one's home, and the denial of family life, among other fundamental rights and freedoms.²²

After the annexation, the means of carrying out the demolitions will change, but the method, we can expect, will stay the same. Where so-called abandoned land has been confiscated under Military Order 58 in areas Israel regards as

occupied territory, the same style appropriations have been carried out in annexed Jerusalem, including in occupied EJ, under the pretext of the 1967 Absentee Property Law, with house demolitions authorized for being in violation of Israel's National Planning and Building Law 5725/1965.²³ In 2019, Al-Haq documented 64 house demolitions authorized by Israel's Jerusalem municipality in EJ. The net result is the same – dispossession and forced removal of the Palestinian people from lands and property placed under Israel's direct administrative control.²⁴ In the Jordan Valley, Israel applies coercive conditions on Palestinian Bedouin communities, denying them connection to water and electricity infrastructure to force their transfer from areas such as Al-Hadidiya, east of Tubas city. Palestinian women in Al-Hadidiya described to Al-Haq, “how the threat of demolitions and their implications cause them severe mental and emotional distress and impact every aspect of their daily lives”.²⁵ Similarly, Palestinian Bedouin communities in Al-Naqab, within the Green Line, have suffered decades of coercive environments driving population transfer, and are prevented from developing their communities under Israel's Southern District Planning and Building Committee plans for “Temporary Residential and Public Building Solutions for the Bedouin Population in the Negev”.²⁶ This underscores the primacy of Israel's discriminatory policies to erase Palestinians from their ancestral lands on both sides of the Green Line, including the occupied Palestinian territory and territories held under illegal Israeli annexation.

In addition, we can expect the rerouting of the annexation wall around the trajectory of the “newly” annexed areas, leading to further dispossession, displacement, and human rights violations of the indigenous Palestinian people. In EJ, for example, the wall, in construction since 2002, “runs in and around occupied East Jerusalem in a way that isolates and removes densely-populated Palestinian neighbourhoods from the city”.²⁷ In 2004, the International Court of Justice (ICJ) in its Advisory Opinion warned that construction of the wall and its associated regime “would be tantamount to de facto annexation” as the barrier could create a potential-

19 Al-Haq, “Israel's Gross Violations of Human Rights in the Face of COVID-19 (Reporting Period 8 - 29 March 2020)” (2 April 2020), available at: http://www.alhaq.org/cached_uploads/download/2020/04/03/sp-covid-sf-draft-sq31march-1585895886.pdf

20 See, Diakonia, “Planning to Fail: The planning regime in Area C of the West Bank: An International Law Perspective Diakonia International Humanitarian Law Resource Centre Legal Report” (September 2013) p. 11 <https://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/planning-to-fail.pdf>

21 UN Habitat, “Forced Evictions Fact Sheet No. 25/Rev.1” (2014) p. 5, available at: https://www.ohchr.org/Documents/Publications/FS25_Rev.1.pdf

22 Article 11(1), ICESCR; Article 17, ICCPR.

23 Al-Haq, “Settling Area C: The Jordan Valley Exposed” (2018) 21, available at: http://www.alhaq.org/cached_uploads/download/alhaq_files/publications/SettlingAreaCTheJordanValleyExposed.pdf

24 See also, Planning and Building Law Amendment No. 109. ACRI et al., “Kaminitz Law (Draft Planning and Construction Law) (Amendment 109) 5776-2016,” Position Paper, 29 January 2017, available at: <https://law.acri.org.il/en/wp-content/uploads/2017/02/2017.2.5-keminitz-lawposition-paper-eng.pdf>. See, in particular, p. 6: “the Draft Law aggravates the existing situation, because it intensifies the means of enforcement and provides for heavier penalties without leaving room for discretion regarding the circumstances of the case.”

25 Al-Haq, “Unpacking Gender in Coercive Environments: The Case of the Jordan Valley” (31 January 2018) 9, available at: <http://www.alhaq.org/publications/8056.html#:~:text=Since%201967%2C%20Israel%20has%20systematically,Palestinian%20communities%20from%20the%20region.>

26 Adalah, “The Illegality of Israel's Plan to Transfer Palestinian Bedouin Citizens of the State into ‘Refugee Displacement Camps’ in the Naqab (Negev)” (10 December 2019), available at: <https://www.adalah.org/en/content/view/9888>

27 See, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion) [2004] ICJ Reports 136; Al-Haq, “Annexing A City: Israel's Illegal Measures to Annex Jerusalem Since 1948 (2020)” 32, available at: http://www.alhaq.org/cached_uploads/download/2020/05/11/annexing-a-city-web-version-1589183490.pdf

ly permanent *fait accompli* on the ground.²⁸ Moreover, the Court concluded that the construction of the wall breached a number of core human rights norms, including severely impeding the right of the Palestinian people to self-determination under the ICESCR, the ICCPR, and the Convention on the Rights of the Child (CRC), applicable in the occupied Palestinian territory.

In the first week of June 2020, Al-Haq documented escalating restrictions on movement across the WB, with Israeli military roadblocks at the entrance to the village of Wadi Fukin, west of Bethlehem; a new checkpoint at the Al-Nashash area, south of Bethlehem; a mobile barrier erected by Israeli occupying forces at the eastern entrance to the city of Qalqiliya; arrests at the Huwara military checkpoint; and the closure by Israeli occupying forces of the Tayasir checkpoint, which separates the city of Tubas from the northern Jordan Valley, and of Al-Hamra checkpoint in the central Jordan Valley – all indicative of a tightening of movement and access restrictions in contemplation of impending annexation, in violation of Article 12(1) of the ICCPR which enshrines the right to freedom of movement.²⁹ Further fragmentation of the Palestinian people and of the occupied Palestinian territory will also detrimentally impact access to essential services, in particular healthcare, in violation of Article 12(1) of the ICESCR on the right to the enjoyment of the highest attainable standard of physical and mental health.

On the 50-year anniversary of the Naksa in 2017, the Likud Central Committee called for the annexation of the WB stating: “On the 50th anniversary of the liberation of the regions of Judea and Samaria [the occupied WB], including Jerusalem our eternal capital, the Likud Central Committee calls on the Likud’s elected officials to act to allow free construction and to apply the laws of Israel and its sovereignty to all liberated areas of Jewish settlement in Judea and Samaria”.³⁰ Following this, on 18 July 2018, Israel introduced its discriminatory Jewish Nation State Law which singularly

identifies the “fulfilment of the right of self-determination in the State of Israel is unique to the Jewish people” and regards illegal settlement expansion as a matter of national value.³¹

Since then, Israel has continued to ruthlessly suppress Palestinian calls for self-determination, such as the Great Return March demonstrations in the occupied Gaza Strip, while escalating its use of excessive and lethal force against Palestinians in violation of international human rights law.³² In 2018, Al-Haq recorded the killing of 303 Palestinian civilians throughout the occupied Palestinian territory, in addition to a further 137 killed in 2019. In corollary to these, Al-Haq has documented a number of recent killings by the Israeli occupying forces. On 29 May 2020, Israeli occupying forces shot and killed Fadi Qaad, 35, as he drove his vehicle near the village of Nabi Saleh, northwest of Ramallah. Fadi was then left bleeding at the scene while the Israeli occupying forces prevented Palestinian medical teams from reaching him. Meanwhile on 30 May, the Israeli occupying forces shot and killed a Palestinian person with a disability, Iyad Al-Hallaq, 32, in the Old City of Jerusalem.³³ The previous day, on 29 May, Al-Haq documented an incident whereby Israeli soldiers stormed the village of Nabi Saleh, firing live bullets and gas canisters, and wounding a young man with Down syndrome with a live bullet in the foot.³⁴

3.2 Citizenship and Residency Rights

One critical issue hinges on the question of nationality and status following the illegal annexation of the Jordan Valley. The Trump Plan, should its unilateral apartheid vision be entrenched, provides that Israeli settlers illegally residing inside contiguous Palestinian territory will retain their Israeli citizenship.³⁵ A convoluted catalogue of status options is described for Palestinians residents of occupied EJ: to “become citizens of the State of Israel, become citizens of the State of Palestine [or] retain their status as permanent residents in Israel”.³⁶ It must be noted that since 1967, Israel has revoked

28 International Court of Justice, Advisory Opinion., “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory” (9 July 2004) para 121.

29 Article 12, ICCPR (1966),

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

30 Chaim Levinson, “Netanyahu’s Party Votes to Annex West Bank, Increase Settlements” Haaretz (31 December 2017), available at: <https://www.haaretz.com/israel-news/premium-netanyahu-s-party-votes-to-annex-west-bank-increase-settlements-1.5630099>

31 Al-Haq, “Factsheet: Israel’s “Jewish Nation-State Law” and the Occupied Palestinian Territory” (2018), available at: <http://www.alhaq.org/advocacy/6115.html>

32 Al-Haq, “Q&A The Great Return March One Year On” (25 May 2019), available at: <http://www.alhaq.org/advocacy/6044.html>; Al-Haq, “Al-Haq Sends Urgent Appeal to UN Special Procedures on the Extrajudicial Execution and Wilful Killing of Palestinian Person with Disability Iyad Al-Hallaq” (9 June 2020), available at: <http://www.alhaq.org/advocacy/16963.html>

33 Al-Haq, “Al-Haq Sends Urgent Appeal to UN Special Procedures on the Extrajudicial Execution and Wilful Killing of Palestinian Person with Disability Iyad Al-Hallaq” (9 June 2020), available at: <http://www.alhaq.org/advocacy/16963.html>

34 On file with Al-Haq Monitoring and Documentation Department.

35 Al-Haq, “Palestine: United States Plan to Entrench Israel’s Apartheid Regime Must be Rejected” (5 February 2020), available at: <http://www.alhaq.org/advocacy/16429.html>; Al-Haq, “Urgent Appeal: Israel Must Suspend and Repeal Recent Legislation Allowing for the Revocation of Permanent Residency Status from Palestinians in Jerusalem for ‘Breach of Allegiance’” (7 March 2018), available at: <http://www.alhaq.org/advocacy/6262.html>; See also, “Documents from Diplomatic Briefing ‘Emboldening Full Annexation: Three Months Since the Trump Declaration on Jerusalem’ (March 2018), available at: <http://www.alhaq.org/advocacy/6255.html>

36 White House, “Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and the Israeli People” (2020) 17, available at: <https://www.whitehouse.gov/wp-content/>

the residencies of more than 14,500 Palestinian ‘permanent residents’ of EJ based on ever-expanding criteria under Israeli law, forcing their transfer from the city.³⁷ Critically, the right to acquire a nationality at birth is a cornerstone of international human rights protection.³⁸ However, in occupied and annexed EJ, Palestinian residents of Jerusalem are stateless. The deliberate denial of child registrations to prevent Palestinian family unification is based on Israel’s racist Nationality and Entry into Israel Law (Temporary Order) 2003 and results in the denial of identity numbers to children born into “mixed” families of WB and EJ parents.³⁹ Accordingly, Palestinian families are fragmented, furthering their transfer out of Jerusalem to live together.

4. State Responsibility Arising from Illegal Annexation

Critically, the denial of the right to self-determination must herald a collective response by the international community to cooperate and ensure the full realization of the inalienable rights of the Palestinian people, including to return to their homes, lands, and property from which they were displaced and dispossessed.⁴⁰ Annexation, as a violation of *jus ad bellum*, constitutes an internationally wrongful act from which no rights can be derived. Imperatively, annexation which threatens the maintenance of international peace and security requires collective action to bring the illegal situation to an end. Where there is inaction as a result of the veto block in the UN Security Council, it is recommended that states collectively impose economic trade restrictions and sanctions on Israel, either internationally through, for example, the UN General Assembly’s Uniting for Peace Resolution 377 procedure, or through regional blocs, or on an individual basis.⁴¹ In this vein, the 2018 UN Commission of Inquiry recommended “that States Members of the United Nations consider imposing individual sanctions, such as a travel ban

[uploads/2020/01/Peace-to-Prosperty-0120.pdf](https://www.refworld.org/docid/47a7079f0.html)

37 Refer to infographic available at: <http://www.alhaq.org/publications/papers/VP-ResidencyRevocation-FINAL-20170612.pdf>.

38 Article 24(3), ICCPR (1966).

39 See, A/HRC/27/NGO/44, General Assembly, “Written statement submitted by the BADIL Resource center for Palestinian Residency and Refugee rights, a non- governmental organization in special consultative status” (27 August 2014), available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/17D5AD-BE503A562985257D4F00578495>

40 UN Committee on Economic, Social and Cultural Al-Haq Field Report on Human Rights Violations in November 2019 Rights (CESCR), *General Comment No. 2: International technical assistance measures (Art. 22 of the Covenant)*, 2 February 1990, E/1990/23, available at: <https://www.refworld.org/docid/47a7079f0.html> [accessed 12 June 2020] Para. 6; UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 3: The Nature of States Parties’ Obligations (Art. 2, Para. 1, of the Covenant)*, 14 December 1990, E/1991/23, available at: <https://www.refworld.org/docid/4538838e10.html> [accessed 12 June 2020], para. 22. Mindful of their responsibilities under Article 22 of the ICESCR, international agencies must ensure that their activities in the occupied Palestinian territory, “should scrupulously avoid involvement in projects which... promote or reinforce discrimination against individuals or groups contrary to the provisions of the Covenant, or involve large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation”.

41 See for example, Resolution ES-9/1 (8 February 1982).



or an assets freeze, on those identified as responsible by the commission".⁴² This has been further supported by the UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967, Michael Lynk, who called on the international community to "review its extensive menu of sanctions and countermeasures" in light of the impending annexation.⁴³ Thus, European Union collective action should mirror its response to Russia's annexation of Crimea, enforcing on Israel diplomatic measures, individual restrictive measures (asset freeze and travel restrictions), restrictions on economic relations, economic sanctions, and restrictions on economic cooperation such as freezing the Horizon Europe 2021-2027 program, and suspending the EU-Israel Association Agreement.⁴⁴

Although Israel is primarily responsible for the internationally wrongful act of annexation, it must be emphasised that there are important responsibilities on third states when addressing a situation resulting from a serious breach of international law, in particular to "not render aid or assistance to the responsible state in maintaining the situation so created", and to cooperate to bring the illegal situation to an end.⁴⁵ One clear step in assuring non-recognition of Israel's sovereignty over the occupied Palestinian territory, is for third states to formally recognise the State of Palestine and categorically reject the Trump administration's so-called 'Peace to Prosperity' Plan. These duties are already underscored in Security Council resolutions such as Resolution 2334 (2016), which calls "upon all States...to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967".⁴⁶ This can take the form of implementing legislation domestically, such as the Irish Control of Economic Activities in Occupied Territories Bill 2018 to prohibit the import of illegal settlement goods and services.⁴⁷ At this juncture, it is also critical that states support the continuation of the UN database on businesses active in illegal settlements. This database provides a tool to

end corporate complicity in Israel's settler-colonial endeavour and to ensure that corporations are carrying out their enhanced due diligence in conflict-affected areas, including situations of belligerent occupation.⁴⁸ It further acts as a soft law mechanism to assist third states in identifying human rights violating corporations, which is integral for internal public procurement assessments.

Critically, third states must respect the independence and impartiality of the ICC as it examines the Situation in the State of Palestine, and commit to protect the Court from any attacks, including recent attacks by the United States.⁴⁹ In addition, third states have an obligation as High Contracting Parties to the Fourth Geneva Convention to prosecute or extradite nationals or persons on their territory who have committed international crimes in the occupied Palestinian territory, including corporate agents complicit in pillaging Palestine's natural resources.⁵⁰ Finally, states should support an advisory opinion from the ICJ on the question of state responsibility in light of the permanent and therefore illegal nature of Israel's prolonged occupation of the Palestinian territory, should such an opinion be requested.

Conclusion

While states have lined up to condemn Israel's planned annexation of large parts of the occupied WB, the time for expressing international outrage is long over.⁵¹ Israel's annexationist measures reveal its truest intention to unlawfully acquire the occupied Palestinian territory in violation of the most sacrosanct principles of international law on which the international legal order is premised. Only concrete international trade and economic restrictions and sanctions will prevent and reverse the illegality, ensure reciprocity, and respect sovereign equality and the international rule of law. States must convene immediately and adopt effective measures to bring the illegal situation to an end.⁵²

42 A/HRC/40/CRP.2, Report of the detailed findings of the independent international Commission of Inquiry on the protests in the Occupied Palestinian Territory *18 March 2019) para. 802, p. 227

43 UN Human Rights Office of the High Commissioner, "UN expert 'deeply troubled' by Israel's new settlement building" (2 March 2020), available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25643&LangID=E>

44 European Council of the European Union, "EU restrictive measures in response to the crisis in Ukraine", available at: <https://www.consilium.europa.eu/en/policies/sanctions/ukraine-crisis/>

45 Obligations on third states stem from general international law, enshrined in the Draft Principles on State Responsibility and the obligation on states parties to respect and ensure respect for the Geneva Conventions, as articulated by the ICJ in the Wall Advisory Opinion; Article 1, Fourth Geneva Convention (1949); Article 41, International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, November 2001, Supplement No. 10 (A/56/10), chp.IV.E.1; *Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, International Court of Justice (ICJ), 9 July 2004, para. 158.

46 UNSC/RES/2334 (2016) para. 5.

47 Al-Haq, "Two Voting Stages Left: An Explainer on the Passage of the Occupied Territories Bill through the Lower House of the Irish Parliament" (5 February 2019), available at: <http://www.alhaq.org/advocacy/6109.html>

48 Al-Haq, "Over 75 Organisations Commend UN High Commissioner for Human Rights, Michelle Bachelet, on the Release of the Database of Businesses Involved in Illegal Israeli Settlements" (25 March 2020), available at: <http://www.alhaq.org/advocacy/16637.html>

49 Al-Haq, "Al-Haq Condemns United States' Executive Order Targeting Members of the International Criminal Court's Staff" (13 June 2020), available at: <http://www.alhaq.org/advocacy/16979.html>

50 Al-Haq and Somo, "Violations Set in Stone: Heidelberg Cement in the Occupied Palestinian Territory" (4 February 2020) 58, available at: <http://www.alhaq.org/publications/16408.html>; Article 147, Fourth Geneva Convention (1949).

51 "Al-Haq Welcomes EU, Irish and French Positions and Urges Third States to Take Decisive Action to Prevent Further Israeli Annexation" (26 April 2020), available at: <http://www.alhaq.org/advocacy/16784.html>.

52 Al-Haq, Cairo Institute for Human Rights Studies, "Palestine: Israel's Illegal Annexation of Occupied Palestinian Territory Must Be Countered by International Community" (20 May 2020), available at: [https://cihrs.org/palestine-israels-illegal-annexation-of-occupied-palestinian-territory-must-be-countered-by-international-community/?lang=en&ct=t\(EMAIL_CAMPAIGN_COPY_05\)](https://cihrs.org/palestine-israels-illegal-annexation-of-occupied-palestinian-territory-must-be-countered-by-international-community/?lang=en&ct=t(EMAIL_CAMPAIGN_COPY_05))



ANNEXATION AND THREAT TO THE TWO STATE SOLUTION

Issa J. Kassissieh



I was working at the Orient House when we lived the euphoria of celebrating the historic deal between the State of Israel and the sole legitimate representative of the Palestinian people: a celebration overdue after decades of a bloody conflict. Celebrations took place in the New Orient House on the eve of the Madrid Peace Conference. This venue became the headquarters of the Palestinian team to the peace process. The peace process encompassed the principles of negotiations between the Palestinians and Israelis. Palestinians hoped that the negotiations process would shift the dynamics of the Palestinian question from a zero-sum game to a peaceful process of talks to achieve statehood. It was important to solve final status issues including borders, security, Jerusalem, refugees, water, and prisoners.

