On April 20, a new Israeli government was formed that appears able and determined to carry out unilateral annexation of parts of the West Bank, with the approval of the Trump administration, as early as July 1. This brief provides information on that government agreement, examines what unilateral annexation (should it occur) is likely to include, and offers analysis regarding the likely consequences of unilateral annexation.

Annexation in the Netanyahu-Gantz Coalition Agreement

After three inconclusive elections Prime Minister Benjamin Netanyahu and rival Benny Gantz of the Blue and White party reached a coalition agreement on April 20, 2020. Billed as an emergency arrangement in the face of the COVID-19 pandemic, the unity government has agreed that Netanyahu (who will serve as prime minister for the first 18 months of the deal) can bring “understandings with the Trump administration” regarding unilateral Israeli annexation of parts of the West Bank to a discussion in the Cabinet starting on July 1. A vote could then take place in the Cabinet or the Knesset. A majority of Members of Knesset favor annexation.

The Netanyahu-Gantz agreement indicates that the two will work “in full agreement with the US” regarding determination of which territories will be annexed. Following issuance of the Trump proposal titled “Peace to Prosperity” in January 2020, US Ambassador to Israel David Friedman is leading a joint US-Israeli mapping committee to determine which parts of the West Bank the Trump administration will recognize as part of Israel.

Annexation had been a stumbling block in the Netanyahu-Gantz negotiations that followed Israel’s third election on March 2. Originally, Gantz demanded veto power over any decision regarding annexation. With Gantz’s concession, annexation is the only issue in the coalition deal over which Gantz lacks a veto. Regarding another sticking point in the negotiations, Netanyahu secured right-wing veto power over judicial nominations. This is in key respects tied to the question of annexation, which would likely be accompanied by efforts to reshape Israel’s judiciary and legal code in order to enshrine a non-democratic system denying full citizenship to Palestinian residents of the West Bank.
What Would Unilateral Israeli Annexation Entail?

There is considerable overlap between the promises Prime Minister Netanyahu made to his base over the past year regarding annexation and the proposal laid out by the Trump administration. While the precise details of a unilateral annexation proposal that Netanyahu would bring to the Cabinet are not yet known (and will be agreed through the joint mapping committee led by Friedman), the Trump proposal likely provides the broad outline.

The Trump proposal provides for:

- **Annexation of all Israeli settlements**, including both settlement “blocs” near the Green Line (the post-1949 armistice line, sometimes referred to as the “1967 lines,” that delineates sovereign Israel from West Bank, which it conquered in the 1967 war) and outposts deep in the West Bank

- **Annexation of much of the Jordan Valley**, which makes up almost 30 percent of the West Bank, including its most fertile land, and forms the West Bank’s border with Jordan

- **Israeli control of Palestinian airspace and territorial waters**, as well as “security responsibility” over the entire territory

- **Permanent Israeli military occupation** of Palestinian territory with only a commitment for Israel to “minimize” its security presence

While the proposal purports to promise Palestinians a “state,” the Palestinian entity it describes would lack the most basic attributes of statehood. Rather, Trump’s proposed approach would lead to the permanent formalization of a fragmented and disconnected array of Palestinian islets surrounded by Israeli territory.

Annexation would upend the promise of a bilateral negotiated settlement to the Israeli-Palestinian conflict in favor of a unilateral move rejected by Palestinians. It would render much more difficult the prospects for a real two-state solution. As former US Ambassador to Israel Daniel Shapiro wrote, “The logical conclusion of annexation is a single, nondemocratic state between the Jordan River and the Mediterranean Sea—and that eventuality will fundamentally alter the nature of the relationship between Israel and the United States.”

**Annexation or Extension of “Sovereignty”?**

Proponents of Israeli annexation of the West Bank avoid using the term, since the international consensus holds that annexation (defined in international law as a unilateral action in which a state incorporates territory into its domain by proclaiming sovereignty over it) is illegal. Instead,
the term of choice employed by annexationists is “sovereignty.” Similarly, Russia banned the use of the term “annexation” to describe its 2014 annexation of Crimea, to which it referred euphemistically as “joining Russia.”

