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Israel's Possible Annexation of West Bank Areas: Frequently Asked Questions

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SUMMARY

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Israel's Possible Annexation of West Bank Areas: Frequently Asked Questions

Israeli Prime Minister Binyamin Netanyahu has stated his intent for Israel to annex parts of the West Bank in 2020. Annexation could raise issues for Congress, and varying congressional views on the subject have contributed to debate about implications for U.S.-Israel relations. Congress may conduct additional oversight of Trump Administration actions and could modify or place conditions on U.S. funding for Israel, the Palestinians, and various international organizations.

While the West Bank has been under Israeli military administration since its capture from Jordan in the 1967 Arab-Israeli War, its status has been different from Israel proper (the territory Israel controlled before the war). Israel's government has a mandate—based on the May 2020 power-sharing agreement between Netanyahu and Defense Minister Benny Gantz—to bring the matter of annexation to a cabinet and/or Knesset vote as early as July 1, 2020, provided that it is done in coordination with the United States. Palestinian leaders strongly oppose annexation, partly because it could undermine their hopes for a viable Palestinian state with territorial contiguity. Israeli annexation could thus have significant consequences for future U.S. efforts to secure a negotiated Israeli-Palestinian peace. In addition to the specific territorial and administrative impact of annexation, it could more broadly affect Palestinian national aspirations and the future of the Palestinian Authority in the West Bank and Gaza, Israel's efforts to reconcile its actions with its self-proclaimed identity as both a Jewish and a democratic state, and Israeli and Palestinian security concerns.

Annexation, if it occurs, could have a number of implications for U.S. policy and U.S.-Israel relations depending on its timing, territorial extent, legal nature, and physical enforcement. Other consequences would likely follow from Palestinian and other international responses, as well as the potentially significant impact on Jordan. Given these implications, U.S. officials reportedly want greater consensus among Israeli leaders before the Trump Administration would recognize a proposal from Netanyahu on annexation, with particular focus on the support of key Israeli officials from outside Netanyahu's Likud party, including Defense Minister Gantz and Foreign Minister Gabi Ashkenazi.

Possible U.S. support for annexation could be based on elements of President Trump's January 2020 plan for Israeli-Palestinian peace, otherwise known as the *Vision for Peace*. In line with that plan, a U.S.-Israel joint committee, without Palestinian participation, is to identify the areas Israel can annex—primarily Israeli settlements and the Jordan Valley. U.S. officials have said that they would only recognize Israeli annexation after the joint committee, which has already begun its efforts, delineates geographical boundaries acceptable to both the United States and Israel. In early June, an Israeli media outlet cited a source as saying that the committee could take weeks or months to complete its work. Questions involving Israeli domestic consensus and U.S. support could delay annexation to beyond the initial July 1 target date, if it occurs.

Israeli officials reportedly are considering various annexation scenarios, including partial or phased annexation of West Bank areas. Referencing the Trump plan, U.S. officials have said that the United States could be willing to recognize Israeli annexation in the areas mentioned above (comprising up to 30% of the West Bank) if Israel remains willing to negotiate with the Palestinians about a possible Palestinian state in the Gaza Strip and other parts of the West Bank. With U.S. support as a major factor in Netanyahu's calculations and timing, he is reportedly contemplating a phased approach.

While past U.S. Administrations anticipated that some West Bank settlements likely would become part of Israel pursuant to a final-status peace agreement, none had previously approved of unilateral annexation taking place prior to such an agreement. Many experts argue that annexation is contrary to international law and existing Israeli-Palestinian agreements. Trump Administration officials defend their Israeli-Palestinian policies by saying they more accurately reflect reality and provide more detailed proposals than past U.S. and international diplomatic frameworks for resolving the long-standing conflict. If annexation moves forward with U.S. support, the Administration may defend it if it comes under condemnation in international organizations such as the United Nations and International Criminal Court.

Some answers to frequently asked questions in this report address key points of historical context and U.S. policy, how annexation might affect existing realities, and various factors that could influence Israeli decisions on annexation. Considerable debate within Israel focuses on whether the risks of annexation are justified by benefits beyond those that Israel already has from its de facto control over the West Bank areas in question.

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General Assessment

Israeli annexation of West Bank areas, if it occurs, could have a number of implications for U.S. policy and U.S relations with Israel, the Palestinians, Arab states, and other international actors. These implications depend largely on any annexation's timing, territorial extent, legal nature, and physical enforcement. Additional consequences would likely follow from Palestinian and other international responses, as well as the potentially significant impact on Jordan. Considerable debate within Israel focuses on whether the risks of annexation are justified by benefits beyond those that Israel already has from its de facto control over the West Bank areas in question.[1] There are also broader implications for Palestinian national aspirations and the future of the Palestinian Authority in the West Bank and Gaza, and for Israel's efforts to reconcile its actions with its self-proclaimed identity as both a Jewish and a democratic state.[2]

When and how might annexation happen?

Israeli Prime Minister Binyamin Netanyahu has stated his intent for Israel to annex parts of the West Bank sometime this year. While the West Bank has been under Israeli military control since Israel captured it from Jordan in the 1967 Arab-Israeli War, its status has been different from Israel proper (the territory Israel controlled before the war).[3] Israel's current government has a mandate—based on the May 2020 power-sharing agreement between Netanyahu and Defense Minister Benny Gantz—to bring the matter of annexation to a cabinet or Knesset vote as early as July 1, 2020, provided that it is done in coordination with the United States.[4]

Israeli annexation of West Bank territory could have significant consequences for U.S. efforts to secure a negotiated Israeli-Palestinian peace. Palestinian leaders strongly oppose annexation for various reasons, including that it could undermine their hopes for a viable Palestinian state with territorial contiguity (see **Figure 1**).[5] Given annexation's serious implications for Israeli-Palestinian issues and U.S. policy, U.S. officials reportedly want greater consensus among Israeli leaders before the Trump Administration would recognize a proposal from Netanyahu on annexation, with particular focus on the support of key Israeli officials from outside Netanyahu's Likud party, including Defense Minister Gantz and Foreign Minister Gabi Ashkenazi.[6]

Possible U.S. support for annexation could be based on elements of President Trump's plan for Israeli-Palestinian peace, otherwise known as the *Vision for Peace*, described in a January 2020 document entitled *Peace to Prosperity*.[7] In line with that plan, a U.S.-Israel joint committee, without Palestinian participation, is to identify the areas Israel can annex—namely Israeli settlements and the Jordan Valley. U.S. officials have said that they would only recognize Israeli annexation after the joint committee, which has already begun its efforts, delineates geographical

[1] See also "What factors might influence Israel's decisions on annexation?"

[2] See also "How might annexation affect some existing Israeli-Palestinian issues?"

[3] See also "West Bank: Key Information."

[4] CRS Report R44245, *Israel: Background and U.S. Relations in Brief*, by Jim Zanotti. See also "What annexation steps does the Israeli government's power-sharing agreement authorize?"

[5] See also "How might the Palestinians respond to annexation?"

[6] Jacob Magid, "US wants Gantz and Ashkenazi on board with any unilateral annexation move—TV," *Times of Israel*, June 8, 2020.

[7] White House, *Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People*, January 2020. See also "Under what conditions does the Trump plan permit annexation?"

boundaries acceptable to both the United States and Israel. In early June, an Israeli media outlet cited a source as saying that the committee could take weeks or months to complete its work.[8] Questions involving Israeli domestic consensus and U.S. support could delay annexation to beyond the initial July 1 target date, if it occurs.[9]

Israeli officials reportedly are considering various scenarios, including partial or phased annexation of West Bank areas,[10] while also calling on Palestinian leaders to negotiate on the basis of the Trump plan.[11] Referencing the Trump plan, U.S. officials have said that the United States could be willing to recognize Israeli annexation of the areas mentioned above (comprising up to 30% of the West Bank) as long as Israel remains open to negotiate with the Palestinians about a possible Palestinian state in the Gaza Strip and other parts of the West Bank. With U.S. support as a major factor in Netanyahu's calculations and timing,[12] he is reportedly contemplating a phased approach.[13]

[8] Raphael Ahren, "US 'highly unlikely' to back July 1 annexation, ToI told; mapping far from done," *Times of Israel*, June 3, 2020.

[9] Ibid.; Lahav Harkov, et al., "Annexation will not happen on July 1 - US sources," jpost.com, June 29, 2020.

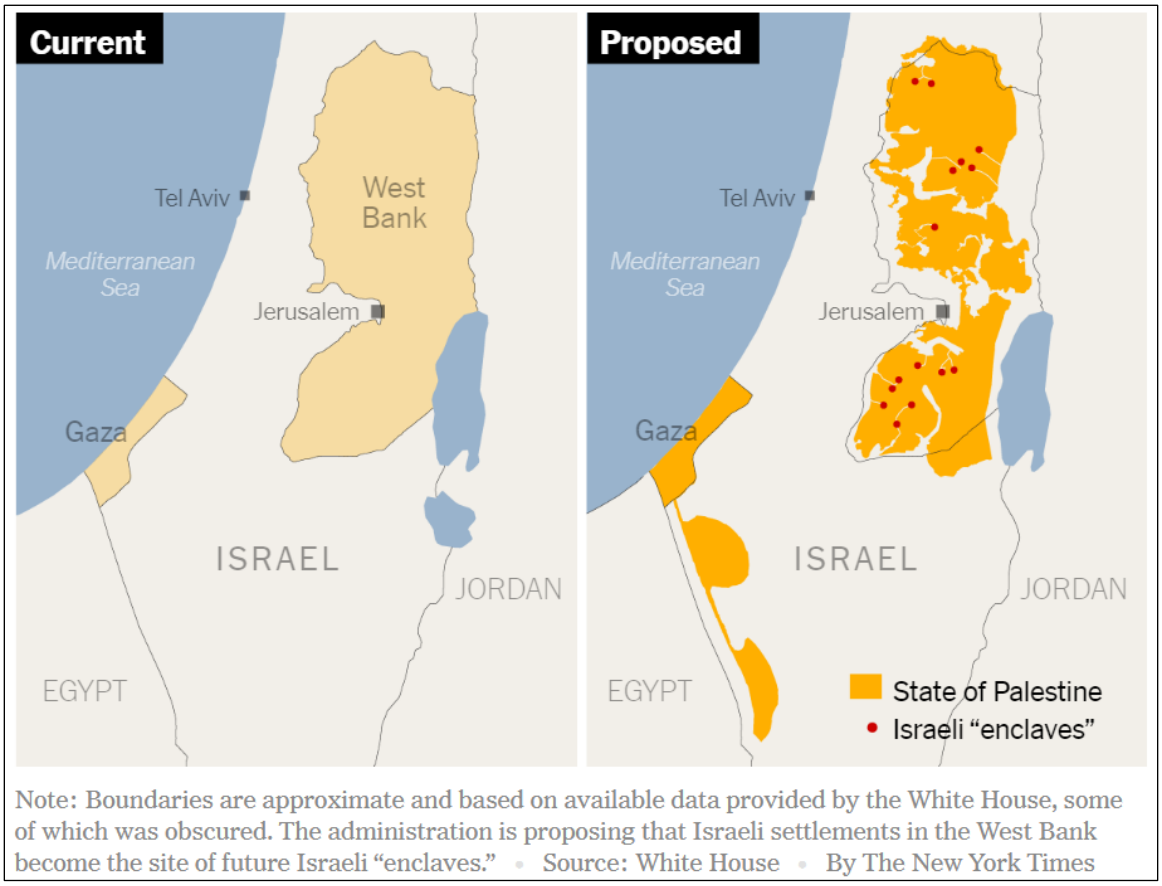
[10] See also "What territory might be annexed?"

[11] Michael Bachner, "As annexation looms, PM urges Palestinians to talks on basis of Trump plan," *Times of Israel*, June 29, 2020; "Gantz: I'll go to Ramallah tomorrow if Palestinians open to peace talks," *Times of Israel*, June 26, 2020.

[12] David M. Halbfinger and Michael Crowley, "Mixed Signals on Israeli Annexation Reflect Split Among Officials," *New York Times*, June 22, 2020; "No final decision on Israeli annexation after 3 days of White House talks," *Times of Israel*, June 25, 2020.

[13] "Gantz: I won't back annexing areas with 'many Palestinian residents'—report," *Times of Israel*, June 18, 2020.

Figure 1. Maps Showing the Possible Impact of West Bank Annexation



Notes: The creation of a "State of Palestine," under the Trump plan, would depend on the parties reaching a peace agreement. "Enclaves" are Israeli settlement areas within the West Bank that would not have a contiguous territorial link to the rest of Israel, but would be connected via roads to Israel.

What are key factors providing historical context for annexation?

A number of factors provide context for possible annexation, including:

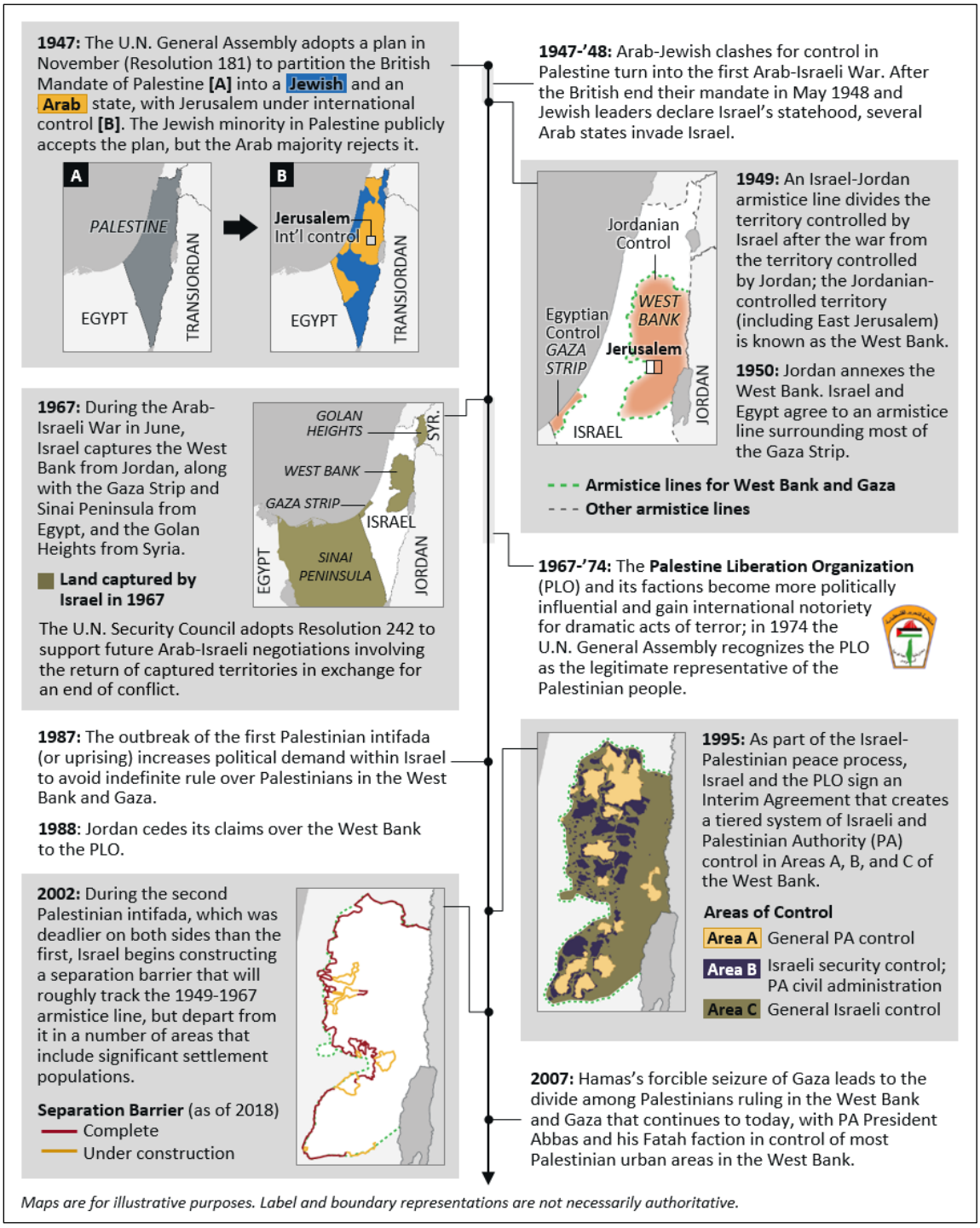
- Long-running disputes between Israel and the Palestinians involving their respective national aspirations and competing claims to territory, as reflected in several key events, including the Arab-Israeli wars of 1948 and 1967 (see **Figure 2** and **Appendix**).
- The establishment and significant expansion of Israeli settlements after 1967.[14]
- Continued stalemate in Israeli-Palestinian diplomacy (see below).
- Recent developments in Israeli politics.[15] Netanyahu and Gantz campaigned against one another in three elections (in April 2019, September 2019, and March 2020) before agreeing on a government and its authority to annex West Bank areas in May 2020.[16]

[14] See also "Israeli settlers."