The Madrid Peace Conference for the Middle East Peace Process (MEPP) constituted the first step towards building mutual trust and confidence between the two leaderships.¹ After seven months of shuttle diplomacy, former Secretary James Baker succeeded for the first time in bringing the disputing parties to the negotiating table on Oct 30, 1991. On October 18, 1991, in the US Consulate, Secretary James Baker presented the Palestinian delegation to the Madrid Peace Process with a letter of assurances that laid the foundation for the negotiations in preparation for the Madrid Peace Conference.² In this letter, Secretary Baker repeatedly stressed UNSC Resolutions 242 and 338 as the basis for negotiations, aiming to end the Israeli occupation and achieve the legitimate political rights of the Palestinian people and their participation in self-determination.³ Furthermore, he

considered the settlements an obstacle to peace: “In this regard, the United States has opposed and will continue to oppose settlement activity in the territories occupied in 1967, and which remains an obstacle to peace”.⁴

The day following the inauguration of the talks, the Palestinian delegation refused to enter into direct negotiations with Israel before the latter conceded to the Palestinian request that their delegation would start the talks as independent representatives of the PLO, and not as partners with the Jordanian delegation. On an issue of substance, the Palestinian delegation insisted firmly that Israel must freeze its illegal settlement enterprise and related infrastructure. This constituted an essential first step to reverse the tools of occupation and to show good faith to start the talks.

The Palestinian delegation to the Madrid Peace Conference was very aware of the importance of Israel responding positively and freezing its settlement activities to pave the way for serious and constructive bilateral negotiations.⁵ In contrast to the Oslo Agreement signed by the PLO, namely “the leadership in Tunisia”, Palestinian delegation members living in the Palestinian territories were aware of the obstacles that the settlements posed. Settlement expansion would impede the establishment of a viable, independent and contiguous Palestinian state within the borders of 1967. Between 1991 and 1993, 250,000 settlers were living in the Occupied Palestinian Territory (oPt). However, the PLO leadership residing in Tunisia opened a secret channel with the Israelis and adopted a different approach. For them, return of the leadership

1 <https://www.un.org/unispal/document/auto-insert-208112/>.

2 Copy of the letter kept by the author when he was working at the Orient House, then the headquarters of the Palestinian Delegation to the Madrid Peace Process.

3 Ibid.

4 Ibid.

5 On the eve of the Madrid Conference, the settler population was approximately 250,000. NAD/PNSP database.

to the oPt was at that time a top priority and the settlement issue took second place.

The Declaration of Principles⁶ (DoP) set the framework for future relations between the two parties based on Security Council Resolutions 242, 338,⁷ and others related to the conflict. A process to reach a just, lasting and comprehensive peace, and a historic reconciliation on the basis of the two-state solution, was about to start. This dramatic shift was to take the Palestinian people from occupation to liberation where they would –as other nations– enjoy their national aspirations within their state, and live peacefully side by side with the state of Israel. The PLO leadership endorsed the principle of “joint problem solving” based on good faith negotiations. The win-win formula hovered in the mind of the Palestinian leadership at the time when the DoP was signed.

The DoP on interim self-government arrangements was the entry point for the PLO leadership to regain legitimacy and to consolidate its power as the sole address representing the whole Palestinian people. Although the Oslo Accords stipulate that neither side shall initiate or take any unilateral step that will change the status of the West Bank (WB) and the Gaza Strip (GS) pending the outcome of the permanent status negotiations, the issue of the settlements was not referred to clearly in the agreement. This was a pretext for subsequent Israeli governments to expand the settlements on the ground while talking about peace to the international community.

Today, there are 750,000 settlers living in the oPt with the goal to increase their presence to one million within the next two years.⁸ The PLO established the Palestinian National Authority (PNA) as an autonomous self-governing body for a transitional period not to exceed five years in preparation for the final status talks to achieve statehood on the borders of 1967.⁹

Non-Compliance by Israel to the Agreements

Non-compliance was not simply a different interpretation by the two parties on the illegality of settlements but a failure to comply with the signed agreements, leading gradually to dwindling hopes of instating the two-state solution. Besides the gradual withdrawal of Israeli forces,¹⁰ Israel was supposed to dissolve the Israeli Civil Administration and trans-

fer all the powers to a Palestinian self-governing body,¹¹ the PNA that was established by the PLO.

Today, more than 25 years after mutual recognition between the PLO and the State of Israel, the latter has consolidated its grip through the Civil Administration on all spheres of life, adversely affecting the PNA's image and functions. This has resulted in a loss of hope in the minds and hearts of the Palestinian people of achieving an independent Palestinian state.¹² While seizing more Palestinian land, erecting the annexation wall, and continuing settlement construction, the Israeli security apparatus not only failed to comply with the Road Map lines¹³ drawn up by the international community for peace in the Middle East, but also jumped at any opportunity to undermine the status of the Palestinian security apparatus. Israel's continuous invasion of Palestinian cities, villages, and refugee camps under different security pretexts added insult to injury. Between January 2018 and June 8, 2020, Israeli military forces invaded Palestinian cities, villages and refugee camps on more than 13,738 occasions.¹⁴ These actions demonstrated a lack of respect for the Palestinian security apparatus despite the latter fulfilling its obligations to maintain law and order in areas under its jurisdiction and coordinating with the Israelis to ensure public order.¹⁵

During negotiations with Israel on the implementation of the interim period in line with previously agreed treaties, the Palestinian leadership signed the following:

- The Declaration of Principles 1993, signed in Washington on 13 Sep 1993;
- Gaza-Jericho Agreement 1994, signed in Cairo on 29 April 1994;
- Paris Economic Protocol, signed on 29 April 1994;
- The Interim Agreement, signed in Washington on 28 Sep 1995;
- Wye River Agreement, signed in 1998;
- Sharm As Sheikh Memorandum, signed in 1999;
- Access and Movement Agreement, signed in 2005.

These agreements mainly define a time frame for implementation, including the resumption of the final status talks, and the gradual redeployment of Israeli military forces from all the Palestinian territory. This included re-deployment from Area C within 18 months of the convening of the Palestinian

6 Declaration of Principles on Interim Self-Government Arrangements (13 September 1993), Preamble [Declaration of Principles].

7 Ibid, Art.1. These resolutions were passed by the international community to ensure the self-determination of the Palestinian people and to lay the foundations for a state.

8 NAD Website

9 Articles X1(3)(c) and X111(2)(b)(8)

10 {Articles X(2); X1(2)(d); Xvii(8); Annex I, Article i9, and Annex I, Appendix 1, paragraph B.}

11 According to Article Vii (5) of the DoP, Israel should dissolve the Civil Administration following the inauguration of the Palestinian Legislative Council.

12 Numerous Palestinian leaders, including Dr. Saeb Erakat, Secretary General of the PLO, and chief negotiator, repeatedly spoke about the Palestinian Authority being weakened gradually by the Israeli illegal and unilateral policies on the ground to the extent that it lost its credibility and image in the eyes of its people.

13 <http://www.hlrn.org/img/documents/The%20roadmap.pdf>

14 <https://www.nad.ps/en/violations-reports/daily-report>

15 Section V (2) of Annex I, Section V(3) of Annex 1, Section V of Annex 1 (Protocol Concerning Redeployment and Security Arrangements).

National Legislative Council, and the transfer of all powers of jurisdiction to the Palestinians.

It was also agreed in the DoP to release political prisoners in stages, the last to take place during the permanent status negotiations.¹⁶ The agreements also included bilateral recognition between the PLO and the State of Israel in 1993, the Peres letter to the late Norwegian Foreign Minister, Holst,¹⁷ and the Quartet performance-based Road Map to a permanent two-state solution to the Israeli-Palestinian conflict, signed in conclusion to the Red Sea Summit in Aqaba, Jordan, on June 4, 2003.¹⁸

Today, 29 years after former Secretary James Baker's letter of assurances, Palestinians have not achieved their national aspirations.

In Algeria in 1988, the Palestinian National Council endorsed the PLO's strategic decision to accept the framework proposed by the international community, mainly the UNSC Resolutions 242 and 338, and establish their independent state on 22 per cent of historical Palestine, living side by side with the State of Israel.

Many question why the State of Israel has not fulfilled its obligations under the signed agreements. Why has Israel pursued the mindset of "might is right" and override the power of justice and wisdom? This would have enabled it to grasp the golden opportunity and put an end to more than 70 years of continuous confrontations with the Palestinian national movement and the Arab world.

I often wonder about the failure of consecutive Israeli governments to endorse the Arab Peace Initiative (API) initiated by His Royal Prince Abdullah Bin Abdul-Aziz in the 14th ordinary summit of the League of Arab States.¹⁹ The Arab world, including the Organization of the Islamic Cooperation (57 Arab & Muslim states), is ready to normalize relations with Israel provided that the latter withdraws its military troops from the Palestinian and Arab territories. It is striking that in the wake of the Six-Day War, Arab countries adopted the "Three No's" principle at the Khartoum Arab League Summit, but later shifted their position drastically to accommodate the realpolitik and presented the API in 2002.

Working in the Office of the President, I noted that whenever President Mahmoud Abbas met with dignitaries, he al-

ways emphasized the Arab world's strategic vision to change the conflict towards joint problem-solving based on regional cooperation at all levels. To the credit of the former Israeli Prime Minister Yehud Olmert, President Abbas stated several times that both of them had reached a framework of principles for the final status issues. However, Olmert was charged with corruption and left his post. The Annapolis summit confirmed the good faith of Olmert and Abu Mazen to reach a peace deal within a clear time frame.²⁰

Why did the international community not facilitate and push the two parties towards a peace treaty despite the heavy political and financial investment to do so? Many UNSC resolutions were issued on the two-state solution, along with many other UNGA resolutions. The two-state solution was last referenced in UN Security Council Resolution 2334 and it forms the basis for the Quartet framework and EU foreign policy in the region.

Is it a lack of will by UN member states to advance global peace? Why would western countries endorse the formula of a two-state solution that recognizes one state (Israel) and drops the other state (Palestine). These states adopted UN Resolution 181 passed by the General Assembly in 1947 that called for the partition of Palestine.²¹ To this day, the world powers have opted to recognize one part of the Resolution and turned their back on the other. Apart from the UN resolutions related to the Palestinian question,²² the Venice European Council Declaration in June 1980²³ provided the ground for the Palestinian leadership to reframe its strategy towards diplomatic engagement. Henry Kissinger put forward three conditions to open a dialogue with the PLO and Chairman Arafat accepted them. These conditions were that the PLO renounce terrorism, recognize Israel's right to exist, and accept UN Security Council Resolutions 242 and 338, which refer to the right of all states in the Middle East to live in peace and security.²⁴

Violations Jeopardizing the Two-State Solution

The image of the Madrid Conference celebrations at New Orient House with the late Faisal Husseini and other members of the Palestinian delegation; seeing the streets of Jerusalem filling with people chanting the national anthem and offering flowers to the Israeli patrols, remains in my mind.

16 Section 1 of Article XVI of the Interim Agreement and Annex VII thereof ("Release of Palestinian Prisoners and Detainees").

17 <https://www.un.org/unispal/document/auto-insert-201742/>

18 <https://www.nytimes.com/2002/11/14/international/middleeast/president-bushs-road-map-to-a-palestinian-state.html>.

19 <https://www.theguardian.com/world/2002/mar/28/israel7>

20 <https://www.nytimes.com/2007/11/27/washington/27cnd-prexy.html>

21 <https://www.britannica.com/topic/United-Nations-Resolution-181>

22 There are nearly 700 UNGA Resolutions and over 100 UNSC Resolutions related to the Palestinian Question.

23 http://ceas.europa.eu/archives/docs/mcpp/docs/venice_declaration_1980_en.pdf

24 <http://www.chicagotribune.com/news/ct-xpm-1988-12-15-8802240730-story.html>

There was a deep conviction by the leadership and the people that a historic reconciliation had been established. The road towards exercising our self-determination was beginning to shift from people living under belligerent military occupation to the path of diplomatic engagement, and hopes of achieving the end game with freedom and independence. Today, after all these years of work on the process of state-building²⁵ with the collaboration and support of the international community, the picture is different and the hope of statehood is diminishing rapidly.

Ironically, Israeli governments have expected Palestinians to implement the signed agreements, including the security arrangements, whilst over the years Israel violated almost all the signed agreements. It did not redeploy its forces as stipulated in the interim agreements. It continued to act unilaterally and against the spirit of peace by building settlements in the heart of the future Palestinian state,²⁶ thereby turning its back on international law and on the agreements signed with the Palestinians under the auspices of the international community. Today, as I walk in my birthplace, the city of Jerusalem, I see how it has changed since the inception of the MEPP in 1991. It has altered drastically to the point where I often feel alienated.

This feeling of sadness awakens my memory of the back channels established by the late Faisal Husseini with the former Israeli minister Yossi Belin. These channels were to work jointly on the best scenario for the future of the two-states while acknowledging that Jerusalem should be an open and shared city under any final status arrangements.

In reality, both leaders believed that Jerusalem is the key element to achieving a comprehensive peace in the Middle East. This is especially true in view of the sanctity of the city for the three monotheistic religions. It is the center of national aspirations for Israelis (on the western side of the city) and the national center for the Palestinian people (on the eastern side of the city), with special arrangements to be worked out for the holy shrines. As the late Faisal Husseini put it: “Jerusalem could be the warm sun of the Middle East, or could be the black hole which will absorb the whole achievements of peace in the Middle East”.²⁷

Mirroring this statement, Israel’s unilateral annexation of the city in 1980 in contravention of UNSC Resolutions 476 and 478,²⁸ and the unilateral recognition by President Trump of



Jerusalem as the capital of the State of Israel,²⁹ have pushed relations with the American administration to an all-time low. The American administration overruled the official policies of previous administrations with regard to the Palestinian question and has broken decades of US policy in support of Palestinian statehood. It legitimized the illegality of the settlements and stopped financial aid to Palestine via USAID, including humanitarian assistance and financial support to East Jerusalem hospitals.³⁰

This reflects the enmity of the current US administration to the Palestinian cause, and the legitimate struggle of the Palestinian leadership and people to statehood, with President Mahmoud Abbas as the leader of the Palestinian peace camp and the main architect of the Oslo Accords. During his term as President and Chairman of the PLO, security, including law and order, was delivered at its best.

Annexation Plan

The “Peace to Prosperity Plan”, or what is called the “Deal of the Century”, is the culmination of the systematic destructive policies of President Trump and his Middle East team, driven by extreme right-wing settlers and the pro-Greater Israel Evangelical dispensationalist wing of the Republican Party base. Israel’s coalition government formally added Articles 28 and 29³¹ in their agreement as an official introduction of the

25 <https://www.reuters.com/article/us-palestinians-israel-worldbank/world-bank-praises-palestinian-state-building-drive-idUSTRE73603N20110407>

26 The Interim Agreement stipulates that neither side shall alter the status of the West Bank [Article XXX(7)]. Israel violated this article by tripling the building of the colonies, including in Jerusalem, thus changing the demographic and geographic features of the oPt.

27 <https://www.fhfpal.org/en#header>; from the statements of the late Faisal Husseini, April 2000.

28 <http://unscr.com/en/resolutions/478>

29 <https://il.usembassy.gov/statement-president-trump-jerusalem/>

30 <https://www.middleeastmonitor.com/20180908-trump-cuts-aid-to-palestinian-hospitals-in-occupied-jerusalem/>

31 Coalition Agreement for the Establishment of an Israeli Emergency and National Unity Government between the Likud party in the 23rd Knesset and the Blue and White party,

Trump administration's Plan, thus attempting to shift the current status quo of de facto annexation of the occupied WB and accelerate de jure annexation. If the annexation is carried out, the application of sovereignty would effectively extend Israeli law, jurisdiction, and administration over the Jordan Valley, the northern Dead Sea, and the Israeli settlements.

Under the UN Charter, annexation is prohibited under international law. More specifically, annexation is prohibited under Article 2(4) of the UN Charter since it involves the "threat or use of force against the territorial integrity or political independence of any state".³² In the case of the occupied Palestinian territory, the areas where annexation and the extension of illegal Israeli sovereignty will occur geographically, and the specific legal packaging required to pass the laws in the Knesset, remain unknown. The American envoy to Israel, David Friedman, who is himself a settler, has spoken in terms of annexing 30 per cent of the WB in line with the TrumpPlan.³³

The Palestinian Option

The division between the WB and GS will continue to be the Achilles' heel of the Palestinian position at the regional and international level, allowing the Israeli Prime Minister's to successfully claim that he has no Palestinian adversary to negotiate with. Ironically, it is the same Prime Minister who ensures the entrance of Qatari funds to the GS and Hamas every month. Regionally, the Arab world is busy with its internal issues and support for the Palestinian cause is not at its highest. Internationally, COVID-19 and other global issues are a priority on the agenda of world leaders.

The Israeli public has shifted towards the right-wing since the inception of the peace process. The settler organizations are in control of the Israeli government and the Israeli peace camp is almost nonexistent. Yet I would argue here that the challenge of annexation is not just the responsibility of the Palestinian leadership and people. The future of Israel as a democratic state should also be a serious concern. Global powers should be concerned that the Israeli government opts to disregard the foundations of international law and the UN Charter, with backing from the current US administration. In this regard, and as a footnote, we have seen how the international community dealt with the case of the Crimea and northern Cyprus.

Palestine has become a member state with observer status at the UN, following a majority vote in favor in 2012.³⁴ The

two-state solution won international consensus and was last referred to in UN Security Council Resolution 2334 which forms the basis for the Quartet framework and EU foreign policy in the region. It is the responsibility of sister states to protect the State of Palestine from a foreign aggressor. The High Contracting Parties of the Fourth Geneva Convention should shoulder their responsibilities towards the Palestine question. Treating Israel as a state above international law will exacerbate the already tense situation, and will jeopardize the aspired regional and global security and stability. It is the responsibility and obligation of the international community to ensure the application of international law and international humanitarian law, especially the Fourth Geneva Convention.

The international community should provide protection to the Palestinian people in the occupied State of Palestine as stipulated in UN resolutions. It should act now to preserve the long overdue commitment to the two-state solution, and save Israel from the self-inflicted evil of an apartheid regime by ending its Israeli military occupation.

The 1967 border is a thin line that reminds both sides that the only practical solution is for the two states of Israel and Palestine to be accommodated, and to coexist and cooperate side by side for the prosperity and future of both. A policy of exclusivity that denies the national aspirations of one party will continue to feed extremism and hatred. The two-state solution is not only the preferred solution, it is the only win-win one.

Abbas and the Unorthodox Announcement

On May 19, 2020, President Mahmoud Abbas announced: "The Palestinian leadership is absolved, as of today, of all the agreements and understandings with the American and Israeli governments, including the security ones pursuant to the decisions of the National and Central Councils".³⁵ This announcement came one day after the composition of the Israeli coalition government and the reiteration by PM Netanyahu that the priority continues to be the annexation of Palestinian land.

President Mahmoud Abbas kept open a small window of opportunity for the international community to intervene in a united effort to reverse Israel's unilateral plans. He reminded world leaders of his peace plan presented at the UN on Feb 20, 2018. A letter sent in May 2020 to the Quartet members, an umbrella mandated to sponsor negotiations, called for an international peace conference that could in-

signed on April 20, 2020.