De jure annexation is a declaration of permanent intent and thus distinguished from occupation of territory during wartime, since the latter is a temporary, de facto situation. In the 2005 case before the Israeli Supreme Court in which the Court ruled that Israel’s presence in the West Bank constitutes a “belligerent occupation,” the government of Prime Minister Ariel Sharon had argued that settlements in the occupied territory (which are illegal according to Article 49 of the Geneva Convention) should be permissible because they are temporary. Should Israel make permanent its control over Israeli settlements, and use them as a vehicle for extending “sovereignty” over parts of the West Bank, its action will constitute annexation.

The Impact of Annexation on Israel’s Security

Some of the most strident warnings about the consequences of annexation come from Israel’s security establishment. In April 2020, over 200 former Israeli generals and heads of security services affiliated with the Commanders for Israel’s Security (CIS) warned that “unilateral annexation has the potential to ignite a serious conflagration” and that “any partial annexation is likely to set in motion a chain reaction over which Israel will likely have no control[.]”

CIS identifies the following potential consequences:

- **A substantially longer border between Israel and the West Bank for the IDF to defend** (maps published by CIS indicate that the Trump proposal will create Israeli control over 169 “islands” and a border of over 1100 miles; by comparison, the Green Line separating Israel from the West Bank is about 200 miles)

- **The termination of the crucial security cooperation** between the Palestinian security forces and the Israel Defense Forces (IDF) in the West Bank, whether due to a decision by Palestinian Authority President Mahmoud Abbas, popular pressure, and/or desertion by Palestinian forces

- **The loss of legitimacy and dissolution of the Palestinian Authority (PA)** due to a popular uprising against it, which could force Palestinian leadership to terminate its administrative governance (which is perceived by many Palestinians as facilitating Israel’s occupation and annexation)

- **An uptick in violence in the West Bank** following the demise of security coordination between the IDF and Palestinian security forces

- **The increasing popularity of Hamas** as an alternative to the Palestinian Authority
According to CIS, these developments would lead the IDF to act quickly to fill the security vacuum and prevent spillover into Israel. This would require retaking control of the entire West Bank, including those portions (Areas A and B, as defined by the Oslo Accords) that are now governed by the PA, and establishing a Military Administration. As a result, Israel would be responsible for the welfare of over 2.6 million Palestinians, which would compel Israel to draft 30,000 reserve soldiers in order to quell fighting in the streets, as well as thousands of soldiers at checkpoints to monitor movement in and out of the increased borders into Israel.

Combined with the construction of new checkpoints and barriers, the security cost of annexation could cost billions of dollars. Meanwhile, the IDF would be compelled to divert critical resources from its borders and other strategic threats, impinging on Israel’s ability to defend itself against threats from actors in Iran, Lebanon, Syria, and Gaza.

In an even more disturbing scenario, CIS alerts that Hamas is highly unlikely to respect its ceasefire understandings with Israel in the event of an Israeli reoccupation of the West Bank. Should Hamas join the fray, Israel might be forced to reoccupy the Gaza Strip. In the words of the Commanders, “What might start after July 1 with a Knesset vote on a partial annexation may soon thereafter spin out of control and lead to a complete Israeli takeover of the West Bank and Gaza, meaning that Israel’s military would be the sole entity ruling over millions of Palestinians -- with no exit strategy.”

**Undermining of Israel’s Democracy**

Over the past decade, coinciding with Prime Minister Netanyahu’s tenure in office, distressing trends have become apparent in the fabric of Israeli democracy. These include: concerted government targeting of liberal civil society organizations, particularly those that espouse support for Palestinian human rights; legislation that discriminates against minorities, including the 2018 Nation-State Law; attacks on the media; and perhaps most importantly, attempts by Prime Minister Netanyahu and his allies to undermine the Supreme Court. As Israeli political scientist Dr. Dahlia Scheindlin indicated, “an attempt to go beyond military or physical control [of the West Bank] and establish a political and legal foundation for permanent annexation of both land and people” has played a substantial role in the increasing illiberalism of Israeli democracy.