[15] See also "What annexation steps does the Israeli government's power-sharing agreement authorize?" and "What factors might influence Israel's decisions on annexation?"

[16] For more Israeli domestic political context, see CRS Report R44245, *Israel: Background and U.S. Relations in Brief*, by Jim Zanotti; and CRS Report RL33476, *Israel: Background and U.S. Relations*, by Jim Zanotti.

Figure 2. Selected Events Affecting West Bank Control



Sources: Graphic created by CRS using maps from various open sources, including the BBC and U.N. Office for the Coordination of Humanitarian Affairs occupied Palestinian territory. Text taken from various open sources.

Notes: For additional historical detail, see CRS Report RL33476, *Israel: Background and U.S. Relations*, by Jim Zanotti; and CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti.

How would annexation compare with past actions affecting the status of territories Israel captured in 1967?

Steps by Israel to unilaterally annex and set the borders of West Bank areas would differ from efforts that Israel has pursued with various Arab parties since the end of the 1967 war under the internationally supported "land-for-peace" concept found in U.N. Security Council Resolution 242 (1967). The idea that Israel would resolve its conflict with Arab states and the Palestinians via negotiations based on the return of lands captured in war undergirded Israel's peace treaties with Egypt and Jordan. Land-for-peace also formed the foundation of the Oslo agreements of the 1990s that started the Israeli-Palestinian peace process. However, before the Oslo agreements, Israel effectively annexed East Jerusalem and the Golan Heights (see "How might Israel's treatment of East Jerusalem and the Golan Heights serve as models for West Bank annexation?" below).

Efforts by Israel and the Palestine Liberation Organization (PLO) since the 1990s to agree on the final status of the West Bank and Gaza have not produced a solution. After the parties accepted a U.S.-backed and internationally approved peace process in the 1990s, they agreed to create the Palestinian Authority (PA) in 1994. Under their agreement, the PA was intended to be a temporary mechanism for Palestinians to exercise limited self-rule over Gaza and major Arab-populated areas of the West Bank while Israel and the PLO continued negotiating the final status of the West Bank and Gaza.[17] Those negotiations (which have taken place from 1995 to 2000, 2007 to 2008, and 2013 to 2014) have continually stalled, with ongoing Israeli-Palestinian disputes and occasional violence leading to the current situation. During that time, both parties took unilateral steps that arguably have undermined prospects for diplomatic progress.

By recognizing Israeli annexation, the Trump Administration would appear to support a fixed outcome to the "land" component of the Israeli-Palestinian conflict in the absence of a negotiated "peace" component. Some observers interpret the Administration's stance as a significant break from previous U.S. policy, partly because of the lack of Palestinian input into the Trump plan released in January.[18] While past U.S. Administrations anticipated that some West Bank settlements likely would become part of Israel pursuant to a final-status peace agreement, none had approved of annexation taking place before such an agreement (see timeline below). Trump Administration officials defend their positions by saying that they more accurately reflect reality and provide more detailed proposals than past U.S. and international diplomatic frameworks for resolving conflict.[19]

[17] The PLO is the internationally recognized representative of the Palestinian people. Various Israel-PLO agreements during the Oslo process in the 1990s created the PA as the organ of governance for limited Palestinian self-rule in the West Bank and Gaza Strip. Officially, the PLO represents the Palestinian national movement in international bodies, including the United Nations, often using the moniker "Palestine" or "State of Palestine." Because Mahmoud Abbas is both PLO chairman and PA president, U.S. officials and other international actors sometimes conflate his roles. For more information on the two entities, see the European Council on Foreign Relations' online resource Mapping Palestinian Politics at https://www.ecfr.eu/mapping_palestinian_politics/detail/institutions.

[18] See, e.g., Robert Malley and Aaron David Miller, "The Real Goal of Trump's Middle East Plan," Politico Magazine, January 28, 2020.

[19] White House, *Peace to Prosperity*, op. cit. footnote 7, pp. 2-6; "Jared Kushner insists Middle East peace plan is 'a real effort to break logjam,'" theguardian.com, February 2, 2020.

Selected U.S. Presidential Positions on Final Status of West Bank Settlements

December 2000	President Bill Clinton's parameters for a final-status agreement between Israel and the Palestine Liberation Organization (PLO) include a suggestion that some West Bank settlements would go to Israel in exchange for land from Israel to a future Palestinian state.
April 2004	President George W. Bush sends a letter to Israeli Prime Minister Ariel Sharon acknowledging that a final-status agreement will only be achieved on the basis of mutually agreed changes reflecting realities on the ground, including "existing major Israeli population centers" in the West Bank.
May 2011	President Barack Obama states that secure and recognized borders between Israel and a Palestinian state should be based on the 1949-1967 Israel-Jordan armistice line with mutually agreed territorial swaps.
December 2017	President Trump recognizes Israeli sovereignty over Jerusalem without specifying the boundaries of that sovereignty.
March 2019	President Trump recognizes Israeli sovereignty over the Golan Heights, a territory captured by Israel's military from Syria in 1967. The CIA World Factbook estimates that, as of 2018, approximately 23,000 Israeli settlers lived in the Golan Heights.
January 2020	President Trump releases a U.S. plan (*Vision for Peace*), and in supporting remarks says that the United States will recognize Israeli sovereignty over the territory that would become part of Israel as the U.S. plan envisions. He also announces the formation of a U.S.-Israel joint committee (without Palestinian input) to produce a detailed map that can allow for immediate recognition.

West Bank: Key Information

Israeli actions to annex West Bank areas could permanently affect the territory's political geography (see **Figure 1** and **Figure 2** above). This section includes some information on the West Bank's history and current status. For more detail, see **Appendix**.

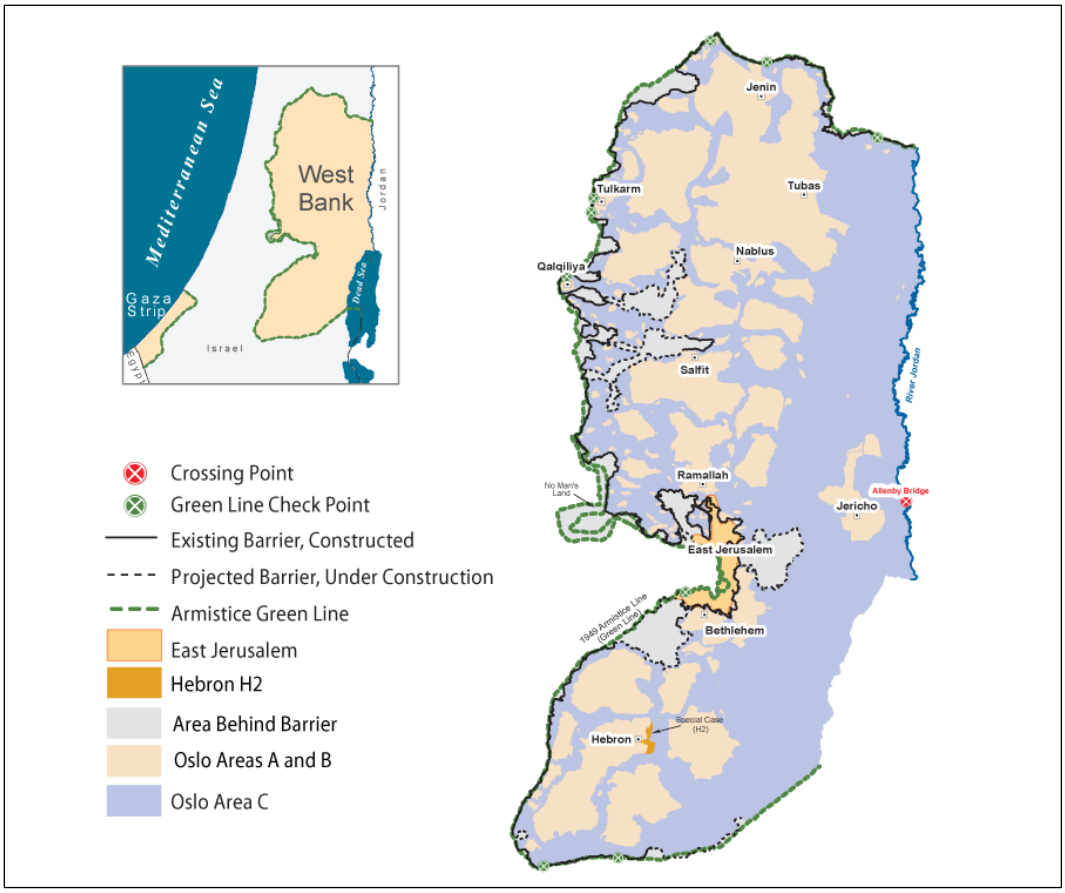
Who controls the West Bank?

Israel's military occupied the West Bank in 1967. Since Israel and the PLO agreed to the 1995 Interim Agreement on the West Bank and Gaza Strip,[20] the West Bank has been subject to the following tiered system of shared control between Israel's military and the PA (see **Figure 3**):

- **Area A – Main Palestinian cities and urban areas.** The PA provides civilian administration and generally controls security, but Israeli military commanders retain authority to intervene. Israeli security prerogatives in this area include conducting raids to arrest wanted Palestinians or to foil alleged terrorist plots.
- **Area B – Less densely-populated Palestinian areas.** The PA administers the area and Israel controls security (sometimes allowing PA security forces to assist).
- **Area C – Remainder of West Bank (including Israeli settlements and some small Palestinian communities).** Israel administers the area and generally controls security (sometimes allowing PA security forces to assist with Palestinian communities), while the PA has responsibility for Palestinian civil affairs that do not relate to property.

[20] The text of the 1995 Interim Agreement is available at http://ecf.org.il/media_items/624.

Figure 3. Map of West Bank



Source: U.N. Office for the Coordination of Humanitarian Affairs occupied Palestinian territory, 2018.

Who lives in the West Bank?

Palestinians

The West Bank (not including East Jerusalem) is home to approximately 2.75 million Palestinians.[21] More than 800,000 are registered refugees whose homes or ancestors' homes were in Israel before the 1947-1948 Arab-Israeli war.[22]

Israeli settlers

At least 425,000 Israeli settlers live in the West Bank (see **Figure A-1**), making up about 5% of Israel's approximately nine million citizens. The international community generally considers these settlements to be illegal transfers of civilian populations to occupied territory, though U.S. stances on this issue since 1967 have varied (see "Would annexation be contrary to international

[21] Based on 2020 population estimates from the Palestinian Central Bureau of Statistics for the West Bank (3.05 million), subtracting the Palestinian population of East Jerusalem (referred to as "J1") (300,000).

[22] Based on estimates from the U.N. Relief and Works Agency for Palestine Refugees in the Near East.

law?" below).[23] Israel reportedly has 132 official settlements, and 124 additional settlement outposts that were created without authorization under Israeli law.[24]

As Israel has expanded settlements in the West Bank since 1967, it has integrated many of those settlements and their residents into the political and economic life of Israel proper. As reflected in these Israeli settlements' highly functional infrastructure, local self-governing councils, and transportation and communications links with Israel, there is little to distinguish some of them from regular Israeli towns other than the military's formal responsibility for administration. Additionally, some norms of Israeli law already apply to West Bank settlements, "either through application of personal jurisdiction over the settlers, or through military decrees that incorporated Israeli law into the law applicable to all or parts of the West Bank."[25] Since 2016, various Knesset members have reportedly proposed bills that would apply Israeli law, jurisdiction, administration, and formal sovereignty in specified West Bank areas.[26] Some observers have characterized the means used or proposed for integrating settlements with Israel proper, along with restrictions on Palestinian building and land use in surrounding areas, as "creeping annexation" or "de facto annexation."[27]

Annexation Considerations

Under what conditions does the Trump plan permit annexation?

In line with the 2020 *Vision for Peace*, Trump Administration officials have said that the United States would be willing to recognize Israeli annexation of certain parts of the West Bank under specified conditions, discussed below. During a May 13 visit to Israel, Secretary of State Michael Pompeo said that Israel has the "right and the obligation" to decide whether and how to proceed with annexation. He also stated that he had discussed with Prime Minister Netanyahu and incoming Defense Minister Gantz how to "bring about an outcome in accordance with the [U.S.] vision of peace" and that Netanyahu and Gantz would need to "find a way together to proceed."[28]

Completion of map by U.S.-Israel committee

In remarks accompanying the release of his plan on January 28, 2020, President Trump said that a joint U.S.-Israel committee would prepare a detailed and calibrated map—based on the plan's

[23] The most-cited international law pertaining to Israeli settlements is the Fourth Geneva Convention, Part III, Section III, Article 49 *Relative to the Protection of Civilian Persons in Time of War*, August 12, 1949, which states in its last sentence, "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies." Israel insists that the West Bank does not fall under the international law definition of "occupied territory," but is rather "disputed territory" because the previous occupying power (Jordan) did not have an internationally recognized claim to it (only a few countries recognized Jordan's 1950 annexation of the West Bank), and given the demise of the Ottoman Empire at the end of World War I and the end of the British Mandate in 1948, Israel claims that no international actor has superior legal claim to it.

[24] Data available at http://peacenow.org.il/en/settlements-watch/settlements-data/population.

[25] Yuval Shany, "Israel's New Plan to Annex the West Bank: What Happens Next?" Lawfare Blog, May 6, 2019. See also https://fmep.org/wp/wp-content/uploads/Annexation-Policies.pdf.

[26] Shany, op. cit. footnote 25.

[27] See, e.g., Noa Landau, "Israeli Annexation Explained: What Is Netanyahu Planning for the West Bank and What Does It Mean," haaretz.com, May 26, 2020.