³² UN Charter (signed on 26 June 1945, entered into force 24 October 1945) 1 Unts xvi.

³³ <https://www.jpost.com/israel-news/friedman-for-annexation-netanyahu-must-tell-abbas-hell-negotiate-a-state-627057>.

³⁴ <https://palestineun.org/wp-content/uploads/2013/08/67-19-Status-of-Palestine.pdf>

³⁵ <https://www.theguardian.com/world/2020/may/20/palestinian-leader-mahmoud-abbas-ends-security-agreement-with-israel-and-us>



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clude other influential stakeholders such as Egypt and Jordan. The letter stated: “It is our view that the resumption of negotiations should be based on the international legitimacy and consensus, international law and relevant UNSC resolutions, including 242, 338, 478, 1515 and 2334, as well as the Arab Peace Initiative (API) and the implementation of signed agreements between the State of Israel and the PLO”.

The letter also stressed that the Quartet should not deviate from the implementation of international law, relevant UN resolutions, and the internationally agreed parameters for peace, including fully ending the Israeli military occupation of Palestinian and other Arab lands which began on June 4, 1967, through a clear time frame so that the State of Palestine, with East Jerusalem as its capital, may coexist and live peacefully side by side with the State of Israel and the rest of the region on the 1967 borders.

Dr. Riyad al-Malki, the Palestinian Minister of Foreign Affairs, and others participating in the 18th summit of the Non-aligned Movement in Bako, Azerbaijan, reminded the international community of their responsibility towards Palestine in accordance with the foundations and standing of international law and the UN Charter. He told the participants that: “Collectively we have an obligation to use our

collective standing to protect against unilateralism and lawlessness since allowing it anywhere will normalize it”.³⁶ He was referring to Israeli unilateralism and illegal policies in the occupied State of Palestine, including the recent Israeli decision to annex the Ibrahimi Mosque in Hebron and its environs.³⁷

The main focus of the Palestinian leadership nowadays is to generate diplomatic momentum in the hope that the world’s capitals will succeed jointly to halt the impending annexation in a last attempt to rescue the two-state solution before it is too late. The alternative to the two-state solution is an imposed one-state solution in which Palestinians from the occupied territories would live in an apartheid Israel. The prospect of a bi-national state in Israel has never been considered a viable option for the majority of Israel’s Jewish citizens who represent over 70 per cent of the population. In other words, the two-state solution continues to serve the interests of both Israelis and Palestinians. A successful, prosperous and contiguous state of Palestine can become an important guarantor of security and stability in the region and a bulwark against extremism. It is my hope that moderate forces will prevail, and the power of wisdom and accommodation will be the only path for a new and prosperous Middle East region.

36 <http://www.mofa.pna.ps/en-us/mediaoffice/ministernews/minister-malki-says-culture-of-impunity-has-worldwide-reverberations>

37 <https://www.al-monitor.com/pulse/originals/2020/05/israel-settlement-annex-hebron-palestinian-mosque.html>



PART THREE: RESPONSE



DEFIANCE AND RESILIENCE AGAINST ANNEXATION AND SUBJUGATION: PALESTINIAN OPTIONS

Samar Awadallah

Introduction

Defiance and resilience against the Zionist project have always been a major factor in shaping Palestinian national identity. This evolved quite naturally because one of the main elements of the Zionist project is to eliminate the Palestinian national existence through various means to confirm the Zionist claim that the Jewish people are the only ones who have the right to self-determination on this land.

In essence, Palestinian resilience represents confrontation to the various forms of dispersal by partitioning, not on the basis of Resolution 181 of the United Nations (UN) Partition Plan, but by fragmenting Palestinian land into three parts. The larger part was subjected to the sovereignty of the State of Israel in the wake of the *Nakba* (catastrophe); another part was placed under the rule of the Hashemite Kingdom of Jordan; and a third part administered by the Egyptian military. The Palestinian people were displaced into groups of refugees who sought refuge in several Arab countries and became subjected to different political and legal contexts. Following the *Nakba*, the Palestinian national movement was integrated within the rising Arab nationalist movement at the time. This posed a threat to the independence of the united Palestinian national existence.

Through its overwhelming military power and ongoing imperialist support, the Zionist project has made several achievements on the ground. In the *Nakba* of 1948 when the State of Israel was established, Israel implemented its first



act of annexation by seizing one-fourth of Palestinian land to supplement the land granted to it under the UN Partition Plan. Israel also expelled about two-thirds of the Palestinian people, some 957,000 Palestinians,¹ from their homes and forcibly displaced them in different countries of refuge and exile. Israel then obliterated approximately 531 villages.² The uprooting of 957,000 people of a total of 1.4 million Palestinians³ (living in Palestine at the time), and the destruction and cleansing of everything related to the Palestinian presence, was a straightforward and literal implementation of the colonialist Balfour Declaration that paved the way for the Zionist movement's agenda of replacement. More than seventy years after the *Nakba*, the leaders of the Zionist movement find themselves confronted with the fact that there are more than 6.7 million⁴ Palestinian refugees throughout the world who cling to their national identity and belong to the unified Palestinian people.

The *Nakba* Creates its Antithesis

Faced with Palestine's fragmentation and the dispersal of its people, Palestinian steadfastness and resilience prevented the hostile Zionist project from achieving its objectives through two factors. First, the resilience of thousands of indigenous Palestinians who remained rooted on their land on which the State of Israel was established, and who later formed a great force against the Zionist displacement project. Second, the restoration of structures of the Palestinian national movement prevented the dismantling and fragmentation of the Palestinian national existence. Instead of losing our nation-

1 The second estimate by the UN in 1950: http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_20-6-2018-REF-en.pdf

2 Palestine Return Center, Compilation of the Depopulated Villages List: <https://www.palestineremembered.com/Acre/Right-Of-Return/Story432.html>

3 Palestinian Central Bureau of Statistics PCBS, http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_nakba65E.pdf

4 Survey of Palestinian refugees and displaced persons by Badil- Resource Center for Palestinian Residency and Refugees Rights-P. 14 <http://www.badil.org/phocadownloadpap/badil-new/publications/survey/survey2016-2018-eng.pdf>

al identity, it became stronger because of the tragedy that we underwent. A few years after the *Nakba*, the Palestinian people began organizing themselves internally and confronted the dangers by swiftly building distinctive Palestinian national structures that included professional unions like the Palestinian Students' Union and the Women's Union. In addition, independent Palestinian political movements emerged in both the refugee camps abroad and within the homeland.

The enthusiasm and resolve to rebuild the Palestinian national movement with its independent structures was a major factor in resilience against the Zionist project, and laid the pillars for an independent and unified Palestinian national entity. However, this did not conflict with the Arab national dimension, which was consistently upheld by the Palestinian national movement despite its desire to be independent and distinct.

Many Palestinians engaged in the Arab parties and movements that were established in reaction to the Arab defeat in the war. These bodies aimed to regain Arab rights in Palestine. Some nationalist movements such as the Arab Socialist Ba'ath Party and the Arab Nationalist Movement exerted a special influence over the Palestinian scene and all adopted the concept of Arab unity, social change, and anti-colonialism, albeit with different organizational frameworks, methods and support bases. Soon afterwards, the Palestinian Fatah Movement and the Palestinian Liberation Front (PLF) emerged on the scene. Different unions and syndicates were also established; the General Union of Palestinian Students (GUPS) was the first public entity of the Palestinian people and the first Palestinian organization to emerge from direct elections. This was not merely a professional union but a political movement whose founding constitution declared it to be a Palestinian popular organization dedicated to the return of Palestinians to their plundered homeland. The significance of the GUPS was that it groomed a number of prominent Palestinian political leaders who later led the Palestinian national movement. The Union became a pillar of the Palestinian national identity and an important element in its development.

The mid-1960s witnessed a qualitative shift in the development and rise of these Palestinian national structures and their transformation into mass movements. This was one of the factors that prompted Arab countries to form the Palestine Liberation Organization (PLO) in 1964. On one hand, this decision was recognition of the powerful status of the Palestinian independent national character, and on the other, it was an attempt to contain it under the umbrella of official Arab auspices. The events that led to the defeat of June 1967

were the catalyst in transforming the PLO into an “umbrella” of Palestinian national organizations, including political forces, resistance organizations, associations, unions, and personalities. The Palestinian organizations seized the opportunity to create what we call “a moral homeland for the Palestinians”. Thus, the PLO united our strength to move from despair to hope while refusing surrender and insisting on self-determination regardless of the power of the Zionist movement.

The June 1967 Defeat and the Rise of Resistance

Once again, military power and imperialist support allowed Israel to seize what remained of Palestinian land (West Bank (WB), including Jerusalem, and the Gaza Strip (GS)) in June 1967. Israel also occupied the territory of other Arab countries. The tragedy of the first *Nakba* was repeated by Israel in a similarly horrendous manner during this war. Consequently, 300,000 Palestinians⁵ were forcibly displaced and a new Palestinian refugee problem was created to add to the initial problem of the Palestinian refugees forcibly expelled from their land in 1948. While the *Nakba* of 1948 was an act of forced displacement and replacement through wide-scale ethnic cleansing, the Israeli occupation of 1967 formally made displacement and replacement an official Israeli policy.

These events and their direct effects on the Palestinian people encouraged all national parties in the resistance movement to engage in a popular front to confront the Israeli occupation. It strengthened national unity within the PLO, which was restructured as a national front, and enhanced the independent Palestinian national identity. This development prompted efforts to seek and obtain international recognition of this identity and our people's right to self-determination. The PLO became an internationally recognized player and a part of the decision-making process in the region. All of these factors hindered the Zionist project from achieving its goals.

By constantly accumulating international recognition, the four elements of Palestinian resilience were complete: survival and rootedness in the land; resisting the hostile Zionist project by relying on the people; unifying the people; and integrating them in structures that reflect the distinctive Palestinian national identity to oppose fragmentation schemes.

The Great Uprising, *Intifada*, and the Declaration of Independence

The resilience reached its peak with the outbreak of the great popular uprising or *Intifada* of 1987. The *Intifada* created a relative balance of power that paved the way towards a politi-

⁵ Negotiation Affairs Department PLO- Our position- Refugees: <https://www.nad.ps/en/our-position/refugees>

cal settlement that responds to the Palestinian goal of ending the occupation. The Palestinian national movement realized this fact and took it into consideration in the decisions taken by the National Council in its 19th session of 1988. It declared the independence of the State of Palestine and launched the Palestinian Peace Initiative, which called for an independent Palestinian state on the borders of June 4, 1967, with East Jerusalem as its capital, living side by side with the State of Israel, in addition to solving the refugee issue in accordance with the UN General Assembly Resolution 194.

The Palestinian Declaration of Independence received wide international recognition and the Peace Initiative paved the way for the political process that was launched with the Madrid Conference, and all the way to the signing of the Oslo Accords. However, the Oslo Agreement had a fundamental loophole as it failed to define the content of the permanent solution to be resolved through negotiations at the end of the transitional period. This allowed the Israelis to tilt the power imbalance to their advantage by creating additional facts on the ground to block the path of the political process.

Creeping Annexation Amid the Oslo Peace Process

Immediately after the Israeli aggression of June 1967, the State of Israel proceeded with creeping annexation, starting with the de jure annexation of East Jerusalem (EJ) on two occasions. The first was an official government decree in 1967 announcing the unilateral annexation of Jerusalem, and the extension of Israeli jurisdiction and administration to EJ and the neighboring villages now included in the extended municipal borders of the city.⁶ The second was through the Basic Law “Jerusalem, Complete and United Capital of Israel” adopted by the Israeli Knesset in 1980.⁷ Israel’s annexation of EJ has been entrenched over the years through a variety of measures that include the Judaization of Jerusalem through illegal settlement expansion, the extension of national laws to the city, and attempts to eliminate the Palestinian presence through expulsion policies such as house demolitions, revocation of identity cards, theft of natural resources, and closure of Palestinian institutions in conjunction with the organized terrorism of settlers and their direct attacks on Christian and Muslim sites. Since the beginning of the occupation, these procedures have provided legal and legislative cover for the Judaization of the city with the aim of making EJ an integral part of the unified Israeli capital. The legislation of racist laws that deeply and directly affect the lives and social fabric of Palestinian citizens and the status of the holy city cement the process.

⁶ Government of Israel Decree on Annexation of East Jerusalem (1967), available at, <https://ecf.org.il/issues/issue/90>

⁷ https://www.knesset.gov.il/laws/special/eng/basic10_eng.htm



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Over the years, the Israeli authorities have resorted to legislative, regulatory, and demographic measures to effectively annex the Palestinian territory. Examples of this include expanding the colonial settlements and infrastructure (including construction of the annexation wall), establishing a system of military checkpoints and bypass roads, and the transfer of Israeli settlers to the Occupied Palestinian Territory (oPt) in blatant violation of Article 49(6) of the Fourth Geneva Convention which prohibits the transfer of the occupier's civilian population into occupied territory and the forcible transfer of the protected population. It was also meant to deter the use of population transfer "as a prelude to the annexation (or "colonization") of occupied territories on the basis of recognizing that imposed demographic changes would impair the right to self-determination of the indigenous population".⁸ Israel has forcibly displaced Palestinian residents from their land, extended the application of Israeli laws in the WB, and established, inter alia, a discriminatory legal system that discriminates between the two populations living on the same land: the indigenous Palestinian residents (original owners of the land) and the settlers who illegitimately reside there.

Amid the new reality imposed by the occupying power, Israel has sought to turn the political process into a cover to proceed with its expansionist settlement project. This became clear under the Netanyahu government through the enactment of the racist Nation State Law, and in the President Trump deal on the annexation of the Jordan Valley and the settlements. Both steps indicate Israel's desire to complete the Greater Israel project which, according to Netanyahu, constitutes a new stage in the path of Zionism no less important than that of Ben Gurion when the State of Israel was established.

Confronting Annexation with Popular Resistance

Throughout this period, clear contradictions surfaced between hostile Israeli practices on one side and Palestinian steadfastness and defiance on the other. Palestinian resistance has been decisive in defying this colonial project. An example is the Palestinian popular uprising of 1996 in all areas of the WB and the GS in protest against the Israeli authorities' excavation and inauguration of the Western Wall tunnel below the Al-Aqsa Mosque under the order of the Israeli Prime Minister, Netanyahu. Another example of Palestinian resilience is the eruption of the Second Intifada in 2000 in protest against the provocative attack by far-right Israeli opposition leader Ariel Sharon in Al-Aqsa Mosque.

Another uprising took place in 2017 when Netanyahu tried to install electronic gates around Al-Aqsa Mosque and attempted to impose a new religious, political, and security status quo in the Mosque in line with an extremist ideological Israeli vision. The aim was to introduce a new status quo similar to that implemented in the Ibrahimi Mosque in Hebron after the horrendous massacre committed by settler Baruch Goldstein that killed 29 Palestinian worshippers⁹ in 1994.

In cooperation with the extreme right-right coalition, the Israeli government has relentlessly perpetrated well-organized and hostile attacks against the State of Palestine and its people. Countless war crimes and crimes against humanity have been committed, particularly against the besieged GS during the wars on Gaza of 2008-2009, 2012, and 2014. This aggression and ongoing blockade were confronted by the Palestinian people in the "Great March of Return" protests organized since 2018 to engage our people in the GS in the popular resistance movement against the occupation.

In response to Palestinian opposition to the occupying power's repressive policies, Israel resorts to blackmail by imposing economic sanctions and collective punishment against our people. For example, halting the transfer of tax revenues due to the Palestinian National Authority, and blocking financial payments designated for the families of prisoners and martyrs. Meanwhile, the intensification of the settlement project has culminated today in the annexation plan.

Annexation is a key component of the Trump-Netanyahu "Deal of the Century" and is the official end of the peace process that started with the Oslo Accords. The annexation plan conflicts with the internationally recognized two-state solution and is an overt breach of international law that prohibits the annexation of land acquired by force. As in the previous stages of the conflict, Israel is relying on its physical occupation and American imperialist support to impose this plan on the ground. However, this does not guarantee Israel's success in achieving a final victory for the Zionist project since Palestinian steadfastness remain active and can be mobilized to thwart the objectives of this plan and defeat it.

Palestinian Options Against Annexation and Subjugation

The impending annexation has crystallized the ineptness of the negotiating formula adopted since the Oslo Accords and brought it to an end.

⁸ O. Dajnai, "Israel's Creeping Annexation" p. 53, discussing Commentary on the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 283, (Jean S. Pictet ed., 1958).

⁹ Middle East Monitor-Remembering Hebron's Ibrahimi Mosque Massacre-Rebecca Stead: <https://www.middleeastmonitor.com/20190225-remembering-hebrons-ibrahimi-mosque-massacre/>

This formula was based on bilateral negotiations with the US as the sole mediator and within ambiguous political terms of reference. The PLO has recently proposed its alternative formula to hold a fully authorized international peace conference under the umbrella of the United Nations with collective international sponsorship based on international resolutions that ensure the Palestinian right to independence and return. However, a successful alternative solution not only requires political and diplomatic action to mobilize international support, but requires comprehensive action to change the balance of power and compel Israel to seek a political solution. This is the goal that Palestinian national action must seek to achieve in the current period.

We need a new national strategy that engages the elements of Palestinian strength and makes the occupation costly for Israel. Increasing the cost of the occupation would shift Israeli options and dissuade Israel from pursuing the path of annexation and expansion. Acceptance of a political compromise would be more likely.

What are the Elements of the New Strategy?

In short, they are the four elements of Palestinian resilience and are primarily based on returning the relationship between us (the Palestinian people) and Israel to its previous context, i.e., a relationship of conflict between an occupying power and a people under occupation.

The first step in this direction was achieved by the Palestinian leadership's decision to implement the resolutions of the Palestinian National Council (PNC) and Palestinian Central Council (PCC) and declaring that the PLO and the State of Palestine are absolved of the unfair obligations imposed by the various agreements and understandings with Israel. This means that Israel must bear full responsibility for its illegal occupation as per international law and should implement the duties of an occupying power with regard to the situation in the occupied territories. The Palestinians must focus on measures that prevent Israel from enjoying the benefits of its control and confiscation of Palestinian resources. Such measures include boycotting work in settlements, prohibiting settlement products, closing down the Palestinian market to Israeli goods where there is a local alternative, and taking concrete actions to gradually disengage from the relationship of economic dependence prescribed by the agreements. The strategic elements of the strategy to rectify the relationship with the occupier are as follows:

First element: Enhance resilience and survival on the land. This requires a policy that promotes social solidarity and upholds justice in the distribution of the economic and social burden among different sectors of citizens. It should also focus on strengthening and supporting resilience in differ-

ent regions and populations affected or threatened by Israeli settlement expansion. The highest priority in this regard is Jerusalem which faces systematic policies aimed at Judaizing the city and consolidating the Israeli presence in the eastern part. This has been exacerbated since President Trump announced his unilateral illegal recognition of "united" Jerusalem as the capital of Israel, and after publishing the text of his so-called Deal of the Century that relies on this recognition as a basis for any future solution to the Israeli-Palestinian conflict.