[28] Raphael Ahren, "Pompeo: New government has 'right and obligation' to decide if and how to annex," *Times of Israel*, May 14, 2020.

conceptual maps (see **Figure 4**)—to allow for immediate recognition of Israeli sovereignty in specified areas. On January 30, White House Senior Adviser Jared Kushner clarified that this committee would deliberate over a period of a few months. The committee began meeting in February.[29] The leader of the U.S. delegation to the committee, U.S. ambassador to Israel David Friedman, said in a May interview:

> The primary task belongs to the Israeli side because they're the ones that have to come up with what's best for the state of Israel. The overriding requirement [is] that the Israeli portion of area C will not exceed 50% of area C [which is] 30% of the West Bank. We're talking and listening, and everyone understands that come July, certainly, people on the Israeli side, want to be ready to go July 1.[30]

However, other developments suggest possible delays to the July 1 target date. In early June, an Israeli media outlet cited a "well-placed source" as saying that the committee could take weeks or months to complete its work, and other sources saying that additional U.S.-Israel discussions might be necessary before the Administration would support any annexation.[31] One June article cited a number of Israeli mapping experts discussing how public scrutiny and other complexities could prolong the process.[32] Beyond the mapping issue, other factors affecting Israeli domestic consensus and U.S. support could delay annexation, if it occurs.[33]

After the map is completed, Ambassador Friedman said that U.S. approval of any Israeli declaration of sovereignty over areas specified in the map would depend on Israel agreeing to freeze construction for four years in areas outside of those earmarked for annexation.[34] In practice, because most existing settlements would be within areas subject to annexation, such a freeze would probably only affect the outward expansion of a few settlement enclaves. Nevertheless, some settlers have voiced opposition to such constraints.[35]

[29] The members of both countries' delegations to the committee are named in "Members of joint US-Israeli committee to map West Bank rule announced," jpost.com, February 17, 2020.

[30] Ariel Kahana, "'For Israel to give up Hebron and Beit El is like the US giving up the Statue of Liberty,'" israelhayom.com, May 8, 2020.

[31] Ahren, op. cit. footnote 8.

[32] Jacob Magid, "Mapping Netanyahu's annexation plan: Experts explain a charged, complex process," *Times of Israel*, June 11, 2020.

[33] Harkov, et al., op. cit. footnote 9.

[34] Kahana, op. cit. footnote 30. See also White House, *Peace to Prosperity*, op. cit. footnote 7, p. 38.

[35] Noa Landau and Hagar Shezaf, "Netanyahu Assures Settler Leaders West Bank Annexation Won't Be Tied to Trump Plan," haaretz.com, June 2, 2020. For more on settler views, see "What factors might influence Israel's decisions on annexation?"

Figure 4. Conceptual Map from Trump Plan

Source: White House, *Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People*, January 2020.

Note: "Israeli Enclave Communities" depicted on the map are Israeli settlements.

Israeli willingness to negotiate with Palestinians on two-state solution

U.S. willingness to recognize Israeli sovereignty over areas designated by the mapping committee also apparently depends on Israeli readiness to engage in future final-status negotiations with the PLO. In Ambassador Friedman's May interview, he said that U.S. recognition could come if "the prime minister will agree to negotiate with the Palestinians and invite the Palestinians to meet, to engage in discussions and keep those discussions open, and pursue them in good faith, for four years."[36] For the Palestinians to be eligible for statehood within those four years under the Trump plan's terms—which they have adamantly rejected to date—they would need to meet criteria that arguably present considerable, if not insurmountable, domestic and practical challenges.[37] Such criteria include disarming the Sunni Islamist group Hamas (a U.S.-designated terrorist organization) in Gaza, ending certain international initiatives and financial incentives for violence, and recognizing Israel as "the nation state of the Jewish people."[38]

Would annexation be contrary to international law?

Many scholars and practitioners argue that annexation is contrary to international law.[39] To support their views, they cite sources such as the Fourth Geneva Convention of 1949,[40] the United Nations Charter, and various U.N. Security Council resolutions. Additionally, existing Israeli-Palestinian agreements (the Oslo Accords of the 1990s) provide for resolving the status of the West Bank and Gaza Strip via negotiations.[41] In contrast, after Israel's 1967 capture of the West Bank, while its government accepted some responsibilities for the territory and its inhabitants in line with the Geneva Conventions, it has asserted that the West Bank is "disputed territory" rather

[36] Kahana, op. cit. footnote 30.

[37] White House, *Peace to Prosperity*, op. cit. footnote 7, pp. 33-35; White House, Remarks by President Trump and Prime Minister Netanyahu of the State of Israel in Joint Statements, January 28, 2020.

[38] Israeli insistence on Palestinian recognition of Israel as the nation state of the Jewish people was reportedly introduced into an Israeli-Palestinian negotiating context by Tzipi Livni when she was Israeli foreign minister during the 2007-2008 Annapolis negotiations. "The Pursuit of Middle East Peace: A Status Report," Ambassador Martin Indyk, Washington Institute for Near East Policy, May 8, 2014. Other specified criteria for Palestinian statehood include reforms in governance and rule of law, and anti-incitement in educational curricula.

[39] Open letter by 103 international law scholars to Israeli leaders, June 10, 2020, available at http://opiniojuris.org/2020/06/11/an-open-letter-to-the-israeli-government-condemning-annexation/; "Israel's Planned Annexation Will Violate International Law," Associated Press, February 4, 2020; "U.N. rights experts condemn Israel's annexation plan and U.S. support," Reuters, June 16, 2020.

[40] Fourth Geneva Convention, Part III, Section III, Article 47 *Relative to the Protection of Civilian Persons in Time of War*, August 12, 1949, which says, "Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any annexation by the [Occupying Power] of the whole or part of the occupied territory." See also footnote 23.

[41] The 1993 Declaration of Principles (Oslo I) and the 1995 Interim Agreement on the West Bank and Gaza Strip (Oslo II) between Israel and the Palestine Liberation Organization (PLO) both contemplated that the parties would negotiate a "permanent settlement based on [U.N.] Security Council Resolutions 242 [1967] and 338 [1973]," which support the principle of Israel withdrawing from territories that its military captured during the June 1967 war in exchange for "just and lasting peace" with its Arab adversaries. In its preamble, Resolution 242 emphasizes "the inadmissibility of the acquisition of territory by war." The text of the Declaration of Principles is available at https://mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/declaration%20of%20principles.aspx, and the text of the Interim Agreement is available at http://ecf.org.il/media_items/624. Article 31(7) of the Interim Agreement states, "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations."

than "occupied territory," and that building civilian settlements or applying Israeli law in the territory does not violate international law.[42]

Various U.N. Security Council resolutions have condemned certain actions by Israel in territories it captured in 1967. U.N. Security Council Resolutions 478 (1980) and 497 (1981), respectively, affirmed that the Knesset laws effectively annexing East Jerusalem and the Golan Heights were violations of international law (see "How might Israel's treatment of East Jerusalem and the Golan Heights serve as models for West Bank annexation?" below).[43] U.N. Security Council Resolution 2334, adopted in December 2016 with the United States as the lone abstention, stated that settlements established by Israel in "Palestinian territory occupied since 1967, including East Jerusalem," constitute "a flagrant violation under international law" and a "major obstacle" to a two-state solution and a "just, lasting and comprehensive peace."

Selected U.S. Stances on the Legality of West Bank Settlements

1969	The Lyndon Johnson Administration's permanent U.N. representative states that, under the Geneva Conventions, Israel is bound to keep the territory it occupied in 1967 as intact and unaltered as possible.
1971	The Nixon Administration's permanent U.N. representative says that some Israeli actions in occupied territories are contrary to the letter and spirit of the Fourth Geneva Convention.
1976	The Ford Administration's permanent U.N. representative says that "substantial resettlement of the Israeli civilian population in occupied territories" is illegal under the Geneva Conventions.
1978	During the Carter Administration, the State Department's legal adviser writes a letter to two subcommittees of the House International Relations Committee concluding that the Israeli establishment of civilian settlements in occupied territories is inconsistent with international law.
1980	President Carter says that his Administration does not think that settlements are legal, and Secretary of State Cyrus Vance calls them illegal.
1981-1984	In various statements, President Reagan says that settlements are "not illegal" but also "not helpful."
1991	George H.W. Bush's Secretary of State James Baker says that the Administration does not consider settlements to be illegal, but to be an obstacle to peace.
2001	President Clinton says that the settlement enterprise is inconsistent with Israel's commitment to negotiate a final-status solution with the Palestinians.
2002-2008	President George W. Bush and several Administration officials say that settlement activity goes against U.S. policy and call for it to stop.
2009	President Obama says that the United States does not accept the legitimacy of continued Israeli settlement construction and calls for it to stop.
2016	Obama Administration Secretary of State John Kerry says that the Administration sees no change to the fundamental conclusion of the State Department legal adviser's 1978 letter that settlements are inconsistent with international law.
2017	President Trump says that he does not believe advancing settlements is good for peace.
2019	Secretary of State Michael Pompeo announces that the United States will no longer recognize the conclusion from the 1978 letter that Israeli settlements are per se inconsistent with international law.

[42] See, e.g., Dore Gold, "The debate over the future of the territories," israelhayom.com, June 17, 2020; Israel Ministry of Foreign Affairs, Israeli Settlements and International Law, November 30, 2015; Britain Israel Communications and Research Centre, "Extending Israeli sovereignty in the West Bank," June 2020. See also footnote 23.

[43] The United States was the lone abstention from Resolution 478, and voted for Resolution 497.

Shortly after the Trump plan was released, Israel's government announced intentions to move forward with plans or construction for Jewish settlements in areas of East Jerusalem (where some refer to settlements as neighborhoods) and the West Bank—including an area known as E-1—that could significantly obstruct territorial contiguity between Palestinian population centers.[44]

What territory might be annexed?

Based on the Trump Administration's *Vision for Peace*, all Israeli settlements and a major section of the Jordan Valley (a strip of land to the west of the Jordan River and Dead Sea between Jordan and the rest of the West Bank) could be subject to annexation (see **Figure 5**). Pending final maps produced by the U.S.-Israel joint committee, the total territory subject to annexation could constitute approximately 30% of the West Bank, or about half of the territory classified as Area C under the 1995 Israel-PLO Interim Agreement. A provision in the Trump plan anticipates that Palestinians living inside contiguous territory annexed by Israel would be subject to Palestinian civil administration and Israeli security jurisdiction. By anticipating that these people could become citizens of a future Palestinian state, the provision suggests that they would not become Israeli citizens.[45] Additionally, the Trump plan says, "The security [aka separation] barrier will be realigned to match the new borders. New, modern and efficient border crossings will be constructed."[46]

Under the Trump plan, Israeli territory up to the equivalent of about 13.5% of West Bank territory could be ceded to a Palestinian state under a negotiated solution, if the Palestinians meet conditions specified in the plan. Giving Israeli territory to a Palestinian state may face at least two obstacles. One is the objections by Arab citizens of Israel to the possible exchange of some of their towns.[47] A second is the requirement under a 2014 law that any relinquishment of territory be approved either by a popular referendum or a two-thirds majority vote in the Knesset.[48]

[44] "Netanyahu says will press ahead with E-1 settlement project in West Bank," Reuters, February 25, 2020; "US gave PM green light for Givat Hamatos construction 1.5 years ago – report," *Times of Israel*, February 25, 2020.

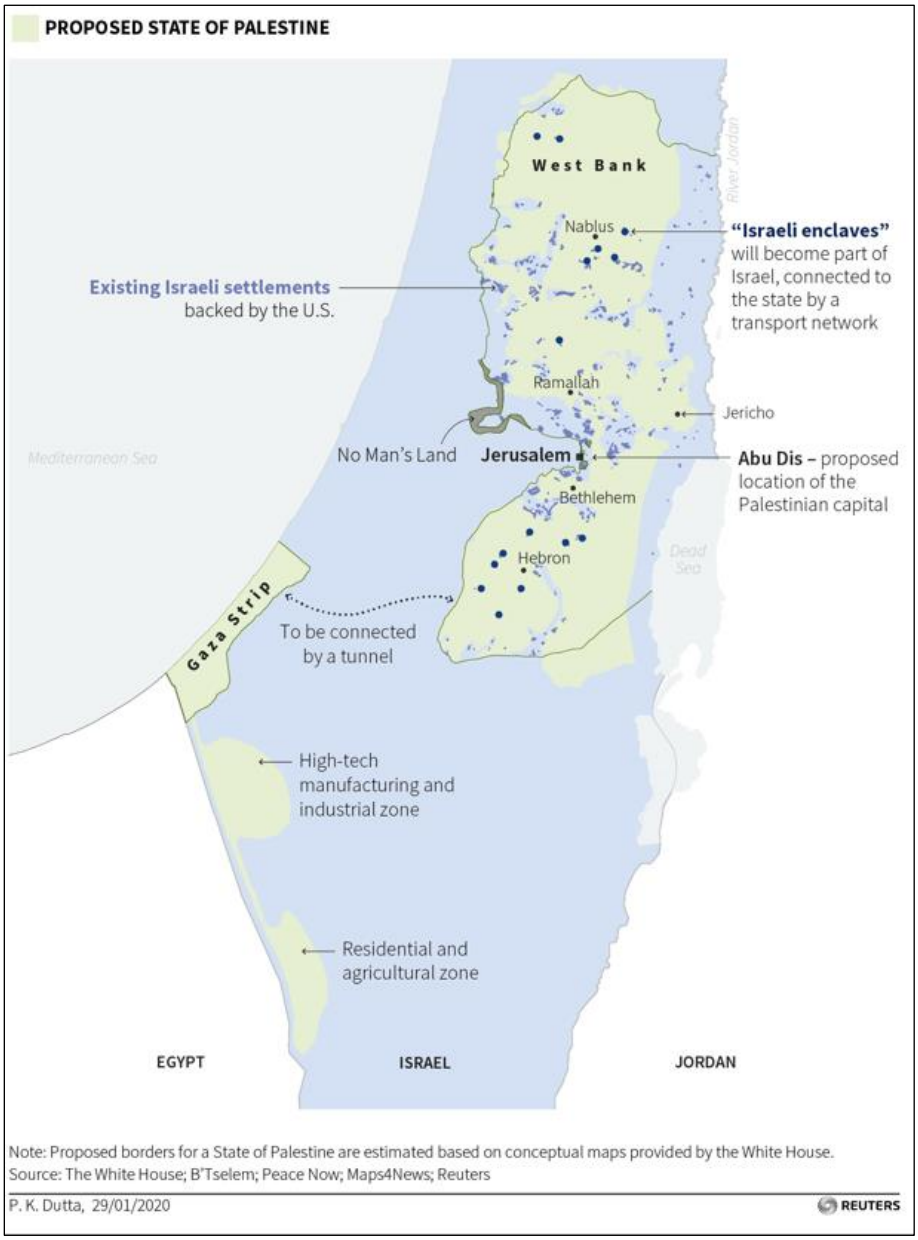
[45] White House, *Peace to Prosperity*, op. cit. footnote 7, p. 12.

[46] Ibid., p. 14.

[47] "Israel rejects Trump's idea of redrawing borders, moving Arab towns to Palestine," *Times of Israel*, February 2, 2020.

[48] David Makovsky, "Israel's Rush to 'Apply Sovereignty' in the West Bank: Timing and Potential Consequences," PolicyWatch 3303, Washington Institute for Near East Policy, April 22, 2020.

Figure 5. Map Showing Approximate Areas Subject to Annexation



Notes: Green lines on map represent 1949-1967 Israel-Jordan armistice line (for West Bank) and 1950-1967 Israel-Egypt armistice line (for Gaza). All borders are approximate.

Settlements

The Trump plan anticipates that 97% of the approximately 425,000 Israeli settlers in the West Bank could be incorporated into contiguous Israeli territory, with the remaining settlers from 15 enclaves able to be incorporated into Israel via access routes, Israeli civilian administration, and security protection.[49] It does not explicitly refer to the situation of Israelis living in unauthorized outposts outside of these specified areas.

Reportedly, more than 100,000 Palestinians live in areas that the Trump plan anticipates could be inside contiguous Israeli territory.[50] As mentioned above, the Trump plan suggests that these Palestinians might remain subject to Palestinian civil administration instead of becoming Israeli citizens. Israeli annexation of these areas could present challenges in applying a Trump plan provision that calls for these Palestinians not to face discrimination, to receive security protection, and to have access to transportation routes as well as Palestinian zoning and planning services where they live.[51]

Jordan Valley

The Jordan Valley is a sparsely populated but relatively water-rich and fertile region of the West Bank (see **Figure 6**). It is the largest land reserve for future development in the territory.[52] It also has strategic value as a buffer zone between Israel's main population centers and Arab states to the east, as well as a means of encircling Palestinian urban centers in the West Bank.[53] Israel's military has maintained a significant presence there since 1967. The Jordan Valley has particular value for a possible future Palestinian state because of its productive agricultural capacity, and because it is the only West Bank area bordering a country (Jordan) other than Israel.

[49] White House, *Peace to Prosperity*, op. cit. footnote 7, p. 12.

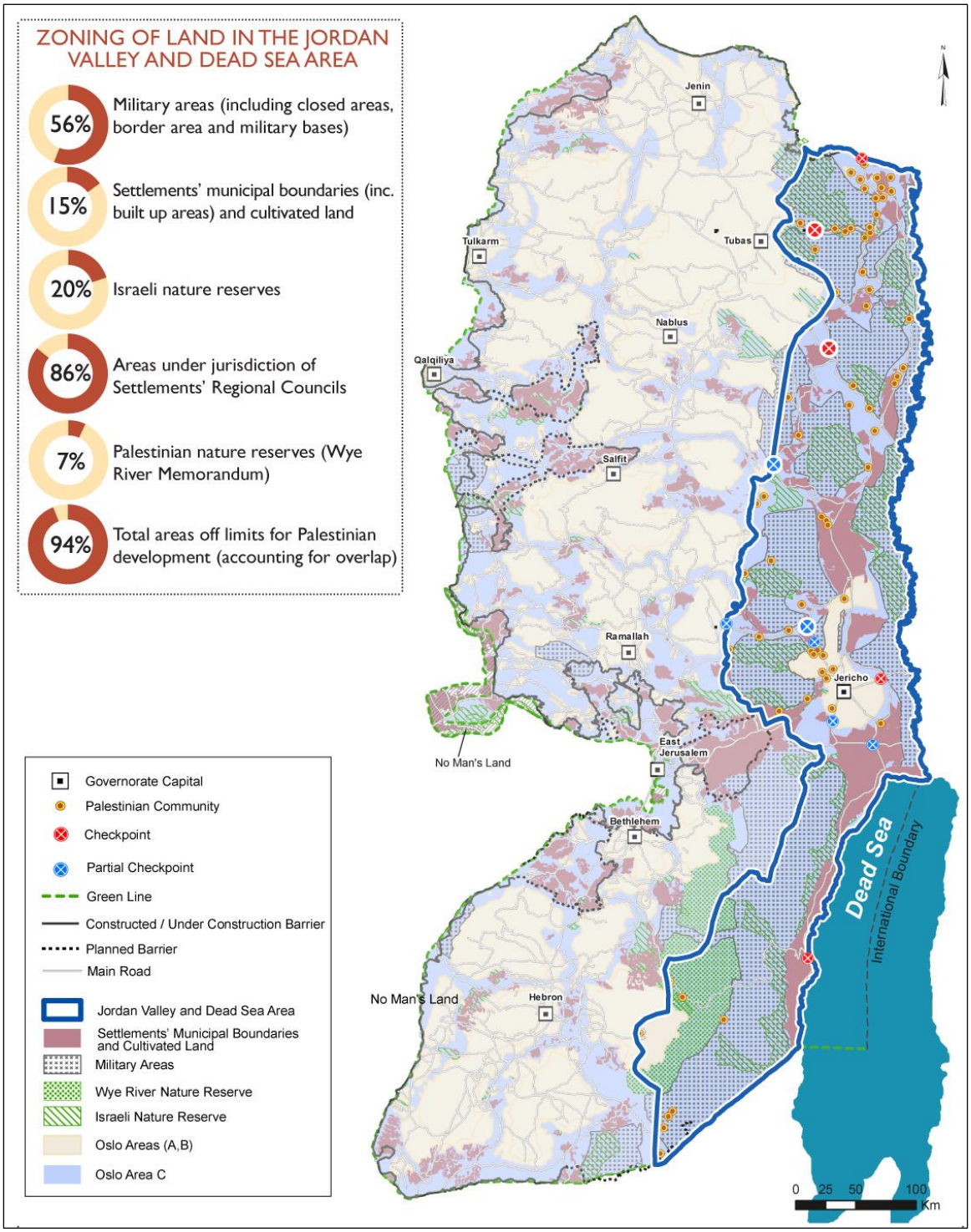
[50] Peace Now, Data on Annexation and Populated Land Swaps under the Trump Plan, February 5, 2020.

[51] White House, *Peace to Prosperity*, op. cit. footnote 7, p. 12.

[52] B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories, The Jordan Valley, available at https://www.btselem.org/jordan_valley.

[53] Ben Sales, "Netanyahu's push to annex the Jordan Valley, explained," Jewish Telegraphic Agency, September 10, 2019.

Figure 6. Map of Jordan Valley

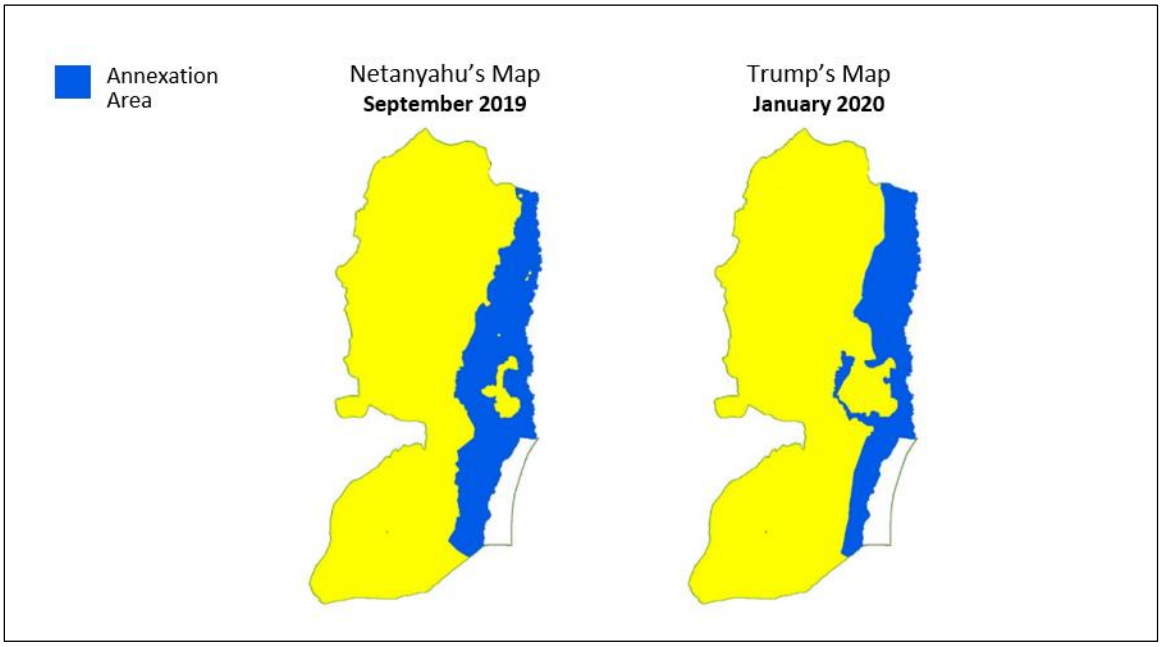


Source: U.N. Office for the Coordination of Humanitarian Affairs occupied Palestinian territory, 2012.

Note: The boundaries specified in this map for the "Jordan Valley and Dead Sea Area" are regional boundary designations separate from U.S. or Israeli government maps pinpointing areas that might be subject to Israeli annexation. Those designations may overlap in some places, but are not identical.

Under the Trump plan's conceptual map, the area of the Jordan Valley subject to Israeli annexation would be somewhat smaller than the area presented by Prime Minister Netanyahu in a September 2019 map (see **Figure 7**). In either case, the Palestinian city of Jericho (approximate population: 40,000) would not be annexed. Additionally, Prime Minister Netanyahu said in May 2020 that no Palestinians living in the Jordan Valley would become Israeli citizens.[54] Assuming that Israel would not annex four small Area B enclaves within the Jordan Valley with about 8,000 Palestinians, the anti-settlement group Peace Now estimates that about four to six thousand Palestinians live in areas subject to annexation.[55]

Figure 7. Jordan Valley Possible Annexation Maps



Source: Peace Now, adapted by CRS, based on underlying information from the Israeli government and the White House.

Annexing the Jordan Valley could have a number of implications. While the land's resources and location may provide some strategic value for Israel, this value could be somewhat offset by possible reductions in PA or Jordanian security cooperation in response to annexation.[56] Additionally, after annexation, Israeli officials may encounter difficulties if they try to implement the following Trump plan provision that pertains to the Jordan Valley:

> Israel should work with 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.[57]

[54] "Israeli PM: Palestinians in Jordan Valley Won't Be Citizens," Associated Press, May 28, 2020.

[55] Peace Now, op. cit. footnote 50.

[56] Jonah Naghi, "Securing the Jordan Valley," jpost.com, November 19, 2019.

[57] White House, *Peace to Prosperity*, op. cit. footnote 7, p. 13.

Partial or phased annexation of areas earmarked in Trump plan

If Israel annexes parts of the West Bank, one possibility would be that Israel could opt for either a partial or a phased annexation of the areas specified in the Trump plan, thus not initially annexing all of the areas earmarked for Israeli sovereignty in the plan. Such an approach could stem from a desire among Israeli officials to build consensus domestically and reduce international objections.[58] For example, during the negotiations between Prime Minister Netanyahu and Defense Minister Gantz to form Israel's current government, Gantz reportedly expressed a preference for a limited annexation that would apply Israeli law to areas with a high concentration of settlers.[59] Reports from June suggest that talks have continued between Netanyahu and Gantz on this subject, and these reports speculate on which settlements they might plan to annex in a possible first phase.[60]

How might Israel's treatment of East Jerusalem and the Golan Heights serve as models for West Bank annexation?

During the 1967 Arab-Israeli War, Israel obtained control over two previously Arab-held territories that it has effectively annexed since then: East Jerusalem (as part of the West Bank) from Jordan and the Golan Heights from Syria.

In July 1980, the Knesset passed a Basic Law proclaiming Jerusalem to be Israel's capital.[61] It also stated that the city's jurisdiction runs throughout municipal boundaries that include portions of the previously Jordanian-held East Jerusalem and some surrounding West Bank territory. In December 1981, the Knesset passed a law stating that the "Law, jurisdiction and administration of the state [of Israel] shall apply to the Golan Heights."[62] As mentioned above, the U.N. Security Council adopted resolutions rejecting both laws, even though neither law used the word "annexation." One scholar wrote in 2019 that "the motivation for annexing without formally annexing, was to avoid having to transform tens of thousands of Golan Druze and hundreds of thousands of East Jerusalem Arabs into Israeli citizens and thereby strengthen the political potential of Arabs within the 'Jewish' state."[63]

While Israeli actions to effectively annex East Jerusalem and the Golan Heights significantly changed these territories' de facto status, later Israeli actions indicated that both annexations could be at least partly reversible. Under the Arab-Israeli peace process that began in the 1990s, some Israeli leaders were willing to consider the possibility of transferring Arab neighborhoods of East Jerusalem to a future Palestinian state, and of returning most or all of the Golan Heights to Syria. As Israeli-Palestinian peace efforts have continued to stall and Syria has fallen into civil war and general instability, Israeli leaders have shown less willingness to consider giving up significant portions of either East Jerusalem or the Golan Heights. President Trump's recognition

[58] See, e.g., Eran Lerman and Efraim Inbar, "Phased Territorial Implementation of the Trump Peace Plan," Jerusalem Institute for Strategy and Security, May 31, 2020.

[59] Tovah Lazaroff, "Gantz weighing limited West Bank settlement annexation – report," jpost.com, April 5, 2020.

[60] "Report: Israel has told Abbas it will limit annexation to 2-3 settlement blocs," *Times of Israel*, June 26, 2020; "Gantz: I won't back annexing areas with 'many Palestinian residents'—report," op. cit. footnote 13.

[61] Israel's Basic Laws are foundational laws somewhat like constitutional provisions, given that Israel does not have a formal written constitution.

[62] Text of Golan Heights Law, December 14, 1981, available at https://mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/golan%20heights%20law.aspx.

[63] Ian S. Lustick, "Last Time a Jewish State Annexed Its Neighbors, It Disappeared for 2,000 Years," foreignpolicy.com, September 15, 2019. A naturalization process does permit some non-Jewish residents of the Golan Heights and East Jerusalem to obtain Israeli citizenship.

of Israeli sovereignty over Jerusalem in December 2017 (which did not specify the boundaries of U.S. recognition) and the Golan Heights in March 2019 reinforced the positions of those in Israel who insist on permanent sovereignty over both territories.

It is unclear to many what type of model Israel's past actions might provide for its efforts to annex parts of the West Bank. As with East Jerusalem and the Golan Heights, Israel can advance arguments about certain parts of the West Bank having strategic value as a defensive buffer, and refer to some Jewish historic or religious connections to West Bank sites. Because the West Bank is significantly larger in area and population than East Jerusalem and the Golan Heights, annexing it could present greater political and logistical complications, including with respect to the treatment of Palestinian populations within annexed territory. It may be unclear how the use or avoidance of the word "annexation" might affect the situation. Moreover, the Knesset passed its laws effectively annexing East Jerusalem and the Golan Heights before the Arab-Israeli peace process of the 1990s began. Thus, action to annex West Bank areas could be seen as a repudiation of the peace process in a way that the earlier annexations might not have.

Another potential question is what the East Jerusalem and Golan Heights examples suggest regarding the possible reversibility of West Bank annexation. Reversing annexation might have been easier with Arab-populated areas of East Jerusalem, or the Golan Heights with its approximately 23,000 Israeli settlers. In contrast, West Bank settlements are home to at least 425,000 Israeli settlers. Also, under the 2014 law mentioned above, reversing any annexation moves that Israeli citizens generally support could face serious practical hurdles because it would apparently require either a popular referendum or a two-thirds majority vote in the Knesset.[64]

What annexation steps does the Israeli government's power-sharing agreement authorize?

The power-sharing agreement that Prime Minister Netanyahu and Defense Minister Gantz reached to guide the unity government that took office in May 2020 explicitly allows the cabinet and/or Knesset to vote on annexing West Bank territory after July 1, 2020, provided that Israel coordinates any move with the United States. The Netanyahu-Gantz deal calls for Israel to engage in dialogue with international actors on the annexation issue "with the aim of preserving security and strategic interests including regional security, preserving existing peace agreements and working towards future peace agreements."[65] Gantz, in connection with the release of the U.S. plan in January 2020, stated his support for annexation to the extent that it could be coordinated more broadly with the international community. However, the power-sharing agreement prevents Gantz from blocking efforts by Netanyahu to bring the issue to a vote. Some observers question whether Netanyahu's rhetorical support for annexation, which is partly motivated by political survival amid a criminal corruption trial, will actually translate into pursuing it.[66]

[64] Makovsky, op. cit. footnote 48.

[65] Britain Israel Communications and Research Centre, "Netanyahu and Gantz agree to form new government," April 21, 2020.

[66] See, e.g., Anshel Pfeffer, "Why Netanyahu Will Never Annex West Bank Settlements and the Jordan Valley," haaretz.com, May 7, 2020. For information on the charges against Netanyahu, see CRS Report R44245, *Israel: Background and U.S. Relations in Brief*, by Jim Zanotti.