In the face of this American-sponsored Israeli assault, Arab Jerusalem needs a methodical plan for resilience that encompasses all sectors and unites all political and social forces within the framework of a unified national reference under the umbrella of the PLO. This plan should focus on safeguarding and protecting the vital interests and rights of Jerusalemites in all fields and facilities. Palestinian residents must confront attempts to seize Jerusalem properties, homes and shops, and must stand strong against the policy of imposing exorbitant taxes aimed at pushing them to leave the city. There should be greater protection of Palestinian educational institutions, health sector organizations, and other vital sectors. This program gives great significance to popular resistance through which the residents of Jerusalem will confront the occupation and settlement expansion in their city. The program also enhances people's ability to rise up against Judaization policies as seen in earlier popular uprisings.

Moreover, it is important to strengthen the resilience of localities adjacent to colonial settlements to enable Palestinian citizens to safeguard their land and confront Israeli incursions, demolitions, and pillaging, whether by settlers or the Israeli army. This would also block attempts to expand settlements through buildings and construction on nearby land, including land affected by the annexation wall that deprives landowners of the ability to access their property. It is crucial to support these landowners to preserve their land and prevent expropriation and seizure by the occupation.

The longstanding issue of the unjust and illegal blockade imposed on the GS must be tackled to assist citizens to withstand the disastrous consequences. The Hamas movement must give up its control of governance in the GS to pave the way for ending Palestinian division and restoring the Palestinian Authority's authority in the GS. This will enable our national movement to challenge the blockade and mitigate its damage. Additionally, an escalation of national, Arab, and international pressure on Israel to lift the blockade and restrictions on the movement of goods and individuals to and from the GS is a must. This will enable international reconstruction programs to rebuild infrastructure destroyed in Israeli aggression to be implemented, and will raise the level of educational, health, social, and municipal services to alleviate



the effects of poverty, unemployment and infrastructure collapse that make life in the GS unbearable.

Second element: Popular resistance. The most influential factor in increasing the cost of the ongoing occupation is the rise of popular resistance and developing it into an all-out *Intifada* that has incorporated lessons learned from previous mistakes. The participation of all Palestinians from every spectrum must be guaranteed to confront the occupation in an organized manner based on the power of the people as the main weapon. The development of a popular uprising from its current status requires that people's activities fall under a united national leadership that acts according to a mutually agreed program of resistance based on a national consensus.

Third element: Ending divisions and rebuilding national unity under the PLO. The internal division between Palestinians is the major weakness of our national movement and drains the energy that should be powered against the occupation. The risks of this division are not only in its political and institutional aspects, but it also has a dangerous geographical aspect that can be used to manipulate and undermine the unity of Palestinian representation. The division is exploited to separate the GS from the Palestinian national path, thereby destroying the structure of the Palestinian national project.

To counter this risk and enhance the strength of the national movement against the occupation and its settlement and annexation plans, it is important to give the highest priority to the objective of ending the internal division. This should start by bringing the GS back to its legitimate place in Palestinian life while maintaining a comprehensive national partnership in the decision-making process. All Palestinians must be involved in PLO organizations in a way that enhances

its status as the sole legitimate representative of our people and blocks all attempts to find alternatives or create parallel representations. Therefore, it is imperative to fully implement the reconciliation agreements, including the holding of free elections based on proportional representation, to form a PNC that includes all Palestinian factions, as well as the re-election of PLO institutions on a democratic basis.

This step is not only vital to end the internal division and strengthen Palestinian national unity under the PLO and its organizations, but also to institute a democratic process that includes elections for all Palestinian Authority and PLO organizations. Bridging the gap between these organizations and the Palestinian populace will promote a democratic renewal in organizations and will introduce a new, younger and vibrant generation to office.

Fourth element: Mobilization of international pressure against the occupation. The international community bears a major responsibility for the Palestinian tragedy. Based on this fact, there is a moral and legal obligation to address the consequences of the Palestinian tragedy and curb the expansionist colonial project of the State of Israel.

Our people and national movement have always respected international law and legitimacy. The international community and its organizations must act seriously in return and pursue all available levers to put pressure on the occupation to end to its crimes against Palestinians. They must oblige Israel to recognize our national rights in accordance with international legitimacy to resolve the Palestinian-Israeli conflict. Palestinian resilience and our progress on the international level have had remarkable success, including international recognition of the national existence of the Palestinian people and their right to self-determination, recognition of the PLO and granting it observer status in the United Nations, and the State of Palestine recognized by 140 countries as a non-member observer state under the UNGA Resolution 19/67. However, there remain major tasks that must be carried out by the international community.

The first task is to recognize the State of Palestine. States that declare their support for the two-state solution must no longer adopt a vague stance and double standards. These states should recognize the newly-founded Palestinian state to ensure that Israeli facts imposed by force on the ground will not destroy the prospects of the two-state solution.

The UN General Assembly's recognition of the State of Palestine will pave the way for Palestine's natural position among UN organizations and specialized international agencies. Palestine must also obtain full membership in international organizations, and all countries with global influential should push for recognition without allowing the US veto

to disrupt this right. Israeli actions will not desist until the latter is held accountable and sanctioned for its grave violations of international law and UN resolutions.

Israel should not be allowed to continue to act with immunity and impunity as is the case with several influential countries. In fact, Israel's practices constitute an ongoing ethnic cleansing and a fully-fledged apartheid system. The international community must face this fact and hold Israel accountable for these violations. The International Criminal Court (ICC) must also be allowed to exercise its jurisdiction without pressure or threats to fulfill its duty of prosecuting and adjudicating Israeli war criminals for their crystal-clear war crimes as per the description of the Rome Statute. Also, robust measures need to be taken to hold to account companies involved in illegal Israeli settlements as identified in the database released by the UN Human Rights Council.

The elements of Palestinian resilience identified above are supported by two major factors that are gaining in importance each day. The first factor relates to Israel and the second factor pertains to the international status of the United States. In recent years, Israel witnessed a qualitative shift in the growth of political power and influence of the Arab Palestinian people and their national movement inside the Green Line. The main forces of this movement are united under the Joint List, which adopted the sensible policy of transforming their protests and objections against Zionist discrimination into an active force that could influence Israeli political decisions. On this basis, the representative strength and electoral power of the Joint List was doubled in the last Knesset elections and they became a force to be reckoned with in Israeli politics. This fact helped to rejuvenate the remains of the Israeli anti-occupation left-wing and encouraged them to oppose the policies of subjugation and annexation, as seen in the recent anti-annexation demonstrations in different Israeli cities. This happened at a time when the official Zionist left-wing had almost disappeared from the

Israeli political scene. The important role of the Joint List is that they became a catalyst for internal Israeli opposition to oppose the annexation policies.

In the US, the policies adopted by the Trump administration have weakened the country's international status and increased its isolation globally. Tensions have grown in US relations with traditional allies, and the US has depleted what is left of its economic and military power in an attempt to give priority to short-term interests at the expense of international law and legitimacy.

The global crisis emanating from the COVID-19 pandemic is also expected to create a new balance of international power in which the US will no longer have the same global influence. An internal crisis faces American society due to its economic collapse, and internal divisions and hatred resulting from the Trump administration's policies of racism and extremism. A good example of this is the Black Lives Matter protests in the streets of America.

Conclusion

The Zionist project can continue to cement achievements on the ground by maintaining a belligerent occupation supported by the US administration. However, it will not be able to achieve a final victory in this existential conflict as long as there is Palestinian resilience and a will to live and survive.

In the Negev, a small Bedouin village called Al-Araqib¹⁰ was destroyed one hundred and seventy-five times¹¹ by the Israeli authorities. The village was also rebuilt by its residents one hundred and seventy-five times. The struggle between demolition and destruction on one side and resilience, survival and reconstruction on the other will continue until the Palestinian people realize their inalienable rights to self-determination, freedom, and independence. Al-Araqib is a miniature of Palestine that rejects to be wiped off the map of the region.

10 Al-Araqib, an unrecognized Palestinian Bedouin village located in southern Israel, is without any connection to water or electricity and no health and education facilities. So far, Israel has demolished the village over 175 times. <https://zochrot.org/en/village/52884>

11 +972 Magazine, March 2020: <https://www.972mag.com/coronavirus-unrecognized-bedouin-villages/>





LOOMING ANNEXATION: CONCERNS AND QUESTIONS

Varsen Aghabekian

Since its occupation of the Arab and Palestinian territories in 1967, Israel has moved strategically to annex land wherever possible. It started with Jerusalem¹ and the construction of colonial settlements² with their related infrastructure, then moved on to the confiscation of land for the annexation wall,³ and then the recent announcement of the annexation of the Syrian Golan Heights. These actions have taken place under the gaze of the whole world, despite Israel supposedly being engaged in a peace process since the mid-1990s, and in violation of international law and pertinent United Nations Resolutions under which the State of Israel was established.

Any annexation of land or settlement built on Palestinian land occupied in 1967 is illegal under international law. Annexation is defined as the forcible acquisition of territory by one state at the expense of another and it presupposes the effective occupation of that territory. It is a threat to interna-



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tional peace and security, and its illegality derives from the United Nations Charter itself.⁴

International law and practice recognize two forms of annexation: *de jure* and *de facto*. *De jure* annexation is defined as a formal declaration by a state that it asserts permanent sovereignty over territory it acquired by force from another state.⁵ This will be the case with the formal announcement of annexation planned by the new Israeli government and its Prime Minister, Netanyahu.

De facto annexation describes the actions taken by a state to consolidate its control over a territory (whether political, legislative, institutional or demographic) and which form the basis for, or indicate an intent to, claim sovereignty over territory acquired through force or war at some time in the future.⁶

1 In 1967, Israel started the process of *de facto* annexation of East Jerusalem (EJ) and later formalized the changes in Israeli law, while intensifying the separation of these areas from the rest of occupied Palestine. These attempts to change the status of East Jerusalem as occupied territory have been repeatedly condemned and the international community maintains that the annexation is a violation of international law. Several UN Security Council Resolutions were adopted, starting with Resolution 242 of November 22, 1967 to Resolution 2334 of December 23, 2016, confirming East Jerusalem as part of Palestinian occupied territory. Resolution 252 of 1968 condemned the occupation of any land by armed aggression while demanding that Israel “desist from taking any further action which tends to change the status” of the city. For a full list of UNSCR and GA Resolutions on Jerusalem see <https://www.aljazeera.com/news/2017/12/resolutions-occupied-east-jerusalem-171206081326131.html>

2 The number of settlers in 2019 is estimated at 690,000 (approx. 460,000 in and around Jerusalem and 230,000 in the West Bank). Source: Negotiation Affairs Department (NAD/PNSP) database. In the West Bank there are 448 settler locations: 150 settlements (residential), 26 residential outposts approved to settlements, 128 outposts, 94 military bases, 25 industrial zones and 25 tourist and facility/services sites. In Jerusalem there are 12 settlements with 230,000 Israeli settlers, in addition to one industrial area in Atarot and three facilities that comprise the Hebrew University, the police headquarters and the airport in Qalandiya. Source: Factsheet on the number of illegal settlers and colonial settlements location in the occupied State of Palestine prepared jointly by NAD, the Settlement and Wall Resistance Commission (SWRC), the Palestinian Central Bureau of Statistics (PCBS), and the Prime Minister’s Office (PMO).

3 Construction of the wall commenced in 2002 on occupied land deep inside the West Bank (WB) and expropriating additional WB land. The wall physically fragments Palestinians in Jerusalem and separates them from the rest of the WB; it incorporates Israeli settlements built illegally on Palestinian land but excludes some of the densely populated Palestinian areas in EJ behind the wall. In July 2004, the International Court of Justice (ICJ) Advisory Opinion on the Wall confirmed the status of East Jerusalem as occupied territory. See ICJ, 9 July 2004, “Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory by Israel” available at <https://www.icj-cij.org/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>. The UN General Assembly Resolution in 2012, which referred to Palestine as a non-member state, did not change the status of the territories occupied in 1967.

4 UN Charter (signed on 26 June 1945 and entered into force 24 October 1945) 1 Units xvi. Specifically, annexation constitutes a violation of Article 2(4) of the United Nations Charter which prohibits “threat or use of force against the territorial integrity or political independence of any state”.

5 Internal memo. Israel’s Ongoing Annexation of Palestinian Territory, September 2019. NAD/PNSP.

6 Ibid and referencing the Report of the United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (22 October 2018), p. 9, UN Doc A/73/45717.

De facto annexation has been clearly evident in Israel's systematic imposition of legislative, political, institutional, and demographic measures to create "irreversible facts on the ground" in occupied Palestinian territory. This includes the settlement enterprise, checkpoints, roads, the annexation wall, the transfer of Israeli settlers into occupied Palestinian territory, the forcible displacement of Palestinian communities from their land, the extension of Israeli laws into occupied land, a discriminatory legal system for the occupied, and the exploitation of Palestinian natural resources.

To Palestinians and most of the world, annexation of any part of Palestinian territory occupied in 1967 will render the two state solution: Israel and Palestine, impossible although this is the very solution upon which the Middle East peace process was established.⁷ Annexation is a crime of aggression that undermines a rules-based world order and a threat to ending occupation. It consolidates Israel's occupation and colonial project in Palestine, while imposing new facts on the ground presented as "realities" to prevent the independence and viability of the State of Palestine. It also sets a precedent for future negotiations (if any) in a different context with new realities, and perpetuates a belligerent occupation and continued violation of the Palestinian right to self-determination.

Numerous concerns and questions come to mind pertaining to occupation in general and the imminent threat posed by Israel's annexation plans. These plans⁸ give impetus to discussions by Palestinian groups under occupation or in the diaspora. Israeli intentions to annex further Palestinian occupied land have also attracted attention globally despite the focus on COVID-19. If anything, it is testimony to the ongoing significance of this lingering Israeli occupation and the need to reach a solution.

No answers are attempted in this presentation as this would require much more in-depth analysis with a different focus. The attempt here is to shed light on concerns and questions reflecting the complexities surrounding further annexation in the context of averting such actions and ending occupation.

Concerns and Questions Pertaining to the Origins of the Israeli /Arab- Palestinian Problem

The following are questions related to the links between religion and politics, and the use of religion to justify occupation and annexation of occupied land, including:

- Why should Palestinians continue to pay the price for crimes and atrocities inflicted upon Jews in Europe? Why have we been and continue to be obliged to pay this high price?
- How can religion and religious narrative justify taking our land by force? How can settling on someone else's land be of value to others? Why should we accept the "land of Israel" and give up?
- All followers of monotheistic religions have a connection with the Holy Land. Why should anyone accept Jewish exclusivity? Anybody may have a religious right and a historical connection to the Holy Land. Why is it necessary to systematically violate the inalienable rights of the Palestinian people?
- If the UN Partition of Palestine created the State of Israel, why don't the states that have not yet recognized Palestine take steps to recognize and repair the injustice committed against the Palestinian people?

Concerns and Questions Pertaining to International Law and Human Rights

Despite numerous UN resolutions on the illegality of the Israeli occupation, Israeli settlements, annexation, the wall, etc., Israel has not been held accountable and its systematic violations of international law are perceived as a double standard when it comes to Israel-Palestine. Palestinian questions revolve around respect for their human rights, international law and UN resolutions on Palestine/Israel as follows:

- Why are we deprived of the land of our ancestors with its resources and potential?
- Why are human rights violations upheld by superpowers in various countries but overlooked in the Palestinian occupied territory? Why has there been no intervention, whether military or through sanctions, as has taken place in South Africa, Iraq, Syria, Libya, Afghanistan, Iran, and elsewhere? Why is Israel above the law?
- How does Israel manage to ignore tens of UN Security Council resolutions and hundreds of General Assembly resolutions pointing to its violations?⁹ Until what point will the apparent criticism of Israel's violations and failure to comply with resolutions continue without consequences? Who should Palestinians address since Israel does not comply with UN resolutions? Who is responsible for world order if not the UN and international law?
- Why must our fate be in the hands of successive Israeli governments now turning to the far right? Why are we at the mercy of Netanyahu, a man who is left to manipulate an issue as huge and dangerous as annexation to

⁷ See article in this publication: Local, Regional and International Reactions to Annexation.

⁸ See articles in this publication: Illegal Annexation over the Years: Focus on Current Scenarios. Also Analysis of the Geopolitical Aspects of the Trump Plan

⁹ See article in this publication: Contextual Background with Analysis.

divert attention from his trial for corruption? Are Palestinians, their fate and their right to self-determination equivalent to or even less than the legacy of Netanyahu and the aspirations of his coalition?

- We often hear countries claiming that they share Israel's values of democracy? What are these values that support occupation of the other and violations of human rights?
- Will the voices of world leaders, politicians, parliamentarians and personalities around the world speaking against annexation on the basis of international law make a difference?¹⁰
- Is unlawful Israeli annexation preventable? What action can have an effect?

Concerns and Questions Pertaining to the Peace Process

Palestinians have been engaged in a peace process with Israel for close to thirty years. However, the annexation and seizure of Palestinian occupied land has continued incrementally despite the peace process and Palestinian concessions for the sake of peace.¹¹ Previous Israeli annexation of land was condemned internationally but no concrete steps were taken to hold Israel to account. Some believe Israel will annex further occupied land because it perceives that it can do so without accountability and with the impunity it has enjoyed over the years. If there are no consequences, then Israel will proceed. The questions below focus on a peace process through which no peace has been realized.

- Why is annexation still taking place? Why have Palestinians waited for so long while watching their land dwindling by the day? What more concessions are required from Palestinians if a peace agreement with Israel ever materializes? Haven't we conceded enough? Why hasn't a peace agreement been reached? What went wrong? What should we have done differently? Who is responsible? Who is to blame?
- Why do some Israelis claim there is no peace partner on the Palestinian side? What are the attributes of a peace partner? Could anyone have given more than what has already been given? Was Israel ever interested in a negotiated peace agreement with the Palestinians?
- Are Jewish/Israeli lives and the future of the Jewish people more valuable than Arab/Palestinian lives and their rights and legitimate concerns?
- What was the peace process all about? It seems the negotiations were futile. What did the superpowers, the Quartet and others achieve? What about all the medi-

ators? Why are we the ones always dictated to? What happened to all the assurances Palestinians received for embarking on the peace process? Are we still in a peace process or has it died? Who is to be held accountable and who is responsible for where we are today? What is the best way to move forward and is there a plan?

- There has been a lack of a concrete and robust international response to US recognition of Jerusalem as Israel's capital. Why would it be different today?

Concerns and Questions Pertaining to Israeli / US Relations

Over the past few years, Palestinians have been further subjugated under measures closely coordinated by the US with Israel, including the recognition of united Jerusalem as the capital of Israel; closing the Palestinian mission in the US; defunding UNRWA; cutting USAID to Palestine; and moving the US embassy in an orchestrated attempt to bring Palestinians to accept the terms dictated in the Peace to Prosperity Plan (Deal of the Century), including the looming annexation. The following questions revolve around the relationship between the US and Israel, the threat of further annexation, and US politics.

- Is there agreement on what annexation entails? Does it mean the same to both the US and Israel? How is annexation considered/discussed in the absence of the people to be annexed? How can Israel and the US plan and decide on a land they both do not own? Why is the US so biased towards Israel? Why does the US provide aid to maintain the occupation, and now additional unlawful annexation, rather than bring this illegal situation to an end? What happened to the US values of liberty and justice for all when dealing with Israel-Palestine?
- How can any ambassador (in this case David Friedman of the US –a settler himself in an illegal settlement on occupied land) dictate to another state (in this case Israel) the fate of occupied land from a country he is a representative of? Is this acceptable in international diplomacy? Would the US accept this in a different context with any other ambassador?
- What is proposed for annexation under the Trump plan and is it conditional? Why should we accept forced unilateral annexation by Israel supported by the US? What gives Israel and the US the right to decide the fate of our land? Why unilateral annexation now with such strong support by the USA? How does the US administration live with “whatever Israel decides –we should back”

¹⁰ For example, a group of 70 members of the Italian Parliament sent a letter to the Italian president Giuseppe Conte, asking him to take action against annexation. The majority were from left and center-left parties. Another example is a group of 32 former US foreign policy and security officials who urged the Democratic Party to take a stronger position against the annexation of occupied Palestinian territory, and called for a commitment to both Israel's security and Palestinian rights. For a more comprehensive list, see the NAD/PNSP publication on reactions to annexation covering statements expressing rejection of the anticipated and illegal annexation of West Bank land.