Selected Statements by Prime Minister Netanyahu on Possible Annexation

April 2019	Days before Israeli elections, Netanyahu says that he would start to extend Israeli sovereignty over West Bank areas if he wins another term. He says that he would not uproot any settlers nor place them under Palestinian sovereignty.
September 2019	One week before another round of Israeli elections, Netanyahu reiterates his pledge to extend sovereignty to Israeli West Bank settlements, and says that he would do so with maximum coordination with the United States and wait until the President releases his Israeli-Palestinian peace plan. He adds that if he receives a clear mandate to do so for the next government, he intends to apply Israeli sovereignty over the Jordan Valley.
January 2020	With President Trump at the White House for the release of the Trump Administration plan on January 28, Netanyahu expresses his intention to have his caretaker government consider annexation of West Bank areas immediately.
February 2020	Netanyahu delays government action on annexation until sometime after Israel's March elections, in response to White House Senior Adviser Jared Kushner's statement that U.S. recognition of Israeli annexation could happen only after the U.S.-Israel mapping committee completes its work.
May 2020	At the swearing-in of the new Israeli unity government on May 17, Netanyahu says that it is time to begin applying Israeli sovereignty to Jewish communities in the West Bank.
June 2020	In light of possible delays to the U.S.-Israel mapping committee's work, Netanyahu reportedly tells a group of settler leaders that he still intends to move forward with annexing West Bank settlements in July, but that annexing the Jordan Valley may take longer.[67]

According to the Netanyahu-Gantz unity agreement, Israel could reportedly apply Israeli law and/or sovereignty over areas of the West Bank via either a cabinet or a Knesset vote. One article citing various Israeli legal experts has said that Israel could take a range of semantic approaches to annexation or applying its law to West Bank areas.[68]

How would Israel enforce annexation?

In the event of action by the cabinet or Knesset to apply Israeli law and/or sovereignty to West Bank areas, Israeli officials would consider when and how to enforce this action. Because Israel already maintains a regular military presence in the West Bank to protect settlements and secure the Jordan Valley, many aspects of security would probably carry over from existing practices. However, to the extent annexation might change how Israel officially defines its borders, civilian police and security agencies might eventually take over functions within newly annexed territory that had previously been performed by the military. Also, patrolling the new borders and the settlement enclaves could potentially require significantly greater funding and personnel commitments.[69] As mentioned above, if applied, the Trump plan anticipates a realignment of the West Bank separation barrier (see **Figure 2**) and the construction of new border crossings. Additionally, it may be unclear how or when Israeli authorities might facilitate security, access routes, and Palestinian zoning and planning services for the more than 100,000 Palestinians who

[67] Jacob Magid, "Netanyahu vows all settlements will be annexed July 1, but other lands may wait," *Times of Israel*, June 8, 2020.

[68] Hagar Shezaf, "Annexation for Dummies: Making Sense of Netanyahu and Gantz's Declarations," haaretz.com, January 26, 2020.

[69] John R. Allen and Daniel B. Shapiro, "Stopping Israel's annexation is a US national security interest," thehill.com, June 1, 2020; Breaking the Silence, "Implications of Annexation for Israel's Rule Over Palestinians," May 2020.

could be living within contiguous Israeli territory after annexation. Some analysts have suggested that annexation could make it easier for Israel to expropriate Palestinian-owned property.[70]

Israel's military also may face possible surges in Palestinian protest, unrest, or violence in anticipation of or response to annexation. According to one media source, "the IDF has been readying for a wide variety of potential scenarios, including an upsurge in Palestinian terrorism and widespread protests that might necessitate a call-up of reservists."[71]

Other possible questions about the practical effect of applying Israeli law to annexed territory and its residents include:

- What difficulties might Israel encounter in having swaths of its territory surrounded by areas earmarked for a future Palestinian state?
- Would Israel establish civilian courts in annexed West Bank areas?
- Which laws (Jordanian, Israeli civil, Israeli military, PA) would apply within annexed areas to property ownership and use, business licenses, and Palestinian residents? Would legal changes be immediate or phased in over time? What type of court (Israeli military, Israeli civil, PA) would adjudicate cases under these laws?
- How might Palestinian agricultural enterprises in the Jordan Valley be affected by legal changes, and is it likely that Israelis and Palestinians can reach agreement (as referenced in the Trump plan) to permit the uninterrupted continuation of such enterprises over a number of years and generations?
- Would changes in annexed areas affect the legal systems operating in non-annexed areas of the West Bank (Area A, Area B, and some parts of Area C), and if so, how?
- To what extent would annexation reinforce or change the overall effects that the longtime Israeli military occupation and expansion of settlements in the West Bank has had on Palestinian residents?

Decisions and Responses

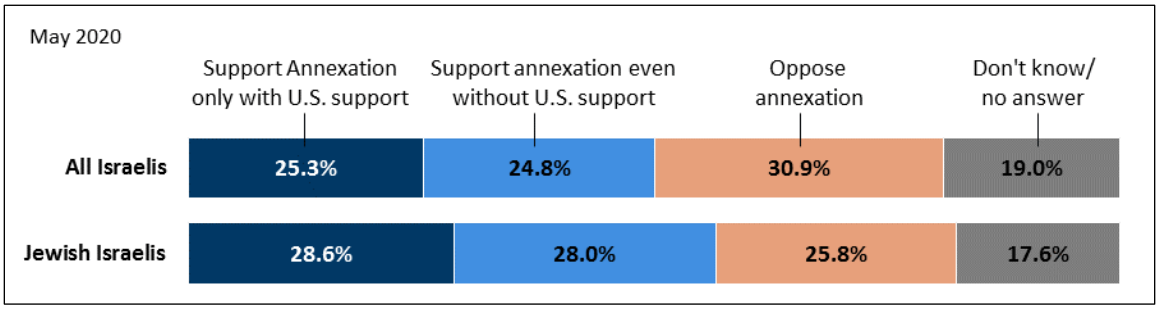
What factors might influence Israel's decisions on annexation?

A number of considerations might affect whether and how Israel's government and Knesset proceed with annexing areas of the West Bank (see **Figure 8**).

[70] Udi Dekel and Noa Shusterman, "Annexation of the West Bank: Where Does It Lead?" Institute for National Security Studies, June 14, 2020. A June 2020 Israeli Supreme Court decision overturned a 2017 Israeli law that sought to codify the transfer of West Bank land privately owned by Palestinians to Jewish parties under specified circumstances. David M. Halbfinger and Adam Rasgon, "Israel Court Rejects Law Legalizing Settlements," *New York Times*, June 10, 2020.

[71] "Netanyahu talks annexation with Kushner; US said to want to 'slow the process,'" *Times of Israel*, June 1, 2020. Another article has described some scenarios: "The first would see mass protests by Palestinians; the second, shooting and car-ramming attacks in the West Bank; the third, a return to the waves of suicide bombings seen during the Second Intifada in 2000-2004." "Troops open fire on Palestinians throwing fire bombs near settlement, 1 hurt," *Times of Israel*, June 24, 2020.

Figure 8. Israeli Public Opinion Poll on Annexation



Source: Israeli Democracy Institute: https://en.idi.org.il/media/14508/israeli_voice_index_data_2005_eng.pdf.

Domestic

Some domestic factors that may influence Israeli annexation decisions include:

- **Cost-benefit analyses.** Various Israeli observers have expressed opinions about whether annexation is justified during the limited time window that might exist for Trump Administration support. Some of their analyses focus on what benefits, if any, annexation of specified West Bank areas might provide for Israel beyond those it already has from de facto control over those areas, weighed against risks connected to potential Palestinian and other international responses or the U.S.-Israel relationship.[72] Some who support annexation say that it is an opportunity for Israel to obtain concrete gains and change the starting points for future negotiations on territorial and security arrangements.[73] Some who oppose it say that if the settlements and their residents are already enjoying the essential benefits of Israeli life, there is no special urgency to change their legal status, especially if doing so could come with political and security risks.[74]
- **Key stakeholders within the government and military.** Various actors within Israel's government, military, and security establishment could play important roles in influencing cabinet and Knesset deliberations about the scope, timing, benefits, and drawbacks of annexation—especially those actors who would have responsibility for enforcing it.[75] An organization led by former Israeli generals published a report in 2018 anticipating that possible annexation of specified areas of the West Bank could trigger a chain reaction of events that might lead to a "one state scenario" in which the Israeli military could be compelled to take full control of the entire West Bank.[76] Additionally, two Israeli analysts have written

[72] See, e.g., Dekel and Shusterman, op. cit. footnote 70; Lerman and Inbar, op. cit. footnote 58; Dan Schueftan, "Sovereignty bid will improve Israel's negotiating position," israelhayom.com, June 16, 2020; Mark A. Heller, "Netanyahu's Irrational Case for Annexation Is a Tragedy for Israel," haaretz.com, June 16, 2020; Chuck Freilich, "Hezbollah, Hamas, Iran: How Israeli Annexation May Trigger a Multi-front War Within Weeks," haaretz.com, June 17, 2020.

[73] See, e.g., Schueftan, op. cit. footnote 72.

[74] See, e.g., Yossi Melman, "What Exactly Does Netanyahu Mean by 'Annexation'? Israel's Defense Establishment Has No Idea," haaretz.com, June 3, 2020.

[75] Ibid.; "Security chiefs said split on whether annexation will cause Palestinian violence," *Times of Israel*, June 25, 2020; Ben Caspit, "Israeli security chiefs warn that annexation could ignite the West Bank," Al Monitor, June 19, 2020.

[76] Commanders for Israel's Security, *Ramifications of West Bank Annexation: Security and Beyond*, October 2018, pp.

that a phased approach to annexation could allow for easier management of security and infrastructure issues than if Israel tried to immediately annex all the territory earmarked for Israeli sovereignty under the Trump plan.[77] Some sources suggest that Israeli officials may be concerned that annexation-related military operations could divert resources from addressing Iran-related threats in the region.[78]

While the Netanyahu-Gantz power-sharing agreement does not allow Defense Minister Gantz to block a vote on annexation, his stance and that of Foreign Minister Gabi Ashkenazi could carry weight with other decision-makers because each previously served as Israel's top commanding general. Reportedly, both prefer to coordinate any annexation with Palestinian leaders, Jordan, Egypt, and other relevant international actors.[79] A senior State Department official was quoted in May as saying that given the various strands in Israel's new coalition government, "I think it's going to take them a while to come together with what they're going to do."[80] In a late June briefing, Gantz said that Israel might be forced to move forward without the Palestinians if they "say no forever to everything." However, he did not specify the timing or scope of potential annexation, and he insisted that any Israeli action would uphold human rights and not endanger existing peace agreements.[81] On June 29, Gantz reportedly told U.S. officials that annexation does not have to happen on the initial July 1 target date.[82]

- **Settler objections to building limitations and a Palestinian state.** As mentioned above, some settlers oppose any limitation on expanding settlements.[83] Some settlers also oppose the U.S. conditioning its recognition of annexation on Israel's openness to negotiations that could lead to a future Palestinian state. The chairman of the Yesha Council, the umbrella organization for Israeli settlement leaders, said in June that President Trump and White House Senior Adviser Kushner have "proven in their plan that they are not friends of the State of Israel,"[84] triggering a condemnation by Netanyahu in defense of President Trump. Some other settlers reportedly are willing to accept some of the conditions mentioned above in exchange for annexation.[85] It may be unclear

11-15.

[77] See Lerman and Inbar, op. cit. footnote 58.

[78] See, e.g., Ben Caspit, "Netanyahu's dilemma over his annexation plan," Al Monitor, June 5, 2020.

[79] "Netanyahu talks annexation with Kushner…," op. cit. footnote 71; Osama al Sharif, "What Are Jordan's Options if Israel Annexed the West Bank?" Al Monitor, May 25, 2020.

[80] U.S. Department of State website, Briefing with Senior State Department Officials On Secretary Pompeo's Travel to Jerusalem, Israel, May 13, 2020.

[81] Alexander Fulbright, "Gantz signals support for unilateral annexation if Palestinians 'say no forever,'" *Times of Israel*, June 24, 2020.

[82] Harkov, et al., op. cit. footnote 9.

[83] Landau and Shezaf, op. cit. footnote 35.

[84] Hagar Shezaf, "Trump, Kushner 'Not Friends of Israel': Settler Leader Escalates Rhetoric Over Mideast Plan," haaretz.com, June 3, 2020.

[85] Jacob Magid, "Settler leaders produce map they claim shows Trump plan for Palestinian state," *Times of Israel*, May 27, 2020.

whether settler concerns might affect support for annexation in the cabinet or Knesset.

- **Netanyahu's political and legal survival.** Netanyahu's public pledges to annex West Bank territory began in 2019 during election campaigns in which he reportedly sought support from pro-annexation coalition partners for immunity from criminal prosecution. Given that the unity government formed in May has not halted Netanyahu's trial and does not include Israel's main pro-annexation party (Yamina), Netanyahu might seek to preserve the annexation issue for future political leverage should this government collapse and bring about another election. Alternatively, he might calculate that annexation under the current government could help him strengthen his political position without another election.

U.S. position

U.S. support for Israel in connection with the Trump plan is a central factor in Israel's willingness to consider annexation despite opposition from most other international actors. Any change in U.S. support could affect Israeli decisions.[86] One of Netanyahu's biographers has written that it would be unlikely for him to take action that would risk a confrontation with President Trump.[87] In early June, an unnamed Israeli source was cited as saying that Trump Administration officials want "to greatly slow the process" of annexation because they are dealing with a number of difficult domestic U.S. issues.[88] As mentioned above, reports also suggest that U.S. officials want unified support within Israel's government for annexation—including from Defense Minister Gantz and Foreign Minister Ashkenazi—before the Trump Administration would support it.[89]

How might the Palestinians respond to annexation?

Palestinian leaders in the West Bank have strongly denounced Prime Minister Netanyahu's plans for annexation, characterizing annexation as an abandonment of the Israeli-Palestinian peace process and a violation of international law and existing Israel-PLO agreements.[90] The Palestinians already have taken some actions to curtail cooperation with Israel in anticipation of annexation (as discussed below), and their responses if it actually happens are uncertain. The Palestinians also have decried U.S. support for possible annexation, and indicated that it could worsen U.S.-Palestinian relations. PLO and PA leaders stopped diplomatic communications with the Trump Administration after its recognition of Israeli sovereignty over Jerusalem in December 2017.

In May 2020, after the new Israeli government pledged to pursue annexation, PLO Chairman and PA President Mahmoud Abbas gave a speech immediately absolving the Palestinians of "all the agreements and understandings with the American and Israeli governments and of all the

[86] See, e.g., Halbfinger and Crowley, op. cit. footnote 12.

[87] Anshel Pfeffer, "A Tale of Two Netanyahus: The Six Factors That Will Decide Annexation," haaretz.com, June 23, 2020.

[88] "Netanyahu talks annexation with Kushner…," op. cit. footnote 71.

[89] Magid, op. cit. footnote 6.

[90] Saeb Erekat, "Stop the Annexation Fanatics. Impose Sanctions on Israel," haaretz.com, June 8, 2020; David M. Halbfinger and Adam Rasgon, "To Stop Annexation, Palestinian Authority Plans to Collapse," *New York Times,* June 9, 2020.

commitments based on these understandings and agreements, including the security ones."[91] In his speech, Abbas also reaffirmed the Palestinians' commitment to a just and comprehensive peace with Israel, and a two-state solution, based on negotiations and legitimate international efforts connected with U.N. resolutions and the Arab Peace Initiative.[92] He called for international efforts that could deter Israel from annexation, protect Palestinians, and uphold international law. In June, PA Prime Minister Mohammed Shtayyeh announced that the PLO/PA has submitted a counter-proposal to the Trump plan to the Middle East Quartet (the United Nations, United States, European Union, and Russia).[93] According to Shtayyeh, the proposal calls for the creation of a sovereign, demilitarized Palestinian state with "minor modifications of borders as necessary."[94] As reported in late June, the counter-proposal calls for resuming direct Israeli-Palestinian talks where they left off in 2014, but the PLO/PA would withdraw the proposal if annexation takes place.[95]

Statehood and changes to services and revenue

PA efforts to warn Israel about possible consequences of annexation have included two seemingly contradictory threads: threatening to take legal and political steps toward statehood, and anticipating a possible end to PA public services for Palestinians in the West Bank and Gaza. In June 2020, Prime Minister Shtayyeh announced that if Israel continues along a course toward annexation, the PA would transition from a temporary authority to a "state on the ground," using armistice lines as borders (a 1949-1967 line for the West Bank, and a 1950-1967 line for Gaza), and declaring East Jerusalem as its capital.[96] PA Civil Affairs Minister Hussein al Sheikh has said that if Israel moves forward with annexation, the PA would consider ending services such as policing, education, and health care, thus seeking to compel Israel to resume the full responsibility over the West Bank that it had before the PA's creation.[97] On June 24, PA President Abbas said that annexation of even a small portion of West Bank territory "will obligate Israel to bear the responsibilities in occupied land as an occupying power according to the Fourth Geneva Convention."[98] Given an apparent disconnect between stronger claims to statehood and a reduction in public services, it is unclear whether the Palestinians might carry out these threats in tandem, or as only one or the other.

In June 2020, PA leaders announced that because they are no longer bound by agreements with Israel, they are refusing to receive transfers of import and export taxes from Israel that account

[91] "President Abbas declares end to agreements with Israel, US; turns over responsibility on occupied lands to Israel," WAFA, May 19, 2020.

[92] The Arab Peace Initiative offers a comprehensive Arab peace with Israel if Israel were to withdraw fully from the territories it occupied in 1967, agree to the establishment of a Palestinian state with a capital in East Jerusalem, and provide for the "[a]chievement of a just solution to the Palestinian Refugee problem in accordance with UN General Assembly Resolution 194." The initiative was proposed by Saudi Arabia and adopted by the 22-member Arab League (which includes the PLO) in 2002, and later accepted by the then-56-member Organization of the Islamic Conference (now the 57-member Organization of Islamic Cooperation) at its 2005 Mecca summit. The text of the initiative is available at http://www.bitterlemons.org/docs/summit.html.

[93] The Quartet was created in 2002 with a mandate to help mediate Israeli-Palestinian negotiations and prepare the Palestinians politically and economically for eventual statehood.

[94] "Palestinian PM submits 'counter-proposal' to Trump plan," Agence France Presse, June 9, 2020.

[95] "In counter to US peace plan, Palestinians say ready for direct talks with Israel," *Times of Israel*, June 29, 2020.

[96] "PA submits 'counter-proposal' to US plan, providing for demilitarized Palestine," *Times of Israel*, June 9, 2020.

[97] Halbfinger and Adam Rasgon, op. cit. footnote 90.

[98] Aaron Boxerman, "Abbas: Israel will need to take responsibility as occupier if it annexes 1 inch," *Times of Israel*, June 24, 2020.

for at least 60% of PA revenue.[99] Suspending revenue transfers could affect the PA's ability to operate, with possible ripple effects for stability and Israel's security, especially if PA workers do not receive salaries. In June, the PA announced that it would suspend salaries for civil servants, and would not provide a monthly transfer of $105 million to Gaza that normally pays for public salaries, utilities, and medical expenses there.[100] Israel-PA political disputes have led to previous suspensions of the transfers on a number of occasions, most notably for several months in 2019. The 2019 dispute centered on Israeli legal requirements to partially withhold revenues because of PA welfare payments on behalf of Palestinians accused of terrorist acts.

The West Bank and Gaza could face significant financial stress without their regular funding sources. In June, the World Bank forecast a contraction in GDP for 2020—largely due to the economic consequences of the COVID-19 pandemic—of between 7.6% and 11%,[101] before accounting for the suspension of revenue transfers. The PA's usual turn to Arab Gulf states for emergency financial assistance may be more difficult in the context of the COVID-19 pandemic's regional and global reach, and the general downward trend in outside assistance for the Palestinians.[102] Past economic crises in Gaza have fed Hamas-Israel tensions. Since 2018, Israel has routinely approved cash transfers from Qatar to Gaza in an effort to ease tensions. Another transfer reportedly happened in June 2020,[103] but Qatar has reportedly threatened to stop the transfers in the event of Israeli West Bank annexation.[104]

PA security coordination with Israel[105]

The significant reduction in the PA's West Bank security coordination with Israel in anticipation of possible annexation could affect stability in the region. PA-Israel coordination, with its focus on maintaining order in Palestinian urban areas and preventing terrorism, has been an important anchor for U.S.-Israel-PA relations. Some Israeli defense officials have warned of a potential outbreak of violence in response to annexation plans, possibly stoked by the "coronavirus-related economic woes" of the PA.[106] Israeli authorities also reportedly fear that Hamas could exploit annexation-related tensions to step up its West Bank activities,[107] in addition to whatever it might do in Gaza. In late June, a Hamas military leader said that annexation would be considered a declaration of war against the Palestinians.[108]

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[99] Aaron Boxerman and Jacob Magid, "In move seen as 'nearly suicidal,' Abbas's PA refuses tax transfers from Israel," *Times of Israel*, June 4, 2020. Israel collects these revenues on the PA's behalf according to a 1994 agreement. Text of the agreement is available at https://mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/Gaza-Jericho%20Agreement%20Annex%20IV%20-%20Economic%20Protoco.aspx.

[100] Boxerman and Magid, op. cit. footnote 99; Jack Khoury, "Palestinian Leadership Struggling to Rally Public Against Israeli Annexation," haaretz.com, June 11, 2020.

[101] World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee*, June 2, 2020.

[102] Ibid.; Zaha Hassan, "Palestine: Facing Severe Economic Challenges," Carnegie Endowment for International Peace, June 9, 2020.

[103] Judah Ari Gross, "Israel said to let $50 million in Qatari aid into Gaza; balloon attacks to halt," *Times of Israel*, June 15, 2020.

[104] "Report: Qatar threatens to stop Gaza aid if Israel annexes W.Bank lands," i24News, June 24, 2020.

[105] For background on this subject and U.S. efforts related to it, see CRS Report R46274, *The Palestinians and Amendments to the Anti-Terrorism Act: U.S. Aid and Personal Jurisdiction*, by Jim Zanotti and Jennifer K. Elsea.

[106] "PA premier vows to prevent chaos in West Bank despite cutting security ties," *Times of Israel*, May 26, 2020.

[107] Ibid. See also Aaron Boxerman, "Hamas: Israeli annexation would be declaration of war," *Times of Israel*, June 25, 2020.

[108] Khaled Abu Toameh, "Hamas to Israel: 'Annexation is a declaration of war,'" jpost.com, June 25, 2020.

After Abbas's May speech, reports have suggested that the PA has halted most forms of security coordination with Israel and the United States, and other civil ties with Israel.[109] On a number of previous occasions, Abbas had threatened to stop coordination but had either not done so or only paused some aspects of it.[110] Senior Israeli officials have been cited as saying that they expect some security coordination with the PA to continue on a clandestine basis, because their PA counterparts have reportedly said that they were not prepared to end it completely.[111] As of June, reports suggest that Israel and the PA security officials continue to share some information indirectly via international organizations.[112]

Some reports suggest that the PA is making efforts to preserve order, though it is uncertain whether those efforts would continue if annexation takes place. Prime Minister Shtayyeh has said that the PA currently intends to prevent chaos and otherwise act in a sovereign capacity in the West Bank.[113] One Israeli media source reported in May that the PA sent messages to Israel saying that despite ending security coordination, it would not allow terror attacks against Israelis or a mass popular uprising.[114]

Even if PA officials seek to reinforce security, it is unclear whether they would be able to control other groups. The inaction or complicity of PA leaders under Abbas's predecessor Yasser Arafat partly contributed to the outbreak and escalation of the second Palestinian intifada (or uprising) that lasted from 2000 to 2005. One group known as the Tanzim plays an important role in Fatah (the faction that controls the PA), has strong followings in refugee camps, and has ready access to small arms.[115] Reportedly, the Tanzim and another Fatah-affiliated group, the Al Aqsa Martyrs' Brigades (a U.S.-designated terrorist organization), have played increasing roles in enforcing West Bank security since the outbreak of the COVID-19 pandemic—informally coordinating with PA officials.[116] Both groups also were active during the second intifada. Some analysts express concern that the absence of official PA security forces in some areas could undermine law and order, and even possibly allow for Islamist terrorist groups such as Hamas and Palestine Islamic Jihad to become more active in the West Bank.[117]

Additional actions

Palestinian leaders might consider additional responses, including:

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[109] Ibid. See Melman, op. cit. footnote 74, for more details on the types of economic and other Israel-PA interactions that could be affected by the suspension of civil coordination.

[110] David M. Halbfinger and Adam Rasgon, "Amid Annexation Threat, Palestinian Leader Discards Security Pact," *New York Times*, May 20, 2020.

[111] "Israeli officials reportedly say secret coordination with PA likely to continue," *Times of Israel*, May 23, 2020.

[112] Danny Zaken, "Despite Abbas cutting ties, security lines remain open between Israel, PA," Al Monitor, June 15, 2020.

[113] "PA premier vows to prevent chaos in West Bank despite cutting security ties," op. cit. footnote 106.

[114] Ibid.

[115] Melman, op. cit. footnote 74. For background information on the Tanzim, see Michael Milshtein, "Fateh`s 'Tanzim' Formations: a potential challenge that is liable to intensify in the face of scenarios of deterioration in the Palestinian arena," IDC Herzliya Institute for Policy and Strategy, June 2020.

[116] Khaled Abu Toameh, "PA works with Fatah armed groups after ending coordination with Israel," jpost.com, June 12, 2020.

[117] Ibid.; Avi Issacharoff, "If Israel annexes, PA hopes a dozen European countries will recognize Palestine," *Times of Israel*, June 19, 2020.

- specific efforts to mobilize international political, legal, and economic action to deter or punish Israeli annexation, including at the United Nations and International Criminal Court;
- efforts to join additional international organizations and agreements as part of a campaign to increase recognition of Palestinian statehood, and to otherwise reduce the U.S. role in Israeli-Palestinian diplomacy;[118]
- greater Palestinian factional (Fatah-Hamas) coordination against Israel;
- organized protests, labor strikes, unrest, or violence in and around the West Bank, Jerusalem, and Gaza;
- changes to PLO and PA leadership, whether or not connected with Abbas's age and health;[119] or
- eventual willingness to negotiate on the basis of the Trump plan or portions of it if other efforts do not deliver desired outcomes.

The viability of some of these options could depend on the type of external political and material assistance Palestinians might receive, including from international organizations, European actors, Arab states, Iran, and Turkey.

What impact might annexation have on Jordan?[120]

The impact of possible Israeli annexation on neighboring Jordan is an important issue. Israeli security officials regard Jordan, with which Israel has a peace treaty, as a key regional buffer for Israel. Jordan also hosts significant deployments of U.S. military personnel and assets. While Jordan's monarchy maintains discreet security cooperation with Israel, much of its population—a majority of which is of Palestinian origin—holds negative views about Israel-Jordan relations,[121] which have become strained over the past year.[122] Additionally, Palestinians in the West Bank might look to Jordan to take greater responsibility for them if their own national aspirations remain unfulfilled.[123]

Jordanian officials have expressed concerns about the Trump plan and possible annexation, and reportedly have sought assistance from U.S. lawmakers and other international actors to discourage Israel from annexing the Jordan Valley and other parts of the West Bank.[124] In a May interview, King Abdullah II said, "If Israel really annexed the West Bank in July, it would lead to a massive conflict with the Hashemite Kingdom of Jordan." When asked in that same interview if he would suspend Jordan's peace treaty with Israel, the King said, "I don't want to make threats

[118] For additional background on these issues, see CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti; and CRS Report R43614, *Membership in the United Nations and Its Specialized Agencies*, by Luisa Blanchfield and Marjorie Ann Browne.

[119] For additional background on Palestinian leadership and possible succession, see CRS In Focus IF10644, *The Palestinians: Overview and Key Issues for U.S. Policy*, by Jim Zanotti.

[120] Jeremy M. Sharp, Specialist in Middle Eastern Affairs, contributed to this section. For background information on Jordan, see CRS Report RL33546, *Jordan: Background and U.S. Relations*, by Jeremy M. Sharp.

[121] Amos Harel, "Senior Defense Officials Warn Annexation Would Endanger Israel's Peace with Jordan," haaretz.com, January 30, 2020.

[122] "Jordanian king expresses reservations over Trump peace plan," *Times of Israel*, January 27, 2020.

[123] See, e.g., Ibid.

[124] "Jordan's king says regional stability put at risk by Israeli annexation," Reuters, June 16, 2020; Barak Ravid, "Jordan urges foreign governments to discourage Israel from annexing West Bank," Axios, April 25, 2020.

and create an atmosphere of loggerheads, but we are considering all options."[125] While suspending the treaty could be possible as a response to annexation, a senior Jordanian official has been cited in an Israeli media source as saying that this may be unlikely because it could undermine the Jordanian custodial role over Jerusalem's Muslim holy sites.[126] The kingdom's custodial role in Jerusalem, which it has claimed since its creation as an emirate in the 1920s, is specifically identified in the treaty. Israel-Jordan peace also helps facilitate U.S. aid to Jordan (currently $1.275 billion annually) and U.S.-Israel-Jordan security cooperation that, among other things, seeks to maintain the kingdom's stability.

Because any Jordanian departure from cooperation with Israel could significantly reorient its foreign policy, Jordanian leaders are likely to consider responses to annexation carefully. They would probably base their assessments on the pressure they might face from their population, how Israel and the United States might react, and what support they might receive from key international partners such as Saudi Arabia and the European Union. Because of the complexity and uncertainty behind any such calculations, any steps that Jordan might take to revisit ties with Israel may be gradual instead of drastic.[127] Such steps might include:

- **Reducing diplomatic contacts.** One option would be for Jordan to recall its ambassador from Israel (which it has done before) and expel Israel's ambassador from Jordan.[128]
- **Reducing security cooperation.** It is unclear whether Jordan would revisit its close security coordination with Israel. A former U.S. official has said that if the PA cuts off its security ties with Israel, Jordan will come under pressure to do the same rather than be seen as collaborating with Israel against the Palestinians.[129] However, an Israeli media source has cited a senior Jordanian official as saying that despite Jordan's support for the Palestinians, Jordan has no intention of damaging its security relations with Israel on behalf of them.[130]
- **Suspending its natural gas deal.** Jordan's state-run power company signed a deal in 2016 to receive $10 billion in natural gas via pipeline from a U.S.-Israel consortium located in Israel for a 15-year period. The imports began in January 2020. Jordan's government has already faced strong opposition to the deal due to anti-Israel sentiment among the public and in parliament, so suspending or canceling the deal in response to annexation might be an option, Doing so, however, could trigger financial penalties and increase Jordan's energy costs.

Whether domestic protests break out in Jordan in response to annexation, and how unrest might affect the kingdom's stability, could depend on a number of factors. Large-scale protests in recent years have focused on economic grievances rather than Palestinian issues. Jordan's current

[125] "King to Der Spiegel: Recovery from COVID-19 impact depends on how smart we are in opening up sectors," *Jordan Times*, May 15, 2020.

[126] Daniel Siryoti, "'Next few weeks will determine whether future decades will see peace or bloodshed,'" israelhayom.com, May 27, 2020.

[127] See, e.g., William Christou, "Will West Bank Annexation Harm US-Jordan Security Cooperation?" Al Monitor, June 2, 2020.