¹¹ In 1988, the PLO recognized the State of Israel on 78% of historic Palestine and later modified the PLO Charter accordingly.



Apartheid Road (Route 4370) ©PLO-NAD

granting Israel a free reign? Is it a priority now for the USA challenged by COVID-19 and the George Floyd situation and its aftermath?

- What will be the fate of annexation if pushed through before the US elections? Will it create a problem for Israel later with a new American president? Will there be a change in US policy with an incumbent new president? How would a Biden administration react? What does history tell us?
- What makes the US and Israel confident that they can get away with this? Who dictates or has more say on annexation: Israel or the US? What was the focus of the discussion between Israel and the US during the short recent trip by Pompeo to Israel? Will further annexation be postponed? Or stopped altogether? What would influence the Trump administration to rethink its stance on annexation?
- The majority of countries globally oppose annexation. How will the US and Israel push this through? What legal reference, if any, will they present?
- Have both Israel and the US assessed the potential consequences of the day after annexation if it takes place? Have they both considered the implications? Do they care/should they care?

Concerns and Questions on What to Expect from the International Community if Further Annexation Takes Place

The questions here concern what it takes for the international community to put an end to blatant violations of international law related to occupation and the State of Palestine, and the call for respect and implementation of UN resolutions.

On the international front

- Will the international community join together to stop yet another crime against Palestinians? Will the EU or others impose sanctions, and if not, why not? Will calls by world leaders opposed to annexation make a difference? Will their voice matter?
- Why hasn't the international community taken concrete steps yet to avert annexation?
- Are all parties aware that the situation in occupied Palestine will change with further annexation? How will the international community deal with further violations of international law?
- Will countries that have not yet recognized the State of Palestine move towards recognition of Palestine? What is deterring them?

On the regional front

- Will Arab countries with a peace agreement with Israel take action? What type of action? Will it make a difference? Will the action differ from what is desired or expected by Palestinians? How will the advantages and disadvantages be weighed?

On the Israeli front

- Do the majority of Israelis understand the long-term effects of subjugating another nation for so long? What would that mean for the future of their desired state of Israel? What would it mean for Israel as an occupier state in the region?
- Do Israelis believe it will be business as usual after annexation? They annexed land in the past –what may be different now?
- Is there still any hope of building coalitions with Israelis for peace? Will that make a difference?

Concerns and Questions on the Palestinian front with the Threat of or Actual Further Annexation Taking Place

The concerns and questions here revolve around the obligations of the international community, the impact on the State of Palestine and the daily life of Palestinians, the future of the Palestinian Authority, the role of the PLO and the future of the two-state solution.

- What more can we do to challenge unlawful annexation and request that third states honor their obligations under international law by not recognizing the unlawful situation?
- Is this an opportune time to end the internal Palestinian division and face annexation as a united front? What

- more needs to happen to reach a tipping point on ending division and bringing about reconciliation?
- What are the potential consequences on the Palestinian Authority? Will the Palestinian Authority survive? Is it willing to risk the status quo (including security coordination)? If it collapses or dismantles, then what will be the nature of the relationship with Israel?
 - How is the PLO challenged? What measures will the PLO take towards self-determination? Can the PLO as it stands today assume its responsibilities? Is the Palestinian leadership capable of challenging further annexation? What resources are available? Are these resources different than those available in the past? Will it make a difference? Is there a clear strategy with detailed plans?
 - What will be the fate of people on the “annexed land”? Will another annexation wall be built? If the territory annexed falls under Israeli law, how will that affect our tax revenues? How will it affect agreements with Israel on water and electricity for example? Should we expect an increase in the demolition of Palestinian homes in area C and in Jerusalem? Will we have to deal with further restraints on Palestinian freedom of movement? How will we deal with long-term alterations to infrastructure - destruction of Palestinian infrastructure - for the benefit of colonialism? How will our rights be further compromised? What further exploitation of our resources will take place? Will annexation force all the parties into the one state option, which in the long term may be to the Palestinians’ advantage?
 - Will violence erupt? Will Israel increase its repression? Will Palestinians escalate their resistance? How will we, and the Israelis for that matter, be affected? Are we to prepare ourselves for a next *Intifada*? What form of resistance is acceptable for Palestinians to defy occupation, including annexation? If we resort to violence we are called terrorists. If we call for economic sanctions, we are accused of economic terrorism. If we campaign in diplomatic fora or seek international mechanisms, we are accused of diplomatic terrorism. If we utter any criticism of Israel, we are accused of anti-Semitism. If we call for fair negotiations with clear parameters and a timeframe, we are accused of stalling, being anti-peace and cannot be partnered with in a negotiating process. If we use “violence”, we are killed with live bullets. If we use nonviolence, we are also shot and killed.
 - What is expected from Palestinians? To give up? To surrender? To accept injustice? To accept being second class citizens/residents? To swallow their pain? To embrace an occupier with open arms? To accept illegally created facts on the ground? To live in Bantustans? To accept limited self-rule? To accept the rule of power and lawlessness? To welcome daily humiliation? To accept whatever is “given” to them? All of the above and more? What?
 - Will it be business as usual with further annexation?
 - We are calling for the convening of an international peace conference. What difference will that make? Will the US and Israel participate? What if they don’t? What other tools are available to rally world support around Palestinians to stop further annexation?
 - Is the two-state solution still possible? With the prospect of further illegal annexation and moving towards more visible apartheid, should we put the two-state solution to rest and fight within one state for equal rights? Further annexation renders the two-state solution impossible so would we continue on the two-state negotiations track? What will be the strategy from now on?
- Irrespective of whatever actions have already been taken by Israel for further annexation of Palestinian land and the reasons offered to justify its actions, and no matter what the supporters of annexation say, the fact remains that close to a million Palestinians were dispossessed over 70 years ago and forced to become refugees. Today over twelve million refugees still live in inhumane conditions in refugee camps. Around five million Palestinians have been living under occupation for over 50 years, with two million living for 14 years in an open air prison called the Gaza Strip. This should not be allowed to continue. All Palestinian lives in Palestine and the diaspora matter and their right to self-determination is enshrined in international law.
- Further annexation brings a one state reality closer and would conclusively end the two-state solution, with no possibility of a viable and independent Palestinian state. Given the facts on the ground, including Israel’s Nation State Law, this will cement a system of apartheid and segregation whereby Israel imposes two different regimes on two groups of people. Such a situation is certainly unpalatable in the 21st century and is a black spot on the world order.
- Palestinians, and particularly youth of all backgrounds, are moving into a new paradigm with an active role in decision making. They see that their elders have failed them through a failed peace process that did not bring peace. Rather, it brought more land grabs, more exploitation of their resources, intensified their suffering and stripped them of their dignity. Youth who were born and have lived all their lives under occupation are living with shattered hopes and dreams of a better future. Further annexation will certainly complicate an already volatile situation. It will exacerbate the feeling of hopelessness and helplessness: two important ingredients for chaos.
- It is true that older Palestinians who have experienced the *Nakba* have died, yet it is also true that the younger generation did not and will not forget. With or without further annexation, Palestinians will continue to struggle until the

end of occupation. Palestinians cannot be forced to accept the normalization of the abnormal, nor to embrace illegitimate control over annexed land where the exploitation of resources deprives them of a livelihood. History has taught us that occupation and apartheid are unsustainable. Sooner or later, Palestinian freedom is inevitable.

For Palestinians, the concerns and questions posed above are very daunting and frustrating. Many questions go unanswered. Yet for Israelis they are just as problematic and signify a bleak future ahead. There will be significant costs and repercussions for Palestinians, Israelis, and for the region and international world order. Internal Israeli politics led by a government biased towards settlers and strongly promoting annexation and a shift in Israeli legal discourse on settlements, Jerusalem, the West Bank, occupation and the Gaza Strip will prove detrimental to Israel in the long run.

What will safeguard Israel and Palestine and promote peace in the region is acceptance that neither Palestinians nor Israelis will vanish. Thus, it is best if a dignified and just solution is reached so that both states: Palestine and Israel, live side by

side in peace and security. Further annexation and the transfer of settlers to this land will perpetuate ethnic cleansing and demographic manipulation, and will not achieve peace. If anything, it will add fuel to an already burning fire. It is unlawful and must be rejected unanimously.

Statements made by the international community have lacked any positive action to preserve the prospect of a negotiated two-state resolution to the conflict and end the occupation in line with relevant UN resolutions, international law, and signed agreements. The result has been incremental annexation of occupied Palestinian land, stalled negotiations and increased Palestinian suffering and loss. Statements without action will no longer suffice in the face of further annexation. Concrete measures are required to overcome the current political impasse and salvage peace prospects, thereby deterring any further annexation of Palestinian land and ending occupation. The Israeli occupation - assumed to be temporary by law - has now lasted for 53 years and cannot be allowed to move towards a permanent status with a far-reaching impact on Palestinian rights.



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ANALYSIS: REGIONAL AND INTERNATIONAL REACTIONS TO ANNEXATION

Xavier Abu Eid



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The annexation of occupied Palestinian territory has been a strategic Israeli goal of which East Jerusalem (EJ) and Latroun are examples (in addition to the Syrian Golan and the Lebanese Shebaa Farms). The current plans for annexation should not be seen as a new development but rather, as the natural growth of a colonial-settlement enterprise that for various reasons has been largely tolerated by the international community. This chapter focuses on the context in which partly enabled annexation becomes a reality. It also examines international responses and analyzes if these provide any basis to believe that Israel will face consequences for annexation on this occasion that differ from previous condemnations of ongoing violations of UN resolutions and international law.

Historical Background: The Failure to Act

It did not take long for Israel to begin the process of annexation following the 1967 occupation. The first targets were EJ and Latroun in Palestine, as well as the Golan Heights in Syria. The Israeli decisions on annexation were never recognized by the international community. The United Nations Security Council (UNSC) Resolution 242 had already emphasized “the inadmissibility of the acquisition of territory by war”,¹ and UNSC Resolutions 252,² 267,³ 271,⁴ 298,⁵ 465,⁶ 476,⁷ and 478⁸ in particular declared Israeli annexation of Jerusalem to be “null and void”, with all measures taken by the occupying power to be “rescinded”.⁹

1 UNSC Resolution 242 (22 November 1967) available at <https://unispal.un.org/unispal.nsf/0/7D35E1F729DF491C85256EE700686136> last accessed on May 31, 2020.

2 UNSC Resolution 252 (21 May 1968) available at <https://unispal.un.org/DPA/DPR/unispal.nsf/b86613e7d92097880525672e007227a7/46f2803d78a0488e-852560c3006023a8?OpenDocument> last accessed on May 31, 2020.

3 UNSC Resolution 267 (3 July 1969) available at <https://unispal.un.org/DPA/DPR/unispal.nsf/b86613e7d92097880525672e007227a7/5932ecf53f-b36a04852560c300656122?OpenDocument> last accessed on May 31, 2020.

4 UNSC Resolution 271 (15 September 1969) available at <https://unispal.un.org/DPA/DPR/unispal.nsf/b86613e7d92097880525672e007227a7/35941b603b4459b8852560c-50061dc5e?OpenDocument> last accessed on May 31, 2020.

5 UNSC Resolution 298 (25 September 1971) available at <https://unispal.un.org/DPA/DPR/unispal.nsf/b86613e7d92097880525672e007227a7/441329a958089eaa-852560c4004ec74d?OpenDocument> last accessed on May 31, 2020.

6 UNSC Resolution 465 (1 March 1980) available at <https://unispal.un.org/DPA/DPR/unispal.nsf/b86613e7d92097880525672e007227a7/5aa254a1c8f8b1cb852560e50075d-7d5?OpenDocument> last accessed on May 31, 2020.

7 UNSC Resolution 476 (30 June 1980) available at <https://unispal.un.org/DPA/DPR/unispal.nsf/0/6DE6DA8A650B4C3B852560DF00663826> last accessed on May 31, 2020.

8 UNSC Resolution 478 (20 August 1980) available at [https://undocs.org/S/RES/478\(1980\)](https://undocs.org/S/RES/478(1980)) last accessed on May 31, 2020.

9 Mentioned in UNSC Resolution 478.

As the occupying power, Israel moved ahead with its colonial-settlement policies. Almost a decade after beginning the colonization of occupied territory, the UN General Assembly approved Resolution 3414 that “*Requests* all States to desist from supplying Israel with any military or economic aid as long as it continues to occupy Arab territories and deny the inalienable national rights of the Palestinian people”.¹⁰ This demand was reiterated with resolution 31/36 (December 9, 1976) that called for sanctions to be imposed on Israel due to its violations. It requested that the Security Council take “effective measures” and that all nations should “desist from supplying Israel with military and other forms of aid or any assistance which would enable it to consolidate its occupation or to exploit the natural resources of the occupied territories”.¹¹

In 2004 the International Court of Justice (ICJ) released its historic Advisory Opinion on the Israeli wall constructed in occupied Palestine and referred to the risk of a “situation tantamount to de facto annexation”.¹²

The ICJ delivered a strong opinion that reaffirmed the legal responsibilities of third parties with regard to the Israeli colonial-settlement enterprise. Specifically, it mandated: “All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; all States parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 have in addition the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention”.¹³

While the international community has reaffirmed its position on illegal Israeli policies on several occasions (including UNSC Resolution 2334 of 2016¹⁴), it failed to take any significant concrete measures to prevent the process of annexation.

Diplomatic Practice Versus Theory

Certain circles cynically refer to diplomats to Israel as “those on the beach”. Tel Aviv, the city where the majority of the diplomatic representations are located, is often referred to as a “bubble”.¹⁵ This allowed, for example, a number of European embassies to organize a party in 2019 over an ethnically cleansed Palestinian neighborhood of Jaffa (Al Manshiye) on Nakba day.¹⁶ Whether jokingly or not, this idea of separating “Israel” from “the conflict” to boost Israel’s foreign relations has Tel Aviv on the Mediterranean as a key part of the strategy. This angle reveals how in practice, the international duty of non-recognition of Israel’s illegal policies and practices, including annexation, has been “softened” by several diplomatic representatives who have promoted Jerusalem as part of their mandate over the years. The fact that most Israeli ministries are located in Jerusalem, as well as Israel’s Parliament and Supreme Court (particularly in occupied EJ), has normalized the presence in an area that under international law is not recognized as part of Israel.

Several visits to occupied territory have been referred to as “private visits”. How “private” can a visit be in the context of annexation? Several diplomats accredited to Israel have accompanied delegations to occupied EJ, including to the Old City and the settlement project known as “City of David” in Silwan¹⁷. In other notorious cases, foreign diplomats have accepted Israeli invitations to the Dead Sea or the Ma’ale Adumin settlement,¹⁸ both part of Israeli annexation plans. In 2017 German Foreign Minister Heiko Maas, then Justice Minister, accepted an invitation from Ayelet Shaked, then Israel’s Justice Minister and one of the main advocates for annexation¹⁹, to go on a helicopter trip that included the occupied West Bank. This was in violation of EU diplomatic codes not to visit the occupied territory with Israeli officials.²⁰

10 UNGA Resolution 3414 (5 December 1975) available at <https://unispal.un.org/DPA/DPR/unispal.nsf/0/C545D08B053A299F852560DE004F693A> last accessed on June 20, 2020.

11 UNGA Resolution 31/36 (9 December 1976) available at <https://unispal.un.org/DPA/DPR/unispal.nsf/0/F2804C761C845DD3852560DE0049D3AE> last accessed on May 31, 2020.

12 ICJ (9 July 2004) “Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory by Israel” available at <https://www.icj-cij.org/files/case-related/131/131-20040709-ADV-01-00-EN.pdf> P. 184. Last accessed on May 31, 2020.

13 Ibid. p. 202.

14 Which reaffirmed “that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-state solution and a just, lasting and comprehensive peace”. Available at <https://www.un.org/webcast/pdfs/SRES2334-2016.pdf> last accessed on May 31, 2020.

15 An example is this article in the Christian Science Monitor “Israel’s Other Side: The Tel Aviv ‘Bubble’” (22 July 2009) available at <https://www.csmonitor.com/World/Middle-East/2009/0722/p11s01-wome.html> last accessed on May 31, 2020.

16 A formal protest was delivered by PLO Secretary General Dr. Saeb Erekat on May 13, 2019 stating “while we understand that the EU and Israel have diplomatic relations, we were not under the impression that diplomatic relations translates to negating and insulting the Nakba (...). There are no words to express the feelings of our people as European diplomats and their Israeli counterparts will be partying in a place that exactly 71 years ago, was bombarded by a terrorist organization, Irgun, and its indigenous population forcibly displaced”.

17 One of the examples: City of David (July 5, 2016) “18 Latin American ambassadors and diplomats tour ancient Jerusalem” available at <https://www.cityofjuda.org.il/en/news/18-latin-american-ambassadors-and-diplomats-tour-ancient-jerusalem> last accessed on June 20, 2020.

18 Jerusalem Post (20 December 2016) “UN ambassadors visit Israeli settlement” available at <https://www.jpost.com/israel-news/un-ambassadors-visit-israeli-settlement-475914> last accessed on June 1, 2020.

19 Jerusalem Post (May 6, 2020) “Shaked: Annexing the West Bank is the dream of the people” available at <https://www.jpost.com/breaking-news/shaked-annexing-the-west-bank-is-the-dream-of-the-people-627089> last accessed on June 20, 2020.

20 I24 News (25 March 2018) “On visit to Israel, German FM seeks warmer ties after predecessor’s rocky tenure” available at <https://www.i24news.tv/en/news/israel/diplomacy->



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Several official visits have taken place in occupied EJ as part of visits to “Israel”. In addition to the Trump administration, a number of Latin American, Eastern European and African dignitaries tacitly recognized Israeli sovereignty in occupied EJ without even notifying the Palestinian authorities of their intentions to visit occupied territory. During his 2019 visit, Brazilian President Jair Bolsonaro issued a joint statement with Israel stating: “Through its friendship with Israel, Brazil will remain especially committed to contributing to any efforts aimed at safeguarding the Holy Sepulcher and other Christian holy sites in Jerusalem”.²¹ The same communique states: “Brazil recalled that Jerusalem has been inseparable from the identity of the Jewish people for over three millennia and has become the political heart of the modern and thriving State of Israel. In this spirit, and 72 years after participating in the first chapter of the recreation of the State of Israel, Brazil decided to establish an office in Jerusalem for the promotion of trade, investment, technology and innovation to be coordinated by the Foreign Ministry”.²²

During his last visit to Jerusalem, Chilean President Sebastian Pinera’s delegation in EJ also included the Israeli ambassador. When the issue was raised, Chile reaffirmed that

its position had not changed with regards to the Israeli occupation.²³ But this is still a problem: The fact that those in charge of protocol did not see anything wrong with the presence of the Israeli representative in occupied territory serves as a clear example of how normalized the Israeli occupation of EJ has become to some officials.²⁴

Back in 2014, the Australian Attorney General, in coordination with the Foreign Minister, read a statement in the Australian Senate stating that “The description of East Jerusalem as ‘occupied East Jerusalem’ is a term freighted with pejorative implications, which is neither appropriate nor useful”.²⁵ Although the UNSC Resolution is clear in calling upon “Those States that have established diplomatic missions in Jerusalem to withdraw such missions from the Holy City”,²⁶ Australia continued with discussions about moving its embassy to Jerusalem. In 2013 the Conservative Canadian Foreign Minister John Baird went as far as conducting an official meeting with an Israeli minister in occupied EJ.²⁷

Canada²⁸ has a Free Trade Agreement with Israel that do not make any distinction between Israel and the territory it occupies, thereby allowing settlements and annexed areas

[defense/170717-180325-on-visit-to-israel-german-fm-seeks-warmer-ties-after-predecessor-s-rocky-tenure](#) last accessed on June 1, 2020.