[128] "Jordanian ambassador said to warn he could be recalled if annexation goes ahead," *Times of Israel*, June 24, 2020.

[129] Bruce Riedel, "With Israel's Annexation Plans Looming, an Hour of Decision for Jordan's Hashemites," Brookings Institution, June 1, 2020.

[130] Daniel Siryoti and Ariel Kahana, "Jordanian official: We won't damage security ties with Israel for Palestinians," israelhayom.com, June 18, 2020.

financial status is precarious and has been exacerbated by the COVID-19 pandemic. It is unclear how popular anger might manifest itself if annexation comes amid these economic concerns.

How would other international actors react to annexation?

Arab states

Arab state responses to annexation could influence U.S. and Israeli actions. Some observers have surmised that some key Arab states' shared interests with Israel on Iran and other matters may lead them to be less insistent than in the past on Israel meeting Palestinian demands.[131] However, support for a Palestinian state has long been a cornerstone of Arab diplomacy and remains a prominent feature of Arab governments' shared rhetoric.

After a meeting of the foreign ministers of the League of Arab States in February, the Arab League issued a communique saying that it would not cooperate with the United States to implement the Trump plan (*Vision for Peace*) and that Israel should not forcibly carry it out.[132] It stated its view that the Arab Peace Initiative remains the proper basis for a negotiated Israeli-Palestinian peace.[133] After a virtual meeting of Arab League foreign ministers in April, the ministers issued a joint statement saying that annexation of any part of the lands occupied in 1967 would be a "new war crime" against the Palestinians and urged the United States to withdraw its support from enabling Israel's plans.[134]

How intensively Arab states might oppose Israeli steps on annexation is unclear. In May, an Israeli media source cited a senior diplomat reportedly close to Saudi Crown Prince Mohammed bin Salman as saying that even though the official pan-Arab position "opposes any move that allegedly infringes on Palestinian interests and the Palestinians' right to an independent state … Arab states such as Saudi Arabia, Egypt, the United Arab Emirates (UAE) and Jordan will not jeopardize their relationship with the Trump administration" for the Palestinians.[135] Another Israeli source cites top Israeli defense officials as saying that Arab reactions to annexation would depend on the level of popular anger it triggers within their states.[136] Significant protests could affect Arab-Israeli trade ties, while less intense reactions could lead Arab states to confine their response to superficial condemnations of annexation.[137]

In June, senior Arab Gulf officials made statements that may suggest greater concern among Arab leaders about annexation than about previous U.S. and Israeli steps during the Trump Administration on Jerusalem and the Golan Heights.[138] UAE ambassador to the United States Yousef al Otaiba published a column in a major Israeli newspaper saying that annexation would "certainly and immediately upend Israeli aspirations for improved security, economic and cultural

[131] Aaron David Miller, "How Israel and the Arab World Are Making Peace Without a Peace Deal," Politico, May 27, 2020.

[132] "Arab League rejects Trump's Israeli-Palestinian peace plan," Deutsche Welle, February 1, 2020.

[133] Ibid.

[134] "Arab League slams Israeli plan to annex occupied West Bank," Al Jazeera, April 30, 2020.

[135] Siryoti, op. cit. footnote 126.

[136] Melman, op. cit. footnote 74.

[137] Ibid.

[138] David M. Halbfinger and Ben Hubbard, "Arab Envoy Warns Israelis Against Annexation," *New York Times*, June 13, 2020.

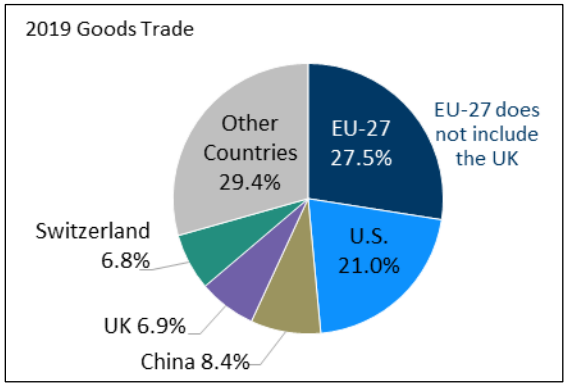
ties with the Arab world."[139] Al Otaiba also said that much of the Arab world would like to believe that Israel is "an opportunity, not an enemy," given common dangers and the potential of warmer ties, but that Israel's decision on annexation would be "an unmistakable signal of whether it sees it the same way."[140] Also in June, Saudi Foreign Minister Faisal bin Farhan al Saud said that annexation was a "dangerous escalation that threatens the chances of resuming the peace process to achieve security and stability in the region."[141]

European actors

As Israel's largest trading partner (see **Figure 9**), the 27-member European Union (EU) could exercise some influence on the annexation issue, along with European states acting on their own. The EU is reportedly seeking to dissuade Israel from annexation and to discourage U.S. support for annexation. Senior EU officials have warned Israel that annexation would violate international law.[142] The United Kingdom (UK), which withdrew from the EU in early 2020, also opposes unilateral annexation by Israel. European states might represent important swing votes if international organizations address the issue. Broader European recognition of Palestinian statehood also is possible, though how such recognition might actually affect matters in the West Bank and Gaza is unclear.

Reports suggest that the EU or its member states may consider reducing some forms of economic cooperation with Israel or Israeli settlements in response to annexation.[143] One Israeli media source has stated that the European Commission (the EU's executive body) may be revisiting Israel's inclusion in various "funding and cooperation projects on education and science, including Horizon 2020 and the Erasmus Plus student exchange, initiatives with high academic and research significance."[144] However, given a lack of consensus among EU member states on punitive economic measures if Israel annexes West Bank areas, the EU may be unlikely to take significant steps to curtail their

Figure 9. Global Percentage Share of Trade in Goods with Israel



Source: European Commission Directorate-General for Trade, based on underlying information from the International Monetary Fund: https://webgate.ec.europa.eu/isdb_results/factsheets/country/details_israel_en.pdf.

[139] Yousef al Otaiba, "Annexation will be a serious setback for better relations with the Arab world," Ynetnews, June 12, 2020.

[140] Ibid.

[141] "Saudi foreign minister declares Israel's plans to annex West Bank a 'dangerous escalation,'" Arab News, June 10, 2020.

[142] "UN, EU officials warn new Israeli government against annexing West Bank," *Times of Israel*, April 23, 2020.

[143] Noa Landau, "EU Discusses Sanctions Against Israeli Annexation That Will Not Require Consensus," haaretz.com, May 15, 2020; Lorne Cook, "Jordan warns Israel of 'massive conflict' over annexation," Associated Press, May 15, 2020.

[144] Landau, op. cit. footnote 143. The Commission would not need unanimity among EU member states to prevent Israel's involvement in these projects.

relationships with Israel's vibrant, diversified economy.[145] Some individual European states are reportedly considering punitive measures.[146]

International organizations

Some United Nations officials have warned Israel that annexation would violate international law.[147] On June 24, U.N. Secretary-General António Guterres reiterated this warning and called on Israel to abandon its annexation plans.[148] While Israel might face condemnations in various U.N. bodies, any action targeting Israel at the U.N. Security Council may face a U.S. veto under the Trump Administration. It is unclear to what extent U.S. support for Israeli annexation might trigger initiatives critical of the United States or its actions in international fora, or whether other international actors might cite Israeli annexation in the West Bank in supporting or opposing policies elsewhere in the world.

Annexation also could come under investigation by the International Criminal Court (ICC),[149] given that the ICC prosecutor has announced her intention to investigate possible war crimes in the West Bank and Gaza if a pre-trial chamber decides that the ICC has jurisdiction there.[150] Reportedly, Israeli Defense Minister Gantz and Foreign Minister Ashkenazi are concerned that annexation could accelerate ICC action.[151] In May 2020, Secretary of State Pompeo reiterated the position taken by past Administrations challenging ICC jurisdiction in the West Bank and Gaza, and also said that if the ICC proceeds with an investigation, the United States would exact consequences.[152] His statement came shortly after 67 Senators and 262 Representatives sent him letters asserting that ICC jurisdiction in the West Bank and Gaza would be improper, and urging him to support Israel in challenging it.[153] Neither Pompeo's statements nor the congressional letters specifically addressed the question of annexation.

In June, Secretary Pompeo said that announcements would be forthcoming across the U.S. government to push back against possible ICC action regarding Americans in Afghanistan and Israelis in the West Bank and Gaza.[154] On June 11, President Trump issued an executive order

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[145] Ibid.; Yaacov Benmeleh, et al., "Europe Warns Israel Against Annexing West Bank Territory," Bloomberg, June 10, 2020.

[146] Noa Landau, "German FM Warned Israel: Some Nations May Impose Sanctions Over Annexation, Recognize Palestine," haaretz.com, June 10, 2020. EU members who reportedly favor tough EU measures in the event of annexation include France, Spain, Ireland, Sweden, Belgium, and Luxembourg, those how this might translate into individual state policies is unclear. "EU mulls sanctions on Israel over West Bank annexation: Report," Middle East Eye, May 12, 2020.

[147] "UN, EU officials warn new Israeli government against annexing West Bank," op. cit. footnote 142.

[148] "U.N. chief calls on Israel to abandon West Bank annexation plan," Reuters, June 24, 2020.

[149] "Israel Poised to Clash With the International Criminal Court Over West Bank Settlements," Associated Press, January 29, 2020. For background on Palestinian efforts to obtain ICC jurisdiction over the West Bank and Gaza, see CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti.

[150] ICC, Statement of ICC Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the Situation in Palestine, and seeking a ruling on the scope of the Court's territorial jurisdiction, December 20, 2019.

[151] Ben Caspit, "Netanyahu's annexation plan now in Gantz, Ashkenazi's hands," Al Monitor, June 12, 2020.

[152] State Department website, Secretary of State Michael R. Pompeo, The International Criminal Court's Illegitimate Prosecutions, May 15, 2020.

[153] The text of the Senate letter is available at https://www.cardin.senate.gov/newsroom/press/release/cardin-portman-lead-bipartisan-senate-call-for-pompeo-to-defend-israel-against-politically-motivated-investigations-by-the-international-criminal-court, and the text of the House letter is available at https://luria.house.gov/sites/luria.house.gov/files/wysiwyg_uploaded/2020.05.12%20Luria%20Gallagher%20letter%20to%20Sec%20Pompeo%20on%20ICC.pdf.

[154] Raphael Ahren, "US vows to prevent 'corrupt' ICC from probing Americans, Israelis for war crimes," *Times of*

authorizing sanctions against foreign persons or entities involved in or supporting ICC investigations or actions targeting U.S. personnel or personnel of U.S. allies without the consent of the home government of those personnel.[155]

How might annexation affect some existing Israeli-Palestinian issues?

U.S. support for unilateral Israeli decisions to annex West Bank territory could affect the confidence of key stakeholders in the viability of a Palestinian state. See below for a discussion of implications for existing Israeli-Palestinian issues.

Palestinians: Future of the PA and national cause

If Palestinian leaders assess that annexation and the Trump plan's vision undermine the viability of a future Palestinian state, the current system of PA limited self-rule could change. The PA was created in the 1990s as a provisional entity pending a final-status peace agreement, so if the already questionable prospects for such an agreement weaken further, the PA might not continue indefinitely. Various factors, including the following, could influence developments regarding the PA and Palestinian national aspirations:

- **Risk tolerance.** Palestinian elites and the wider population may have vested interests in maintaining the PA and the current level of order and stability it represents. Some possible Palestinian actions or responses to annexation could lead to Israeli reprisals or changes in international support. It is unclear whether the Palestinian people may be willing to risk some material benefits of the status quo for the sake of their national cause or greater individual freedoms.
- **Alternative approaches or leadership changes.** If current PLO/PA leaders cease cooperating with Israel and either seek to boost or diminish the PA's status, it is unclear whether their primary means of advancing the national cause would be via a social justice campaign, appeals to the international community, or armed resistance. Another potential question is whether current leaders would maintain their status with the Palestinian people, or be eclipsed by other leaders advocating similar or different approaches.

Israel: Identity as a Jewish and a democratic state

Indefinite Israeli rule over large groups of Palestinians could undermine Israel's ability to credibly portray the Jewish state as a democracy if Palestinians in the West Bank and Gaza do not enjoy rights of citizenship (such as voting) in Israel or a state of their own. If Israeli annexation makes a future Palestinian state less viable, PLO/PA leaders at some point could conceivably abandon their current demands for a separate state and begin insisting on citizenship and equal rights within Israel. To date, this so-called one-state solution or reality has been anathema to both Israeli and PLO/PA leaders, though some segments of the Palestinian public and some Israelis

Israel, June 2, 2020.

[155] White House, Executive Order on Blocking Property Of Certain Persons Associated With The International Criminal Court, June 11, 2020.

support it.[156] If Israel were unwilling to offer citizenship or voting rights in response to demands from Palestinians, allegations could intensify that Israel's commitment to democracy was compromised and amplify some observers' comparisons of Israel to apartheid-era South Africa.[157]

From the time of Israel's founding and after its capture of the West Bank and Gaza in 1967, its leaders have emphasized the imperative for the state to retain a fundamentally Jewish character and govern itself democratically.[158] This issue became more pronounced after the first Palestinian *intifada* (uprising) broke out in the West Bank and Gaza in the late 1980s. A major rationale for Israel's acceptance of a peace process with the Palestinians in the 1990s was to find a way to avoid continued responsibility for ruling over large Arab populations beyond the Arabs who reside in Israel and are Israeli citizens (who currently number between 1.5 and 2 million). Israeli confidence in a negotiated solution with the Palestinians waned after 2000 when initial peace process negotiations broke down and the second Palestinian intifada engulfed Israelis and Palestinians in deadly conflict. Yet, some Jewish Israelis remain conflicted about the system that has become entrenched in their country to maintain control over Palestinian-populated areas.[159]

Some sources have anticipated that Palestinian population growth could eventually lead to a situation where more Arabs than Jews lived within Israel, the West Bank, and Gaza (the area governed as Palestine under the British Mandate from 1920 to 1948).[160] Such a contingency, which has partly motivated some past Israeli leaders' efforts on territorial compromise or unilateral withdrawal from certain areas, could bolster the argument that continued Jewish rule over an area where Arabs had become a majority would be fundamentally undemocratic.

The following factors could influence developments on this issue:

- **Jewish-Arab demographic parity.** Currently, the total Jewish and Arab populations in territories Israel arguably controls—Israel, the West Bank, and Gaza—are close in number, with some estimates of between six and seven million of each group, based on a range of official and unofficial sources.[161]
- **Gaza's status.** Israel claims that it gave up responsibility for Gaza and its approximately two million residents when it withdrew its troops and settlers from Gaza's urban areas in 2005. However, some observers argue that Israel continues to bear responsibility for Gaza because it maintains effective control over most of the territory's access points.[162]
- **Outside pressure.** If PLO/PA leaders demand a one-state outcome, it is unclear how much political and economic pressure Israel may face from Palestinian unrest or international actors. Specific developments—such as annexation or the means used to enforce it, the nature of Palestinian actions, or various demographic changes—might influence actors' decisions to pressure Israel.

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[156] Shira Efron and Evan Gottesman, *In Search of a Viable Option: Evaluating Outcomes to the Israeli-Palestinian Conflict*, Israel Policy Forum, February 2020, pp. 41-60; Ksenia Svetlova, "More Israelis, Palestinians support the 'one-state' solution," Al Monitor, February 18, 2020.

[157] Alon Liel, "Trump's Plan for Palestine Looks a Lot Like Apartheid," foreignpolicy.com, February 27, 2020.

[158] See, e.g., Gershom Gorenberg, "It Doesn't Add Up," The American Prospect, April 16, 2018.

[159] See, e.g., Breaking the Silence, *Why I Broke the Silence*, February 2018.