21 Brazil Ministry of Foreign Affairs (31 March 2019) “Joint Declaration on the occasion of the Official Visit of President Jair Bolsonaro to Israel – March 31, 2019” available at <http://www.itamaraty.gov.br/en/press-releases/20236-joint-declaration-on-the-occasion-of-the-official-visit-of-president-jair-bolsonaro-to-israel-march-31-2019> last accessed on June 1, 2020.

22 Ibid.

23 EMOL (26 June 2019) “Chile envia nota diplomática a Israel para aclarar que visita de Pinera a ciudad vieja de Jerusalem era sin autoridades locales” available at <https://www.emol.com/noticias/Nacional/2019/06/26/952616/Chile-envia-nota-diplomatica-a-Israel-para-aclarar-que-visita-de-Pinera-a-ciudad-vieja-de-Jerusalem-era-sin-autoridades-locales.html> last accessed on June 1, 2019.

24 The incident did not mark a departure from Chile’s formal position at the United Nations, yet it was the first time that an official Chilean delegation had been accompanied by any Israeli official in occupied East Jerusalem.

25 Haaretz (5 June 2014) “In Policy Shift, Australia Declares East Jerusalem is Not Occupied” available at <https://www.haaretz.com/.premium-australia-east-jerusalem-is-not-occupied-1.5250781> last accessed on June 1, 2020.

26 UNSC Resolution 478 (20 August 1980) available at [https://undocs.org/S/RES/478\(1980\)](https://undocs.org/S/RES/478(1980)) last accessed on May 31, 2020.

27 His visit also included a visit to the occupied Golan Heights. Available at <https://www.haaretz.com/.premium-canada-fm-breaks-e-jerusalem-taboo-1.5237714> last accessed on June 1, 2020.

28 Signed in 1997, updated in 2018. Agreement available at https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/israel/fta-ale/text-texte/toc-tdm.aspx?lang=eng&_ga=2.179741412.1906357450.1590998946-60765752.1589285589 last accessed on June 1, 2020. For an analysis of its implications for Israeli settlements please go to “Canadians for Justice and Peace in the Middle East” available at https://www.cjpme.org/leg2019_cifta last accessed on June 1, 2020.

(whether de facto or de jure) to benefit from bilateral relations, including trade. When last year the Canadian Federal Court rules that settlement products should not be labeled as Israeli products, the Canadian government of PM appealed the decision²⁹. But the practice of ignoring the 1967 border is more common than may be thought. In addition to Canada, other Free Trade Agreements signed by Israel that benefit settlement products and services are with Colombia,³⁰ Panama,³¹ Mexico,³² and the United States.³³ Despite the fact that the European Union has a strict policy of non-recognition of Israeli sovereignty over the 1967 occupied territory, a study in 2019 by the European Council on Foreign Relations found that out of 268 reviewed agreements, 158 did not include any territorial definition, with another 65 agreements including vague references that could be used to benefit territories illegally annexed by Israel e.g., territories under the “laws of the State of Israel” or “the territory where it levies taxation”.³⁴ Regular bilateral agreements signed by various Israeli governmental agencies with international parties often ignore the 1967 border.

Another aspect where several countries have “softened” their practice with regard to Israel and the areas it occupies, is the appointment of “honorary consuls” to “Jerusalem-Israel”. The list includes Armenia, whose office is in occupied EJ but refers to it as “Israel”,³⁵ Finland,³⁶ Denmark,³⁷ Czech Repub-

lic,³⁸ Slovakia,³⁹ Ukraine,⁴⁰ Poland,⁴¹ Serbia,⁴² Estonia,⁴³ Bulgaria,⁴⁴ and Croatia.⁴⁵ Some have declared that an honorary consulate is the first step towards an embassy⁴⁶. The “first step” made by others has been the opening of representative offices to “Jerusalem-Israel”, some of them with diplomatic status such as those of the Czech Republic,⁴⁷ Brazil,⁴⁸ Hungary,⁴⁹ and Honduras.⁵⁰ In the most extreme cases, two embassies were moved to Jerusalem: The United States and Guatemala.⁵¹

The Duty of “Non-Recognition” and the US (Trump) Plan

As stated in the 2004 ICJ opinion, countries have a responsibility not to recognize the illegal situation resulting from the Israeli wall, including the annexation of occupied EJ. Despite some examples of “softened practice”, the majority of the international community do not formally recognize Israeli sovereignty over the territory it occupies, something reaffirmed by their voting record in the United Nations. For example, after the US announcement of December 5, 2017, recognizing Jerusalem as “Israel’s capital”, Washington had to make use of its veto in the Security Council to block a resolution reaffirming the legal status of the city.⁵² On December 21 a vote took place in the General Assembly with only eight countries

29 Times of Israel (7 September 2019) “Canada to appeal ruling that settlement wines can’t be labeled ‘Made in Israel’” available at <https://www.timesofisrael.com/canadian-court-to-appeal-ruling-on-settlement-wine-labels/> last accessed on June 20, 2020.

30 Signed in 2013. Available at <http://www.tlc.gov.co/acuerdos/suscrito/israel> last accessed on June 1, 2020.

31 Signed in 2015. Available at <http://economy.gov.il/InternationalAffairs/TradePolicyAndAgreements/BilateralAgreementsDivision/Panama/FreeTrade/israel-panama-agreement.pdf> last accessed on June 1, 2020.

32 Signed in 2000. Available at https://www.wipo.int/edocs/lexdocs/treaties/en/il-mx/trt_il_mx_001en.pdf last accessed on June 1, 2020.

33 Entered into force in 1985. Available at <https://ustr.gov/trade-agreements/free-trade-agreements/israel-fta> last accessed on June 1, 2020.

34 European Council on Foreign Relations “Differentiation Tracker” (1 October 2019) available at https://www.ecfr.eu/rome/publi/differentiation_tracker last accessed on June 1, 2020.

35 Ministry of Foreign Affairs of Armenia “Israel, State of Israel, Jerusalem” available at <https://www.mfa.am/en/consulates/il> last accessed on June 1, 2020.

36 Finland Ministry of Foreign Affairs “Honorary Consulate of Finland, Jerusalem” available at https://finlandabroad.fi/web/isr/honorary-consulates/-/asset_publisher/4sNlIRsm-Ws2r/contactInfoOrganization/id/118350 Last accessed on June 8, 2020.

37 Denmark in Israel “Honorary Consuls” available at <https://israel.um.dk/en/about-us/honorary-consuls/> last accessed on June 8, 2020.

38 Ministry of Foreign Affairs of the Czech Republic “Israel – Honorary Consulate of the Czech Republic in Jerusalem” available at https://www.mzv.cz/honorary/en/miscellaneous/honorary_consulates/israel_honorary_consulate_of_the_czech_1.html last accessed on June 8, 2020.

39 The Embassy of the Slovak Republic in Tel Aviv “Honorary Consulates” available at https://www.mzv.sk/web/telaviv-en/honorary-consulates?p_p_id=zudatadisplayhk_WAR_MzvZuZobrPortlety&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-2&p_p_col_pos=1&p_p_col_count=3&zudatadisplayhk_WAR_MzvZuZobrPortlety_id=32191 last accessed on June 8, 2020.

40 Ministry of Foreign Affairs of Ukraine “State of Israel” available at <http://old.mfa.gov.ua/en/about-mfa/abroad/honorary-consulates/53> last accessed on June 8, 2020.

41 Poland in Israel “Honorary Consulates” available at <https://www.gov.pl/web/israel/honorary-consulates> last accessed on June 8, 2020.

42 Ministry of Foreign Affairs of the Republic of Serbia “Honorary Consulates – Israel” available at <http://www.mfa.gov.rs/en/embassies/serbian-diplomatic-missions/serbian-honorary-consulates/103-honorary-consulates/103-israel> last accessed on June 8, 2020.

43 Embassy of Estonia Tel Aviv “Estonian Honorary Consuls” available at <https://telaviv.mfa.ee/estonian-honorary-consuls/> last accessed on June 8, 2020.

44 Bulgarian National Television (September 5, 2018) “Bulgaria Opens Honorary Consulate General in Jerusalem” available at <https://www.bnt.bg/en/a/bulgaria-opens-honorary-consulate-general-in-jerusalem> last accessed on June 8, 2020.

45 Republic of Croatia – Ministry of Foreign and European Affairs “State of Israel” available at <http://www.mvep.hr/en/diplomatic-directory/israel-tel-aviv.153.html> last accessed on June 8, 2020.

46 EJ Press (24 June 2018) “Bulgaria to open honorary consulate in Jerusalem ‘as a first step’”. Available at <https://ejpress.org/bulgaria-to-open-honorary-consulate-in-jerusalem-as-a-first-step/> last accessed on June 8, 2020.

47 Times of Israel (November 27, 2018) “Czech House, feted as ‘first step’ in embassy move, opens in Jerusalem” available at <https://www.timesofisrael.com/czech-house-feted-as-first-step-in-embassy-move-opens-in-jerusalem/> last accessed on June 8, 2020.

48 Agencia Brasil (December 16, 2019) “Brazil opens up business office in Jerusalem” available at <https://agenciabrasil.ebc.com.br/en/politica/noticia/2019-12/brazil-opens-business-office-jerusalem> last accessed on June 8, 2020.

49 Israeli Ministry of Foreign Affairs (March 19, 2019) “Hungarian diplomatic trade mission opens in Jerusalem” available at <https://mfa.gov.il/MFA/PressRoom/2019/Pages/Hungarian-diplomatic-trade-mission-opens-in-Jerusalem-19-March-2019.aspx> last accessed on June 8, 2020.

50 Times of Israel (September 1, 2019) “Honduras opens trade office in Jerusalem, in ‘first step’ toward embassy move” available at <https://www.timesofisrael.com/honduras-opens-trade-office-in-jerusalem-in-first-step-toward-embassy-move/> last accessed on June 8, 2020.

51 Paraguay was the third but returned its offices to Tel Aviv.

52 The Guardian (December 19, 2017) “US outnumbered 14 to 1 as it vetoes UN vote on status of Jerusalem” available at <https://www.theguardian.com/world/2017/dec/18/us->

backing the US position: Guatemala, Honduras, Marshall Islands, Micronesia, Nauru, Palau and Togo, as well as Israel and the United States itself. Even some of Israel's closest allies such as Hungary's Orbán and Brazil's Bolsonaro did not vote with them⁵³ (Brazil voted in favor, Hungary abstained). A similar situation took place with Canada, where a Liberal government has largely kept a pro-Israeli UN voting record on Palestine-related issues like its Conservative predecessor. Yet in this particular case, Canada abstained.⁵⁴

Following US recognition of Jerusalem as Israel's capital and the closure of the PLO Mission in Washington, Palestine announced it would not continue its political/diplomatic relations with the Trump administration. In February 2019, the US organized a Middle East security conference in Warsaw without much prominence. Later in June, the US organized a conference in Manama to present the "economic part" of its Middle East Plan. The conference was largely boycotted, with several countries sending only low level diplomatic representatives. Only five ministers represented their countries in the conference⁵⁵ with the Palestinian business community rejecting invitations.⁵⁶ The only Palestinian businessman to address the conference was a largely unknown car dealer from Hebron.⁵⁷

Once the political part of the US plan was unveiled, it became clear that the duty of non-recognition had not been taken into consideration by the US team. Quite the opposite was taking place: recognition of something not recognized under international law and an unprecedented US endorsement for Israel's illegal colonial-settlement enterprise. While

Washington managed to gather a few statements acknowledging the initiative,⁵⁸ almost half a year after the plan's launch on January 29th, the US has failed to obtain a single endorsement of the initiative aside from Israeli endorsement. One of the key issues referred to by international parties, including the European Union, is the departure of the US plan "from the internationally agreed parameters". The EU statements on the US plan have been linked to Israeli plans towards annexation.⁵⁹

The European Union: Overwhelming Opposition to Occupation, No Consensus Over Action

On April 20th Likud and Blue and White, the two main Zionist parties in Israel, announced a coalition agreement that would allow for the process of annexation to begin as soon as July 1.⁶⁰ In his inaugural statement before the Israeli parliament, PM Benjamin Netanyahu reaffirmed his government's commitment to annexation: "These regions are where the Jewish nation was born and rose. It is time to apply Israeli law on them and write another great chapter in the annals of Zionism".⁶¹

Two days before the inauguration of the new Israeli government, the EU Foreign Affairs Council had failed to issue a strong statement on annexation because some countries argued that the Israeli government had not yet been formed. In particular, two countries, Hungary and Austria, vetoed a statement condemning annexation due to its "timing".⁶² When the statement was finally issued, the EU reiterated the

[outnumbered-14-to-1-as-it-vetoes-un-vote-on-status-of-jerusalem](#) last accessed on June 8, 2020.

53 United Nations "General Assembly Overwhelmingly Adopts Resolution Asking Nations Not to Locate Diplomatic Missions in Jerusalem" (21 December 2017) available at <https://www.un.org/press/en/2017/ga11995.doc.htm> last accessed on June 1, 2020.

54 United Nations (December 21, 2017) "General Assembly Overwhelmingly Adopts Resolution Asking Nations Not to Locate Diplomatic Missions in Jerusalem" available at <https://www.un.org/press/en/2017/ga11995.doc.htm> last accessed on June 8, 2020. The Canadian explanation not to vote in favor was "We are disappointed that this resolution is one-sided and does not advance prospects for peace to which we aspire, which is why we have abstained on today's vote on A/ES-10/L.22." Available at https://www.international.gc.ca/world-monde/international_relations-relations_internationales/un-onu/statements-declarations/2017-12-21-jerusalem.aspx?lang=eng last accessed on June 8, 2020.

55 Countries attending made references that their presence was not an endorsement of the US plan. The National (June 12, 2019) "Who is and isn't going to the Bahrain conference on Israeli-Palestinian peace" available at <https://www.thenational.ae/world/mena/who-is-and-isn-t-going-to-the-bahrain-conference-on-israeli-palestinian-peace-1.873696> last accessed on June 1, 2020.

56 New York Times (May 20, 2019) "Palestinian Business Leaders Reject Trump's Economic Overture" available at <https://www.nytimes.com/2019/05/20/world/middleeast/mideast-peace-plan-economic-workshop.html> last accessed on June 1, 2020.

57 NPR (June 23, 2019) "Palestinian Business Leaders Plan to Boycott White House Economic Workshop" available at <https://www.npr.org/2019/06/23/735273662/palestinian-business-leaders-plan-to-boycott-white-house-economic-workshop> last accessed on June 1, 2020.

58 French newspaper Le Figaro revealed a set of talking points sent by the US to several countries requesting them to issue positive statements about the plan. The points included: "We thank President Trump for his efforts to make progress on this longstanding conflict", "We have reviewed the Vision and consider it to be a serious, good faith, and realistic proposal to resolve the many issues that have been unresolved for decades", "We call on the leadership of both the Israelis and the Palestinians to negotiate on the basis of this Vision, under the leadership of the United States, and to pursue progress that will improve the lives of the people in the region", and "The status quo is not acceptable, and it is our hope that, based upon the Vision, this conflict can reach a long-sought resolution, leading to a more peaceful Middle East". Le Figaro (February 1, 2020) available at <https://www.lefigaro.fr/international/comment-les-etats-unis-ont-demande-a-la-communaute-internationale-de-soutenir-leur-plan-israelo-palestinien-20200201> last accessed on June 2, 2020.

59 EU External Action Service (February 4, 2020) "MEPP: Statement by the High Representative/Vice President Josep Borrell on the US initiative" available at https://eeas.europa.eu/headquarters/headquarters-homepage/73960/mepp-statement-high-representative-vice-president-josep-borrell-us-initiative_en last accessed on June 2, 2020.

60 Meron Rapaport "Netanyahu finally gets the annexation government he's been waiting for" (April 21, 2020) available at <https://www.972mag.com/netanyahu-coalition-annexation-gantz/> last accessed on June 5, 2020.

61 Reuters "Netanyahu's new Israeli government approved, eyes West Bank annexation" (May 17, 2020) available at <https://www.reuters.com/article/us-israel-politics-government/netanyahus-new-israeli-government-approved-eyes-west-bank-annexations-idUSKBN22TOCM> last accessed on June 5, 2020.

62 Jerusalem Post (May 21, 2020) "Hungary, Austria stand against rest of EU blasting Israel" available at <https://www.jpost.com/israel-news/hungary-austria-stand-against-rest-of-eu-blasting-israel-628721> last accessed on June 5, 2020.

opposition to annexation, but no measures were announced in the event of Israel moving ahead with its plans.⁶³

What does Israel have to do in order for EU countries to take concrete measures? PM Netanyahu's announcement before the Israeli parliament took place only a few weeks before his government will have a mandate to work on annexation (July 1st). From the menu of measures open to countries to exert pressure, including recalling ambassadors or summoning Israeli representatives, little has happened. A follow-up statement after a conversation between the EU High Representative Josep Borrell and the new Israeli Foreign Minister Gabi Ashkenazi did not make any concrete reference to annexation but highlighted "the broad and deep nature of the mutual relationship, with its strong political, historic and cultural ties".⁶⁴

A few days later, the Irish Foreign Minister, one of the closest allies of Palestine in the EU, refused to include in Ireland's government platform a bill banning settlement products from Irish markets, including those from Israeli settlements.⁶⁵ He argued that Ireland was doing "all we can to try to impress on a new Israeli government, with which we want to have a good relationship, that this would be a real mistake in the context of Israel's relationship with the EU and with the rest of the world".⁶⁶ Yet the exclusion of the bill from the government program was surely a signal for the Israeli government that not even Palestine's closest ally in the EU was willing to adopt concrete measures? The inclusion of the bill in the government program could have been a unique and serious message to the Israeli government of the consequences of annexation. The historical background of Israeli-EU relations allows Tel Aviv to assume that this is a sign that even the closest countries to Palestine in the EU will not implement sanctions.

Germany has also delivered warnings. Most statements from Berlin issued in multilateral forums, including at the UN Security Council, openly oppose Israeli policies in occupied Palestine ("we reiterate our position that Israeli settlement activities in the occupied Palestinian territories are illegal un-



der international law and severely undermine the prospects for ending the occupation and for achieving a negotiated two-state solution").⁶⁷ Yet Germany has been careful not to use language such as "annexation cannot go unchallenged" as stated by other EU members such as Luxembourg, France or by High Representative Josep Borrell himself.⁶⁸ On February 13, 2020, Germany's submission to the International Criminal Court (ICC) to prevent an investigation into crimes committed by Israel in Palestine also indicated that Germany is reluctant to take action.⁶⁹ The ICC has been referred to as one of the few obstacles taken into account by Israel in implementing annexation.⁷⁰ During his visit to Israel, FM Maas made clear that while Germany opposes annexation, it is not going to impose any kind of sanctions⁷¹. In other words, Israel received assurances that no sanctions will be taken by the European Union.

There are, however, those who believe that this time things may be different. The EU is Israel's main trade partner and there should certainly be concerns by Israel that its systematic contraventions of international law might have a

63 After the Israeli announcement, the Austrian FM clarified his country's position: "The unilateral expansion of territory is against international law and numerous resolutions of the United Nations Security Council since 1967" available at <https://www.haaretz.com/world-news/europe/premium-despite-support-at-eu-austria-clarifies-it-opposes-israeli-annexation-1.8882016> last accessed on June 8, 2020.

64 EU External Action Service (May 26, 2020) "Israel: High Representative/Vice-President Josep Borrell speaks to Foreign Minister Gabi Ashkenazi" available at https://ec.europa.eu/headquarters/headquarters-homepage/79936/israel-high-representativevice-president-josep-borrell-speaks-foreign-minister-gabi-ashkenazi_en last accessed on June 5, 2020.

65 Irish Times (June 4, 2020) "Tánaiste rules out including ban on Israeli goods in programme for government" available at <https://www.irishtimes.com/news/politics/tanaiste-rules-out-including-ban-on-israeli-goods-in-programme-for-government-1.4270636?localLinksEnabled=false> last accessed on June 5, 2020.

66 Ibid.

67 Permanent Mission of the Federal Republic of Germany to the United Nations (May 20, 2020) "Remarks by Ambassador Jurgen Schulz during the UN Security Council VTC Meeting on the Middle East Peace Process" available at <https://new-york-un.diplo.de/un-en/news-corner/200520-schulz-mepp/2343616> last accessed on June 5, 2020.

68 Reuters (May 11, 2020) "France pushing for tough EU response to any West Bank annexation: diplomats" available at <https://www.reuters.com/article/us-israel-palestinians-cu/france-pushing-for-tough-eu-response-to-any-west-bank-annexation-diplomats-idUSKBN22N2CJ> last accessed on June 5, 2020.

69 Available at https://www.icc-cpi.int/CourtRecords/CR2020_00464.PDF last accessed on June 5, 2020.

70 Hagai El-Ad (April 30, 2020) "Israel doesn't need 'advice' against annexation – it needs consequences" available at <https://www.972mag.com/germany-israel-annexation-icc/> last accessed on June 5, 2020.

71 Asked on the possibility of sanctions, FM Maas said "I did not set any price tags". Available at <https://www.reuters.com/article/us-israel-palestinians-annexation-german/germany-voices-concern-over-israeli-annexation-plan-but-does-not-mention-sanctions-idUSKBN23H20H> last accessed on June 20, 2020.



negative effect on bilateral relations. Article 2 of the Israel-EU Association Agreement, vital to Israel's economy, is conditional on "respect for human rights and democratic principles",⁷² although well-documented systematic and ongoing Israeli violations of human rights have not had any concrete effect on the relationship. The question as to why things would be different on this occasion remains unanswered. Some may remember that in 2016 EU members of the UN Human Rights Council, which for decades had condemned Israeli settlements as illegal under international law, all agreed to abstain on Resolution 31/36 to create a database of companies working in Israeli settlements,⁷³ in violation of the UN Guiding Principles on Business and Human Rights.⁷⁴ This was considered to be the first concrete mechanism of accountability after over half a century of Israeli occupation.

This pattern has been repeated even few weeks before the

date set by the Israeli government to begin the process of annexation. On June 19 the Human Rights Council voted a resolution on "Ensuring Accountability and Justice for all Violations of International Law in the occupied Palestinian territory, including East Jerusalem". The resolution largely contains general references on international responsibility and the need to promote the fulfilment of international law in Palestine. While the vote was passed, not a single EU country voted in favor, with Austria, Bulgaria and Czech Republic voting against, while Denmark, Germany, Italy, Netherlands, Poland, Slovakia and Spain abstained⁷⁵.

Diplomatic practice within the EU suggests that friends of Palestine tend to agree on the principles (of international law and Palestinian rights), while friends of Israel tend to agree on concrete actions (against Palestine), which in this case means blocking any EU move to hold Israel accountable.

72 Agreement available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/association_agreement_israel-eu_2000.pdf last accessed on June 5, 2020.

73 Resolution was approved by 32 votes in favor, 15 abstentions and no opposition. The abstentions were Albania, Belgium, France, Georgia, Germany, Ghana, Latvia, Netherlands, Paraguay, Portugal, Republic of Korea, Slovenia, the former Yugoslav Republic of Macedonia, Togo and the United Kingdom. UN Human Rights Council Resolution 31/36 (March 23, 2016) "Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan" available at <https://documents-dds-ny.un.org/doc/UNDOC/ID/G16/057/71/PDF/G1605771.pdf?OpenElement> last accessed on June 5, 2020.

74 Available at https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf last accessed on June 5, 2020.

75 UN OHCHR (June 19, 2020) "Human Rights Council adopts 14 resolutions, including on excessive use of force by law enforcement officers against Africans and people of African descent" available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25981&LangID=E> last accessed on June 20, 2020.

Other Actors

The United Kingdom was one of the first countries to “welcome” the US plan that legitimizes annexation (“this is clearly a serious proposal, reflecting extensive time and effort”).⁷⁶ Yet, like the vast majority of countries that initially welcomed the release of the US plan, London clarified its opposition to Israeli settlements and annexation. Over time, the UK has ceased to refer to the US annexation plan in statements. Hundreds of politicians from all British political parties have called upon their government to respond to annexation with concrete measures, yet the British Government, dealing with COVID-19 and the post-Brexit era, has been reluctant to announce any measures, even in response to a letter signed by 149 politicians demanding the imposition of sanctions in the event of annexation.⁷⁷ Other letters and statements have been delivered as well. PM Johnson said, answering to a question in parliament, “I believe that what is proposed by Israel would amount to a breach of international law and I strongly objected and we believe profoundly in a two-state solution and we will continue to make that case.”⁷⁸

Canada lost its campaign to win a seat on the UNSC in June⁷⁹, representing a strategic loss for Israel in the Security Council given their positions and reluctance to make use of multilateral forums to fulfil Palestinian rights⁸⁰. Back in 2010 they tried to win a seat but it became clear that one of the reasons for their defeat was the anti-Palestinian position of their conservative government.⁸¹ While changing the anti-Palestinian rhetoric of his predecessor, the current PM, Trudeau, has not significantly changed Canada’s voting record in the United Nations against the rights of the Palestinian people.⁸² Ottawa has consistently refused to publicly criticize Israeli violations, although officials claim to have presented their “concerns” to Israeli officials. The first time PM Trudeau

spoke publicly about annexation was on June 3, after several groups in Canada, including the Anglican Church, Jewish Voice for Peace, the Canada chapter of the New Israel Fund, and dozens of former diplomats and ministers, had called upon him to take a strong position on the issue.⁸³ Significant action from Canada is unlikely, just as with Australia, another strong supporter of the Netanyahu government on the international stage. Australia has endorsed Israeli positions with its UN voting record and has remained largely silent on the prospects of annexation.⁸⁴

Russia and China⁸⁵ have made use of their seats on the UNSC to strongly condemn annexation. Russia in particular called for the reactivation of international mechanisms such as the Quartet, and expressed support for an international conference.⁸⁶ Japan, a country that has invested substantial resources in the development of Palestinian institutions, has avoided speaking openly about annexation, although its position on the illegality of Israeli settlements has been maintained.⁸⁷ In addition to the Arab countries, South Africa has taken the lead in condemning the prospects of Israeli annexation. Addressing the UNSC, Ambassador Xolisa Mabhongo made reference to Article 1 of the UN Charter that calls for “effective collective measures for the prevention of threats to the peace...”⁸⁸

Based purely on public statements, most Latin American countries, with a few notable exceptions such as Cuba, have greeted the prospect of Israeli annexation with indifference. This includes Chile, the country with the largest Palestinian community in the region and a traditional ally of Palestine. Santiago’s silence is a new development to be carefully analyzed, especially considering that the properties of hundreds of Chilean-Palestinian citizens are threatened with annexation in the Bethlehem area.⁸⁹ Meanwhile the presidents of

76 Foreign Secretary (January 28, 2020) “Release of US proposal for Middle East Peace: Foreign Secretary’s statement” available at <https://www.gov.uk/government/news/foreign-secretary-statement-on-release-of-us-proposals-for-middle-east-peace> last accessed on June 5, 2020.

77 CAABU “PM’s response to 149 British politicians fails to show how Britain will tackle an illegal Israeli annexation” available at <https://www.caabu.org/news/news/pms-response-149-british-politicians-fails-show-how-britain-will-tackle-illegal-israeli> last accessed on June 5, 2020.

78 Haaretz (June 16, 2020) “Boris Johnson Says U.K. Strongly Opposes Israeli Plan for West Bank Annexation” available at <https://www.haaretz.com/world-news/europe/premium-boris-johnson-says-u-k-opposes-israeli-plan-for-west-bank-annexation-1.8925637> last accessed on June 20, 2020.

79 CBC (June 17, 2020) “Canada loses its bid for seat on UN Security Council” available at <https://www.cbc.ca/news/politics/united-nations-security-council-canada-1.5615488> last accessed on June 20, 2020.

80 An analysis from an Israeli perspective can be found in Jerusalem Post (June 19, 2020) “With annexation looming, Canada’s UNSC upset is bad news for Israel, US” available at <https://www.jpost.com/israel-news/with-annexation-looming-canadas-uns-c-upset-is-bad-news-for-israel-us-632072> last accessed on June 20, 2020.

81 Michael Lynk (May 20, 2020) “Canada missing in action on Israel’s proposed annexation of the West Bank” available at <https://theconversation.com/canada-missing-in-action-on-israels-proposed-annexation-of-the-west-bank-138274> last accessed on June 5, 2020.

82 Ibid.

83 CBC (June 2, 2020) “Ex-ministers, ambassadors call on Trudeau to push back against Israeli annexation plan” available at <https://www.cbc.ca/news/politics/ambassadors-ministers-israel-west-bank-netanyahu-trudeau-1.5594205> last accessed on June 5, 2020.

84 Australia’s alleged position is that they have made their opinions against annexation privately to Israeli officials.

85 CGTN (May 21, 2020) “Chinese envoy voices concern over Israel’s planned annexation of Palestinian territory” available at <https://news.cgtn.com/news/2020-05-21/China-deeply-concerned-about-Israel-s-plan-to-annex-West-Bank-QFgile6MjS/index.html> last accessed on June 10, 2020.

86 Times of Israel (May 22, 2020) “Russia to convene Mideast quartet for talks on West Bank annexation plans” available at <https://www.timesofisrael.com/russia-to-convene-mideast-quartet-for-talks-on-west-bank-annexation-plans/> last accessed on June 10, 2020.

87 Japan’s latest statement was released on February 27, 2020, calling upon Israel to freeze settlement construction. Available at https://www.mofa.go.jp/press/release/press4e_002645.html last accessed on June 5, 2020.

88 South Africa Department International Relations and Cooperation (May 20, 2020) available at <http://www.dirco.gov.za/docs/speeches/2020/mabh0520.htm> last accessed on June 5, 2020.

89 According to the US plans, the areas of Makhroun and Cremisan will be annexed to Israel. See article by Fr. Jamal Khader and Rev. Munther Isaac “Donald Trump is complicit

Argentina (including Argentina's support for strengthening relations between Israel and MERCOSUR),⁹⁰ Brazil⁹¹ and Colombia⁹² called PM Netanyahu to congratulate him on the new government. Nothing was said about annexation according to their public statements.

Following the statements by the Heads of Churches in Jerusalem,⁹³ the Holy See reiterated its position supporting the implementation of international law in Palestine.⁹⁴

Regional Responses

The Israeli government's coalition agreement stipulates that annexation will be implemented "while pursuing the security and strategic interests of the State of Israel, including the need for maintaining regional stability, the preservation of peace agreements and the pursuit of future peace agreements".⁹⁵ The overall response of the region has been to oppose annexation. While Israel has claimed to be warming ties with countries from the Arab Gulf, the response of the latter to the annexation plans has been even harsher than those following the illegal US recognition of Jerusalem as Israel's capital.

Israel has peace agreements with Jordan and Egypt. Cairo has communicated its opposition to annexation to Tel Aviv. In contrast, Jordan has conducted a widespread diplomatic outreach to mobilize the international community against this new Israeli crime. The implications of annexation on these peace agreements remain to be seen. King Abdullah II did not rule out the end of the agreement, and when asked on the matter, replied "we are considering all options".⁹⁶ In the Arab Gulf, where the Trump administration has heavily

invested to promote normalization with Israel, the prospects of annexation have been completely rejected, including by all the main US allies. In addition to strong statements from countries such as Saudi Arabia and Kuwait, the United Arab Emirates came out with an unequivocal condemnation and warning of the consequences of annexation.⁹⁷ Another important regional player, Turkey, also made strong statements against annexation.⁹⁸

One of the strategic goals of the Trump administration's approach in the Middle East has been to normalize relations between the Arab world and Israel without solving the Palestine issue. This is a direct attempt at dismantling the basic principle of the Arab Peace Initiative, which makes full normalization conditional on Israeli withdrawal to the 1967 borders.⁹⁹ The concept of linking relations with Israel to the regional tensions with Iran has been a key foundation of this US policy, as seen in the Warsaw Conference.¹⁰⁰

It has become clear that the initial enthusiasm of the Trump Middle East team has worn thin as all red lines have been crossed with the major regional players, bringing up the possibility of a response to annexation that goes beyond rhetorical statements. Several media reports and analysis suggest that one of the main consequences of annexation would not only be the end of the peace agreement with Jordan, but of all steps towards normalization with other Arab countries, primarily in the Arab Gulf.¹⁰¹ This would mean the total dismantling of a strategic goal of the Trump team, including of its first envoy Jason Greenblatt, who immediately after leaving his post joined an Israeli fund to strengthen economic ties with Arab Gulf countries.¹⁰²

in a Catastrophe for Christians" published in Haaretz on May 6, 2020. Available at <https://www.haaretz.com/middle-east-news/.premium-donald-trump-is-complicit-in-a-catastrophe-for-christians-1.8825832> last accessed on June 5, 2020.

90 Clarin (May 25, 2020) "Alberto Fernandez habla con el primer ministro de Israel: coronavirus y Mercosur" available at https://www.clarin.com/politica/alberto-fernandez-hablo-primer-ministro-israel-coronavirus-mercosur_0_E-5yhQE7.html last accessed on June 7, 2020.

91 Israel Ministry of Foreign Affairs (May 28, 2020) "PM Netanyahu speaks with Brazilian President Jair Bolsonaro" available at <https://mfa.gov.il/MFA/PressRoom/2020/Pages/PM-Netanyahu-speaks-with-Brazilian-President-Jair-Bolsonaro-28-May-20200531-4725.aspx> last accessed on June 7, 2020.

92 Israeli Ministry of Foreign Affairs (May 26, 2020) "PM Netanyahu speaks with Colombian President Duque and Argentine President Fernandez" available at <https://mfa.gov.il/MFA/PressRoom/2020/Pages/PM-Netanyahu-speaks-with-Colombian-President-Duque-and-Argentine-President-Fernandez-26-May-2020.aspx> last accessed on June 7, 2020.

93 Latin Patriarchate of Jerusalem (May 7, 2020) "Holy Land: Heads of Churches voice concern about Israel's planned annexation of West Bank land" available at <https://www.ltpj.org/posts/holy-land-heads-of-churches-voice-concern-about-israels-planned-annexation-of-west-bank-land.html> last accessed on June 7, 2020.

94 Holy See Press Office Communiqué (May 20, 2020) available at <http://press.vatican.va/content/salastampa/en/bollettino/pubblico/2020/05/20/200520c.html> last accessed on June 5, 2020.

95 Jerusalem Post (May 9, 2020) "Annexation as early as July 1 under Netanyahu-Gantz deal" available at <https://www.jpost.com/arab-israeli-conflict/annexation-as-early-as-july-1-under-netanyahu-gantz-deal-625304> last accessed on June 5, 2020.

96 Der Spiegel (May 15, 2020) Interview with King Abdullah available at <https://www.spiegel.de/international/world/jordan-s-king-abdullah-ii-the-danger-of-people-starving-to-death-is-greater-than-the-danger-from-the-virus-a-4b220928-7ff9-4219-a176-ec380ec16cf3> last accessed on June 6, 2020.

97 Arab News (June 1, 2020) "UAE calls on Israel to halt West Bank annexation plan" available at <https://www.arabnews.com/node/1683186/middle-east> last accessed on June 6, 2020.

98 Hurriyet (May 16, 2020) "Turkish spokesperson slams Israel's annexation plan" available at <https://www.hurriyetdailynews.com/turkish-spokesperson-slams-israels-annexation-plan-154810> last accessed on June 6, 2020.

99 Arab Peace Initiative available at <https://www.un.org/unispal/document/auto-insert-181223/> last accessed on June 7, 2020.

100 The inaugural statement of the US in the conference included 38 references to alleged Iranian threats to the region, one reference to Palestinians ("the United States of America remains fully committed to achieving a lasting peace between Israelis and Palestinians"). White House "Remarks by Vice President Pence at the Warsaw Ministerial Working Luncheon" (February 14, 2019) available at <https://www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-warsaw-ministerial-working-luncheon-warsaw-poland/> last accessed on June 7, 2020.

101 Associated Press (May 8, 2020) "Set for new term, Israel's Netanyahu eyes risky West Bank annexation" available at <https://www.latimes.com/world-nation/story/2020-05-08/israel-netanyahu-eyes-risky-west-bank-annexation> last accessed on June 7, 2020.

102 Bloomberg (February 26, 2020) "Trump's Mideast Envoy Joins Israeli Fund to Build Regional Ties" available at <https://www.bloomberg.com/news/articles/2020-02-26/trump-s-mideast-envoy-joins-israeli-fund-to-build-regional-ties> last accessed on June 7, 2020.

The United States

If annexation is a consequence of decades of impunity granted to Israel, the US has been one of the key protagonists. This is not a role that began with the Trump administration: Since 1967 Washington has made use of its veto on over 40 occasions to protect Israel from any measure of accountability.¹⁰³ The current administration has taken matters to a new level whereby basic principles of US diplomatic history and its support for principles of international law, such as the non-recognition of Israeli settlements or the annexation of Jerusalem, have been bypassed by an agenda that claims to recognize the new “realities”, while endorsing a highly ideological narrative and positions traditionally identified with some of the most anti-Palestinian sectors: Christian Zionists and Israeli settlers.