[160] Efron and Gottesman, op. cit. footnote 156, pp. 30-31, citing underlying sources that include the Israel Central Bureau of Statistics. This same source cites other underlying sources that dispute the likelihood that the Arab population might overtake the Jewish population within the boundaries of historic Palestine.

[161] Ibid.

[162] See, e.g., Breaking the Silence, op. cit. footnote 69; Gisha - Legal Center for Freedom of Movement, *Scale of Control: Israel's Continued Responsibility in the Gaza Strip*, November 2011.

- **Continued deferral.** Given strong Israeli public resistance to the idea of admitting Palestinians from the West Bank (and Gaza) as citizens, Israeli leaders may feel supported in continuing the military's overarching control over Palestinian-populated areas while deferring a permanent resolution of the West Bank's de jure political status.

What issues does potential annexation raise for Congress?

Responses by Congress to Israeli annexation could depend on various factors, including how closely any annexation is coordinated with the Administration; responses from Palestinians, Arab states, and other international actors; and the timing, territorial extent, legal nature, and physical enforcement of any annexation. In mid-June, Jordan's King Abdullah II reportedly held several briefings with Members of Congress in hopes that close U.S.-Jordan relations would lead Members to express concerns about annexation to the Administration.[163]

Congressional views

Members of Congress have expressed varying views on annexation, which have contributed to debate on the subject about implications for U.S.-Israel relations. In December 2019, the House of Representatives passed H.Res. 326 (by a vote of 226-188, with two voting present), which called for any future U.S. peace proposal to expressly endorse a two-state solution and discouraged steps such as "unilateral annexation of territory or efforts to achieve Palestinian statehood status" outside negotiations.

On June 25, 2020, 191 House members sent a letter to Israeli leaders urging them to reconsider plans for annexation. The letter warns that annexation could undermine efforts toward a negotiated two-state solution, security in Jordan, and Israel's cooperation with Arab states and the international community.[164] Earlier in the month, Speaker of the House Nancy Pelosi said that annexation would undermine U.S. national security interests and bipartisan support for Israel.[165]

On June 22, 116 Representatives sent a letter to Prime Minister Netanyahu emphasizing that "Israel has the right to make sovereign decisions independent of outside pressure" and expressing support for those decisions in the context of prospects for Israeli-Palestinian peace under the Trump plan. The letter also said that threatening relations with Israel would be "shortsighted" and that the signers would "stand shoulder-to-shoulder with Israel and oppose any effort to apply pressure."[166]

Several Senators have expressed opposition to annexation,[167] including one letter in May from 19 Senators to Netanyahu and Defense Minister Gantz that included the following passage:

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[163] Amir Tibon, "King Abdullah Goes on the Attack, Brings Annexation Fight to the Heart of Washington," haaretz.com, June 17, 2020.

[164] Text of letter available at https://price.house.gov/sites/price.house.gov/files/06.25.2020%20Letter%20to%20Netanyahu%20Gantz%20Ashkenazi%20FINAL%20UPDATED.pdf.

[165] Amir Tibon, "Pelosi Says Unilateral Israeli Annexation 'Undermines U.S. National Security Interests,'" haaretz.com, June 4, 2020.

[166] Text of letter available at https://mailchi.mp/mail/house-republicans-sendletter-of-supportto-israel?e=7c6dfddbcf.

[167] Information on Senators opposing annexation available at https://jstreet.org/stop-annexation/senate-annexation/

> And most concerning, a unilateral annexation outside of a negotiated agreement would likely erode the strong support among the American people for the special relationship and diplomatic partnership with the United States that Israel currently enjoys.[168]

Seven other Senators wrote a letter to President Trump in June expressing support for implementing the Trump plan, "including the extension of Israeli civil law into Israeli communities and areas critical for Israel's security such the Jordan Valley," and committing to providing the Administration "with the resources it requires for such implementation."[169]

U.S. aid and arms sales to Israel[170]

U.S. aid to Israel, which primarily consists of Foreign Military Financing (FMF) that funds Israeli arms purchases and Defense Department funding for joint U.S.-Israel missile defense systems, could become a topic of greater debate if Israel annexes West Bank areas. Congress can authorize, prohibit, or condition aid and arms sales. Under a U.S.-Israel Memorandum of Understanding (MOU) that is valid through FY2028, annual FMF funding is $3.3 billion and annual missile defense funding is $500 million, pending congressional appropriations.

It may be unclear whether annexation would affect legislation pending before Congress. The U.S.-Israel Security Assistance Authorization Act of 2020 (S. 3176), which was reported by the Senate Foreign Relations Committee in June 2020, would, among other things, formally authorize levels of FMF for Israel under the MOU through FY2028, extend Israel's access to U.S. arms stockpiles and loan guarantees, specifically authorize the transfer of precision guided missiles to Israel from U.S. reserve stocks, and authorize funding for various U.S.-Israel cooperative projects (such as on resource sustainability, Arab-Israeli joint innovation, the use of lasers, and health technologies related to COVID-19 and other issues). The House passed a similar bill, the United States-Israel Cooperation Enhancement and Regional Security Act (H.R. 1837), in July 2019. In June 2020, the Senate Armed Services Committee reported its version of the FY2021 National Defense Authorization Act (S. 4049), which authorizes FY2021 missile defense funding for U.S.-Israel joint projects in line with the MOU, and requires the Secretary of Defense to establish a U.S.-Israel Operations-Technology Working Group.

U.S. aid to the Palestinians[171]

Annexation could potentially affect congressional debate on U.S. aid to the Palestinians. Palestinian responses to annexation—especially any that align in some manner with U.S. policy—might result in calls to help stabilize the West Bank or Gaza, or to respond to Palestinian humanitarian or development needs.

Various actions by the Trump Administration and Congress led to a complete end to U.S. aid for Palestinians in January 2019. For FY2020, Congress appropriated $75 million from the Economic Support Fund account for humanitarian and development projects for the West Bank and Gaza, and $75 million in non-lethal security assistance for the West Bank from the International

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#.XvTFl2hKg2z.

[168] Text of letter available at https://www.murphy.senate.gov/download/20521-murphy-israel-letter.

[169] Text of letter available at https://www.cruz.senate.gov/files/documents/Letters/2020.06.23%20Letter%20to%20POTUS%20on%20Israel%20Civil%20Law.pdf.

[170] Jeremy M. Sharp, Specialist in Middle Eastern Affairs, contributed to this section. For background on this topic, see CRS Report RL33222, *U.S. Foreign Aid to Israel*, by Jeremy M. Sharp.

[171] For background on this topic, see CRS In Focus IF10644, *The Palestinians: Overview and Key Issues for U.S. Policy*, by Jim Zanotti; and CRS Report RS22967, *U.S. Foreign Aid to the Palestinians*, by Jim Zanotti.

Narcotics Control and Law Enforcement account. To date, the Administration has not obligated any of these amounts. Congress has the authority to modify its appropriations or place additional conditions on aid to the Palestinians.

U.S. actions in and toward international organizations

Annexation also might affect U.S. actions to support, defend, or oppose Israel or the Palestinians in international organizations. If the issue comes before certain international organizations, Congress could provide oversight of Administration actions with respect to those organizations, including the United Nations and the International Criminal Court, as well as legislate on funding issues or any initiatives targeting Israel or the settlements economically.[172]

Additional CRS Products

For more background information on Israeli-Palestinian issues, see CRS Report R44245, *Israel: Background and U.S. Relations in Brief*, by Jim Zanotti; CRS Report RL33476, *Israel: Background and U.S. Relations*, by Jim Zanotti; CRS In Focus IF10644, *The Palestinians: Overview and Key Issues for U.S. Policy*, by Jim Zanotti; CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti; and CRS In Focus IF11237, *Israel and the Palestinians: Chronology of a Two-State Solution*, by Jim Zanotti.

[172] For background on economic measures against Israel or the settlements, see CRS Report R44281, *Israel and the Boycott, Divestment, and Sanctions (BDS) Movement*, coordinated by Jim Zanotti.

Appendix. West Bank Overview

For more information, see "West Bank: Key Information."

Historical Context

The West Bank has been the subject of significant dispute between Jews and Arabs since the time of the British Mandate over Palestine (1920-1948) (see **Figure 2**). In the war of 1947-1948, the new state of Israel gained control of about 78% of the area of mandatory Palestine, with the remaining 22% divided between the West Bank (controlled by Jordan from 1948-1967) and the Gaza Strip (controlled by Egypt during the same time period). Over the ensuing years, the aspirations of Palestinian Arabs to govern themselves became concentrated on the West Bank and Gaza, as Jordan and Egypt sought to reduce their responsibility over those areas.[173]

Since Israel gained military control over the West Bank and Gaza in the 1967 Arab-Israeli War, the key challenge for peace negotiators regarding the West Bank has been how to reach a political arrangement that reconciles Israeli security priorities with self-determination for the Palestinian inhabitants. In the meantime, Israel's leaders have faced some domestic pressure to establish strategic buffer zones on its territory, formalize historical Jewish claims to the area, and use the land and natural resources for Israel's growing population.[174]

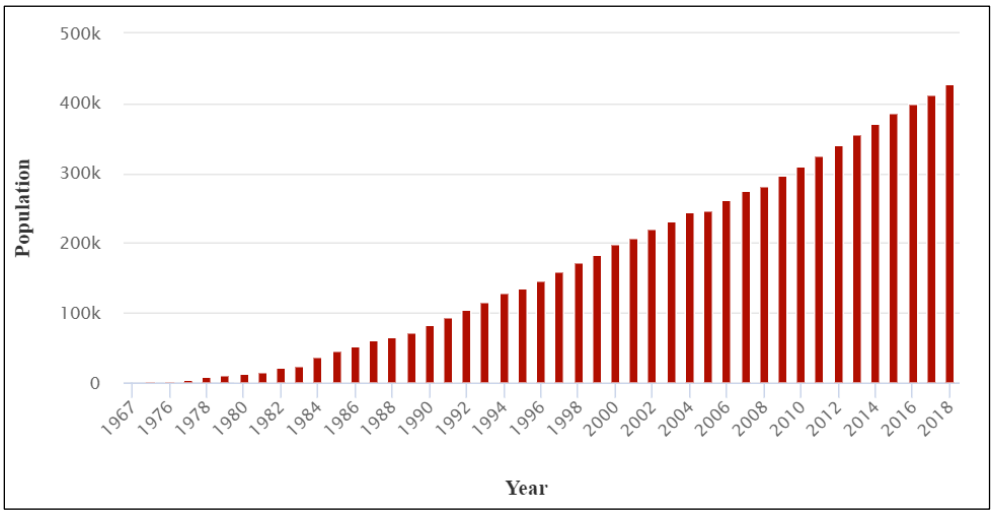
To date in the West Bank, Israel has established many residential settlements (see **Figure A-1**) and other areas for military and industrial use, significantly constraining Palestinian claims, movement, and access in the West Bank. As the settlements have grown in number and scope, some Israelis have opposed them and sought domestic and international support to reduce or reverse their establishment and expansion.

[173] For background information, see James L. Gelvin, *The Israel-Palestine Conflict: One Hundred Years of War*, New York: Cambridge University Press, 2014 (3rd ed.).

[174] Many Israelis refer to the West Bank as "Judea and Samaria" (Biblical names for some of the areas contained within the territory).

Figure A-1. Population of Israeli West Bank Settlements

(not including Jewish Israeli East Jerusalem residential communities)



Sources: Peace Now, based on data from the Israel Central Bureau of Statistics.

Israel and the Palestine Liberation Organization (PLO) established the Palestinian Authority (PA) in 1994 to exercise limited Palestinian self-rule in Gaza and parts of the West Bank. The PA is headquartered in Ramallah and is led by President Mahmoud Abbas. PA laws call for regular presidential and legislative elections in the West Bank and Gaza Strip. However, after Hamas militarily seized Gaza in June 2007,[175] the PA has not held these elections, but only municipal elections for various West Bank cities and towns. As a result of split governance between the West Bank and Gaza, the Palestinian Legislative Council cannot function, and the PLO has extended President Abbas's term indefinitely. He has subsequently legislated by presidential decree, and exercises control over all PA cabinet ministries.

Security and civil administration

An Israeli agency within the defense ministry known as the Coordination of Government Activities in the Territories (COGAT) is responsible for overall administration of the West Bank and coordination with the PA and the leaders of Israeli and Palestinian localities. The Israel Defense Forces (IDF) maintain permanent posts throughout the West Bank and along the West Bank's administrative borders with Israel and Jordan to protect Jewish settlers and broader security interests. COGAT and the IDF sometimes take measures that involve the expropriation of West Bank land or dispossession of Palestinians from homes and communities. Coordination between Israeli and PA authorities generally takes place discreetly, given the political sensitivity of PA leaders being seen as collaborating with Israeli occupiers.

Israel has largely completed constructing a West Bank separation barrier that roughly tracks the 1949-1967 armistice line, but departs from it in a number of areas that include significant

[175] Hamas's seizure of Gaza came after more than a year of struggle between Hamas and Abbas's faction Fatah for political control of the PA after Hamas won PA legislative elections in January 2006.

settlement populations.[176] Not counting East Jerusalem, one 2017 source stated that 77% of Israeli settlers lived within the barrier's perimeter.[177] Counting East Jerusalem, the figure was 85%.[178]

Israeli officials justify the barrier on security grounds. Palestinians object to the barrier having been built on territory across the armistice line because it cuts Palestinians off from East Jerusalem and, in some places, bisects their landholdings and communities. Many Palestinians decry it as an Israeli device to integrate occupied territory into Israel proper.[179]

Legal systems

Various systems of law apply to different groups and territories within the West Bank. The Israeli military has ultimate responsibility for law and order. Unless superseded by Israeli military orders or PA laws, Jordanian law applies in the West Bank because Jordan was the country that controlled the West Bank before Israel captured it in 1967.

Israeli civilian law largely applies to settlers pursuant to military orders. This allows Israeli ministries and agencies to provide services and regulations for the settlements in a number of fields, including health care and education. During the 20th Knesset (2015-2019), some legislation for settlers and settlements directly authorized the government to treat settlements in the same way as Israel proper on a few matters.[180] In 2017, Israel's attorney general required that any bill proposed by the government explicitly address the legislation's applicability or non-applicability to settlements.[181]

Palestinians in the West Bank are generally subject to PA laws and courts on matters that do not relate to property. They remain subject to overarching Israeli military jurisdiction, and can petition Israel's Supreme Court when legal disputes arise under this jurisdiction.[182]

On matters of property, Israeli military orders since 1967 have amended the underlying Jordanian law (based largely on an earlier Ottoman Empire land code) in key aspects, including planning and construction. According to one anti-settlement advocacy group, Area C, where most of the land open for future development lies, has a two-tiered planning system: "a civil and representative planning system for Jewish settlers, and a military system without representation for Palestinians."[183] PA laws apply to planning and construction in Areas A and B.

[176] In a July 2004 International Court of Justice advisory opinion, the barrier's construction was deemed illegal. The text of the opinion is available at http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6.

[177] Information as of 2017 accessed from Washington Institute of Near East Policy's "Settlements and Solutions" interactive map at http://www.washingtoninstitute.org/westbankinteractivemap/#.

[178] Ibid.

[179] See, e.g., "Israeli barrier: Defensive measure or illegal land grab?" Associated Press, April 26, 2017.

[180] See, e.g., Yesh Din – Volunteers for Human Rights, Annexation Legislation Database.

[181] Breaking the Silence, op. cit. footnote 69.

[182] Britain Israel Communications and Research Centre, "Extending Israeli sovereignty in the West Bank," June 2020.

[183] "Israel's West Bank housing policy by numbers," Agence France Presse, May 10, 2015, quoting Rabbis for Human Rights.

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