Vice-President Mike Pence’s address to the Israeli parliament serves as an example: “We stand with Israel because we believe in right over wrong, in good over evil, and in liberty over tyranny”.¹⁰⁴ Who represents the wrong, evil and tyranny if not the Palestinians based on VP Pence’s statement? On recognition of Jerusalem as Israel’s capital, he said: “It was here, in Jerusalem, that King David consecrated the capital of the Kingdom of Israel. And since its rebirth, the modern State of Israel has called this city the seat of its government”.¹⁰⁵ This messianic narrative is that of US Ambassador David Friedman, who has long been identified with the funding of illegal colonial-settlements in Palestine.¹⁰⁶ Addressing AIPAC, Friedman said: “I think that even three millennia ago, King David recognized that Israel’s enemies would seek to undermine the centrality of Jerusalem to the State of Israel and to mischaracterize and vilify the Jewish State. He sought God’s intervention for something simple and basic that we not fall for it, that we continue to see the holiness, the beauty, the sanctity of life, and yes, the good in Jerusalem. I’d like to think that God has blessed the Trump administration in this very manner”.¹⁰⁷

Should the Trump administration be considered a divine intervention that endorses annexation, colonization, and other grave violations of international law? According to the US



Ambassador, this seems to be the case (understanding that the Trump administration disagrees with the principle that Palestine is under Israeli occupation and that settlements are illegal, which is an integral part of its Middle East Plan).¹⁰⁸

This narrative and policies have provoked considerable backlash in the US. Some sources claim that the Netanyahu-Trump axis threatens an end to the traditional “bipartisan” support Israel has enjoyed in the US Congress.¹⁰⁹ An unprecedented number of 107 members of Congress signed a letter to the administration criticizing the Middle East Plan: “A US proposal that promotes unilateral annexation and jettisons a real two-state solution is bad for Israel, for the shared values that have historically undergirded the US-Israel relationship, and for the bipartisan consensus in the US on the importance of that relationship, which Israel has long understood to be a crucial asset”.¹¹⁰

Other initiatives and letters from elected US representatives have harshly criticized US tactics to force Palestinians to accept the Plan, including a letter signed by 112 members of Congress against cutting funds to UNRWA. The letter added: “These steps not only threaten the stability of the region:

103 Middle East Eye (December 19, 2020) “The 43 times US has used its veto power against UN resolutions on Israel” available at <https://www.middleeasteye.net/news/43-times-us-has-used-veto-power-against-un-resolutions-israel> last accessed on June 7, 2020.

104 US Embassy in Israel (January 22, 2018) “Remarks by Vice President Mike Pence in Special Session of the Knesset” available at <https://il.usembassy.gov/remarks-vice-president-mike-pence-special-session-knesset/> last accessed on June 9, 2020.

105 Ibid.

106 Haaretz (December 16, 2016) “Fund headed by Trump’s Israel Ambassador Pumped Tens of Millions Into West Bank Settlement” available at <https://www.haaretz.com/israel-news/premium-fund-headed-by-trump-s-ambassador-raised-millions-of-dollars-for-settlement-1.5474789> last accessed on June 9, 2020.

107 US Embassy in Israel (March 27, 2019) “US Ambassador to Israel David M. Friedman delivers remarks at the 2019 @Aipac Policy Conference” available at <https://il.usembassy.gov/u-s-ambassador-to-israel-david-m-friedman-delivers-remarks-at-the-2019-aipac-policy-conference/> last accessed on June 9, 2020.

108 Haaretz (July 18, 2019) “US Envoy Greenblatt: Israel ‘Victim’ in Conflict, Rejects the Term ‘Settlements’” available at <https://www.haaretz.com/israel-news/u-s-envoy-greenblatt-israel-victim-in-conflict-rejects-the-term-settlements-1.7538568> last accessed on June 9, 2020.

109 New York Times (August 16, 2019) “Trump and Netanyahu Put Bipartisan Support for Israel at Risk” available at <https://www.nytimes.com/2019/08/16/us/politics/trump-israel.html> last accessed in June 9, 2020.

110 Congress of the United States (February 6, 2020) Letter available at <https://andylevin.house.gov/sites/andylevin.house.gov/files/020620%20House%20letter%20to%20POTUS%20on%20Israeli-Palestinian%20conflict.pdf> last accessed in February 9, 2020.

they also undercut the US ability to facilitate negotiations that will result in a viable two-state solution to the conflict”.¹¹¹

The statements and letters from members of the US Congress and Senate to Israeli PM Benjamin Netanyahu repeatedly talk about the importance of US-Israeli relations and the consequences of annexation on Israel. A letter signed by 18 US Senators, including Chris Van Hollen, Christopher Murphy, Elizabeth Warren, and Bernie Sanders, concluded: “We hope you view this relationship as the strategic asset it is for both of our countries. As friends and supporters of Israel, we caution you against taking unilateral steps that would fray our unique bonds, imperil Israel’s future and place out of reach the prospect of a lasting peace. If you move forward with unilateral annexation, we would not support that action”.¹¹²

Civil society, including Arab-American, Palestinian-American, Jewish American, and church organizations, has played a prominent role in the calls opposing annexation. One of the last efforts was a letter to members of Congress signed by 26 prominent Christian leaders, including from the Mennonite, Episcopal, Lutheran, Presbyterian churches, and by the President and National Secretary of the National Council of Churches. The letter stated: “We call on Congress to wield its power of the purse and not allow any United States funds provided to Israel to be used for the recognition, facilitation or support of annexation, or for denial of Palestinian rights and violation of international law, including continuing occupation”.¹¹³

One of the main concerns among advocates of annexation is that if it is not implemented under the Trump administration, it will be halted under a future Democratic administration.¹¹⁴ Even some of the closest to AIPAC, the lobby that has historically advocated for Israel’s impunity in the US Congress, have signed letters calling upon Israel not to go ahead with annexation¹¹⁵. Democratic President Candidate Joe Biden has already expressed his opposition to annexation,¹¹⁶ although he has also stated that some of the policies taken by the current administration, including moving the US embassy to Jerusalem, will not be reversed.¹¹⁷ While

opposing settlements and annexation, his program includes aspects seen as a threat to Palestinian rights, including references to Israel as a “Jewish State” and opposition to the BDS movement.¹¹⁸

Conclusion

The annexation of occupied Palestinian territory has been a strategic goal of the Israeli occupation, as manifested very early on with the illegal annexation of EJ. Decades of Israeli colonial-settlement expansion have been matched with strong statements of condemnation from members of the international community. Yet, Israel’s foreign relations have flourished, its trade has expanded, and the same western countries that condemn settlements have continued to trade with their products and services while notoriously opposing any concrete measures of accountability. This fact has certainly been the main consideration of Israeli decision makers in discussions about annexation.

Those who claim that the international community may react differently this time may base their opinion on two main elements: The understanding that annexation will kill the hopes for a two-state solution and will set a precedent against a rules-based world order. Thus, the whole basis of the Trump Middle East Plan threatens the stated global interests of the European Union and the Middle East.

While the mere principle of annexation is unlawful and a threat to a rules-based world order, regardless of its shape or size, a threat to the Palestinian position is that the international response focusing on the worst case scenario (annexation of the Jordan Valley) may be softened if annexation assumes a lesser form (the illegal colonial settlements around occupied EJ such as Ma’ale Adumin). The fact that Israel is allegedly evaluating more than one scenario for annexation, including what they refer as a “symbolic annexation”, shows that the Israeli government is taking this element into account¹¹⁹.

The fact that some countries such as Austria, Bulgaria and Hungary have tried to block or delay EU action based on

111 Congress of the United States (September 28, 2018) Letter available at <https://price.house.gov/sites/price.house.gov/files/documents/Letter%20to%20State%20Department%20re%20WBC%20%26%20UNRWA%20funding%20cuts.pdf> last accessed on June 9, 2020.

112 United States Senate (May 21, 2020) Letter available at <https://www.murphy.senate.gov/download/20521-murphy-israel-letter> last accessed on June 9, 2020.

113 Churches for Middle East Peace (June 4, 2020) “27 Church Leaders Write to Congress opposing unilateral annexation of the Occupied West Bank”. Available at <https://cmep.salsalabs.org/ps-church-leaders-annexation/> last accessed on June 9, 2020.

114 Axios (May 18, 2020) “Israeli ambassador lobbies for West Bank annexation, fearing Biden victory” available at <https://www.axios.com/israel-ambassador-ron-dermer-annexation-biden-b3c20f03-2816-4e87-bacc-987292ce2051.html> last accessed on June 9, 2020.

115 Forward (June 19, 2020) “AIPAC’s biggest Democratic allies break ranks to publicly oppose Israeli annexation” available at <https://forward.com/news/national/449169/house-democrats-israel-annexation/> last accessed on June 20, 2020.

116 Haaretz (May 20, 2020) “Joe Biden: Israeli Threat of Annexation, Settlement Activity, ‘Will Choke Off Hope of Peace’” available at <https://www.haaretz.com/us-news/.premium-biden-israeli-annexation-settlement-activity-will-choke-off-hope-of-peace-1.8858803> last accessed on June 9, 2020.

117 Association Press (April 30, 2020) “Joe Biden says he’d leave US embassy in Jerusalem if elected” available at <https://apnews.com/47c2d807cbb563b747cee29aacfeda5a> last accessed on June 9, 2020.

118 He has also stated that Biden President – official website “Joe Biden and the Jewish Community: A Record of Friendship, Support And Action” available at <https://joebiden.com/joe-biden-and-the-jewish-community-a-record-and-a-plan-of-friendship-support-and-action/> last accessed on June 9, 2020.

119 Axios (June 17, 2020) “Netanyahu privately presents 4 plans for West Bank annexation” available at <https://www.axios.com/benjamin-netanyahu-annexation-plans-west-bank-fd3f3976-2e49-4733-81db-00c2da0139b3.html> last accessed on June 20, 2020.



the “timing” of the response (as if the Israeli government had not already agreed on moving ahead with annexation), highlights that they actually tolerate the status quo of systematic Israeli violations of international law, let alone its colonial-settlement enterprise. The last vote on accountability at the Human Rights Council reaffirms this position. Based on EU statements, the goal should not merely be to stop annexation, but to end the Israeli occupation, honor human rights and implement international law.

The current situation has prompted a crucial debate in the US. Israeli advocates fear the end of “bipartisan support” as, in an unprecedented move, over a hundred members of Congress and dozens of senators have actively opposed annexation. This has the potential to become a turning point for future US-Israeli relations and could diminish support for Israel among several international players.

The UN Guidance for Effective Mediation says “Consistency with international law and norms contributes to reinforcing the legitimacy of a process and the durability of a peace agreement.”¹²⁰ This basic principle that has been applied by the international community for every other Peace Process, continues to be abandoned for the MEPP. That is one of the elements to take into consideration when analyzing the international responses to annexation and the Trump Plan. The international response to annexation is overall one of opposition and concern, yet there is no consensus on what action should be taken. As long as the Israeli government counts on continued impunity, it will have no incentive to cancel its annexation plan, let alone to engage in a meaningful peace process that adheres to basic terms of reference, including what the international community has requested from any other Peace Process, including respect for international law.

120 United Nations (2012) “Guidance for Effective Mediation” available at https://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceEffectiveMediation_UN-DPA2012%28English%29_0.pdf last accessed on June 20, 2020.

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A member of the international 'Negotiation Strategy Institute - NSI' program and network, which encompasses knowledgebuilding in the fields of negotiation, communication and dialogue.

Holds an MSc degree in International Development (Governance and State-building) with distinction from the University of Birmingham as a Chevening Scholar His dissertation is titled (Internationalization of the Palestinian cause: Alternative Strategy or Delusion) covering areas related to the state-building efforts and the role of non-state actors in the conflict. He has written several academic papers including on; democratization, understanding policy transfer, internal and external factors in conflicts and the role of social movement

Fatima Jaouni Hodali

Consultant at the Palestinian Negotiations Support Project of the Negotiation Affairs Department on territorial issues specifically on the permanent status issues of borders and settlements. As part of her work, she has participated in outreach programs both locally and abroad. Fatima contributes to specialized studies and research in her field of expertise with the "Palestine Econom-

ic Policy Research Institute – MAS". Participated in the production of the regional plan for the West Bank and Gaza while working at the Palestinian Ministry of Planning and has later advised on mapping borders of electoral authorities on local, regional and national levels for the Central Elections Commission as well as mapping postal code areas for the West Bank and Gaza.

Holds a Master's degree in Economic theory and a Bachelor of Science degree in Architecture and Physical Planning, both from University of Birzeit in Palestine and is an expert in the Geographic Information System. A member of the board of directors of the Palestinian Housing Council and is holding the position of the Treasurer

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Formerly, deputy minister of the Ministry of Tourism and Antiquities since 2013 and director general of the Department of Antiquities and Cultural Heritage from 1995 to 2013. Heads the technical committee for negotiation on the archaeology file.

During his work, directed a large number of archaeological excavations and rehabilitation projects and acted as a national coordinator of the world heritage project in Palestine.

Author of a series of books, field reports and scholarly articles.

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Ambassador to the Holy Sea and the Sovereign Military Order of Malta.

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Serves as member of the Presidential Committees on Christian Affairs and the Renovation of the Nativity Church and is a board member of several philanthropic and civil society organizations

Awarded the "Raymond & Josephine Vernon Book Award for Academic Distinction" at the John F Kennedy School of Government in 2004. Also received in 2012 a medal from the Russian Orthodox Association in Palestine. On behalf of the President of the Italian Republic, awarded the "L'onor Eficenza di Cavaliere" in June 2013.

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Formerly, Dean of Science at Bethlehem University. Has published more than 100 articles and books in his field of interest.

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Mahmoud Muna

Born in Jerusalem to a Palestinian family, attended school in Jerusalem's Shu'fat refugee camps before being forced to re-locate to the UK where he finished his first and second degree in London.

A media graduate, trained communicator, and currently known as the bookseller of Jerusalem. In addition to running the city's main bookshop at Salah Eddin Street (The Educational Bookshop), he also runs prestigious Bookshop at the American Colony Hotel.

Regularly organizes events on various literature and cultural themes, including the Kalimat Literature Festival. Seen by many as a cultural warrior, co-host own podcast initiative titled Unholy Talks which aims to engage and provoke the public opinion on specific themes.

Interest lay somewhere between identity and culture, behaviors and language. When not reading, then writing for local and international outlets on current affairs with special focus on the role of culture.

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Served as senior pastor of the Christmas Lutheran Church in Bethlehem and as President of the Synod of the Evangelical Lutheran Church in Jordan and the Holy Land.

Founded several NGO's including the Christian Academic Forum for Citizenship in the Arab World. Founding and board member of the National Library of Palestine and founding member and author of Kairos Palestine.

Received in 2017 the Tolerance Award from the European Academy of Science and Arts, in 2015 the Olof Palme Prize and the German Media Prize in 2012 (an award mainly granted to Heads of States), an honorary doctorate from Concordia University in Chicago (2003), the "International Mohammad Nafi Tschelebi Peace Award" of the Central Islam Archive in Germany (2006) and in 2007 the well-known German Peace Award of Aachen.

Received wide media attention: CNN, ABC, CBS, 60 Minutes, BBC, ARD, ZDF, DW, BR, Premiere, Raiuno, Stern, The Economist, Newsweek, Al-Jazeera, al-Mayadin, Vanity Fair, and others.

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Published many research papers in nuclear and theoretical physics, authored numerous articles and policy papers, and gave many interviews, on political, economic, educational, and cultural issues of public interest. Frequent participant in international forums on political, economic educational, scientific as well as peace and security issues, including: World Economic Forum - Davos; Foro Formentor - Mallorca; InterAction Council; World Scientific Council, UNESCO; World Federation of Scientists - Erice; Global Colloquium of University Presidents, Princeton, and countless participations in international meetings in official capacity at UN, IBRD, IMF, AHLIC.

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don. Trained on Human Development at Oxford University. A social entrepreneur with a prime focus on innovation in science and technology. Founder of many formal and informal initiatives.

Led telecom market liberalization by introducing a bid for a new mobile operator that was later won by Al-Watanyia Mobile in 2006. Introduced several initiatives chief amongst them are: e-gov, All4Palestine (a database for Palestinian Diaspora), and the Palestine Digital Library winning an international award. A co-founder of the Internet Society - Palestine Chapter. Introduced the Internet country registration .PS. Led the reform of the entire education sector inclusive of introducing new: school curriculum, Palestine high school system, pre-schooling, remote communities educational inclusion, technical and vocational education as part of mandatory daily teaching. Co-produced several radio shows, mainly focusing on science, technology, and general knowledge. Weekly writes in several Arab and local media platforms.

Saeb Erakat

Member Palestine Liberation Organization's (PLO) executive committee and the central committee of Fatah since 2009. Currently the Secretary-General of the PLO Executive Committee and the Head and Chief Palestinian Negotiator of the Negotiations Affairs Department. In 1991, Dr. Erekat was the Deputy Head of the Palestinian delegation to the Madrid Peace Process and later during the Washington negotiations of 1992. In 1994, he was appointed the Chairman of the Palestinian delegation for negotiations and has since been a senior member and then Head of the Palestinian negotiations team leading negotiations with Israel.

In addition, served as the Minister of Local Government, Head of the Central Elections Commission, Member of the Palestinian Legislative Council, professor of political science at An-Najah University, and served on the editorial board of the Al-Quds newspaper.

Author of numerous books and papers, and a long-standing member of the Palestinian leadership. Dr. Erekat holds a Ph.D. in Peace Studies from Bradford University, and a Bachelors and a Master's Degree in International Relations from the University of San Francisco.

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Is a writer and analyst serving currently as a Political Communications Advisor, focusing on Palestine's refugees and prisoners, in the PLO Negotiations Affairs Department. For the past twenty years, she has written and published many op-eds in various local and regional newspapers.

Born in Al-Yarmouk Refugee Camp, Syria, and returned back to Palestine in 1994. She holds a BA in Literature and has during her studies focused on strategic and political communications. During her professional career, served in both the Palestinian official and civil society organizations, including as a Coordinator in the Palestinian Council for Justice and Peace, Director of international NGOs in the PLO Department of International Relations, Acting Director-General of Media in the PLO Department of Culture and Information, Director of Society Voice Foundation, and a co-founder of the Young Artist Forum.

Also, trained students, youth and women leaders, and members of political parties, in Palestine and the region,

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Shaddad Attali

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Formerly, Palestinian Minister of Water and Head of the Palestinian Water Authority (PWA) from 2008 to 2014, during which he championed water law reform in the Palestinian Authority, enhanced efficient and effective PWA services for Palestinian residents, and strongly defended Palestinian water rights.

Before that, served eight years as principal policy adviser on water issues for the PLO's Negotiation Support Unit (NSU).

In honor of his many contributions and accomplishments, Dr. Shaddad Attali was awarded France's highest decoration, the Legion d'Honneur, by French President Francois Hollande.

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Published and participated in the publication of a dozen of articles and chapters of various interests.

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Worked on the Control of Economic Activities in Occupied Territories Bill (Ireland 2018), submitted communications to the International Law Commission on the Draft Principles on the Protection of the Environment in Relation to Armed Conflicts, worked on communications and amicus curiae submissions to the International Criminal Court, presented on the Zero Draft Treaty for an Internationally Binding Treaty on Business and Human Rights and presented to the Catalan parliament on violations of international law in the occupied Palestinian territory.

Has published academic articles in the Journal of Conflict and Security Law, Irish Yearbook of International Law and the Irish Journal of European Law, writing on issues of occupation law, amongst others and has been a Committee member and judge on the Irish Red Cross International Humanitarian Law Moot Court, Corn Adomnáin.

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Active member of several NGOs and groups. Served as a Commissioner at the Palestinian Independent Commission for Human Rights since 2007, Commissioner General 2016-2018 and a board member of Dar El Kalimah University College and Bethlehem University.

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His last paper was a comparative study about the role played by the UN General Assembly with regards to the Peace Processes of South Africa and the Middle East. His current research is about the role of Palestinian Christians in the Palestinian National Movement.

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