If Israel moves ahead with annexation, there will be further consequences for Israel’s status as a democracy. Israeli public opinion data shows that US former senior national security officials Philip Gordon and Robert Malley are on solid ground in forecasting that “[a]n Israel that proceeded with annexation would almost certainly deny equal rights to Palestinians while entrenching a system in which they are compelled to live in disadvantaged, isolated areas surrounded by Israel.”
After annexation, the **two legal systems** in the West Bank (one for Israeli settlers and another for Palestinians under Israel’s control) will become permanent. Yuval Shany, former Dean of the Law Faculty of the Hebrew University of Jerusalem put it this way: “Such a development could push Israel over the edge, from a democracy toward a regime whose laws de facto underlie a structural and permanent system of ethnic discrimination.”

**The Consequences of Annexation for Palestinians**

Unilateral Israeli annexation of parts of the West Bank, as championed by Prime Minister Netanyahu and the Trump administration, means the denial of a future, viable Palestinian state. Such annexation would leave the Palestinian people with non-contiguous islets in seventy percent of the West Bank, thwarting the Palestinian right to self-determination.

While decades of creeping de facto annexation through settlement construction and expansion has already dramatically impacted Palestinian human rights, de jure annexation will likely create systems and security arrangements that will lead to further deterioration of the situation on the ground for Palestinians.

Annexation is likely to lead to **these violations** in Palestinian human rights:

- **Freedom of movement within the West Bank will be curtailed**, with newly annexed areas governed by the Entry into Israel Law and off limits to Palestinians, unless they receive entry permits

- **Travel abroad will become more difficult** if the Jordan Valley is annexed, as Palestinians will no longer be able to go abroad through Jordan and will be forced instead to depart through Israel

- **Property rights will be widely violated and income lost**, whether due to direct expropriation of privately owned Palestinian land or restrictions that could make it impossible for Palestinians to access their farmland

- **Demolitions of homes and unrecognized Palestinian villages will increase** -- along with the risk of expulsions -- in the areas annexed, as settlements are expanded

- **Systemic abuses of Palestinians will occur as clashes increase and intensify** between Palestinians, settlers, and the IDF

- **Israel will gain exclusive control of natural resources** in annexed areas without oversight, restrictions or resource-sharing requirements
Furthermore, while the future status of Palestinians in areas annexed by Israel is unknown, it is unlikely that they will all be unconditionally accorded full Israeli citizenship and equal rights. Other possibilities include: 1) granting Palestinians permanent residency -- similar to the status of Palestinians in East Jerusalem -- which can be lost if a permanent resident relocates to another country; 2) granting some Palestinians citizenship if they meet certain conditions, such as loyalty requirements; and 3) leaving Palestinians without status, and thus depriving them of political, social, and economic rights.

**Threats to Israel’s Relations with Jordan and Egypt**

Unilateral annexation of parts of the West Bank would likely lead to major repercussions in Israeli-Jordanian relations, particularly if Israel were to annex the Jordan Valley. This would be perceived as a betrayal of the 1993 Oslo Accords and 1994 Israeli-Jordanian peace agreement, which has led to a critical intelligence-sharing partnership that has increased security for both countries and limited tensions over the Temple Mount/Haram al-Sharif from erupting into violence.

According to Israeli security experts, annexation would lead to a diplomatic crisis and threaten the Israeli-Jordanian peace agreement. King Abdullah has stated that “an apartheid future for Israel” would have a “major impact” on bilateral relations and indicated that relations are already at an “all-time low.”

Palestinian statehood is an existential need for Jordan, given the push by some right-wing Israelis to transfer Palestinians there and make Jordan the Palestinian state (the so-called “Jordan is Palestine” option). Given the precarious balance between Jordanians from the East Bank and Jordanians of Palestinian origin, King Abdullah must do everything possible to maintain a strained domestic status quo. Unilateral Israeli annexation of parts of the West Bank could destabilize Jordan, which faces the additional burden of huge numbers of Syrian refugees and difficult economic conditions.

As Israeli security experts indicate, Israeli-Jordanian security coordination has provided Israel extraordinary freedom of maneuver and effectively turned Jordan into a security buffer protecting Israel’s eastern flank. Should Jordan cut off security cooperation with Israel or find itself unable to secure its own borders amid domestic unrest due to annexation, it would be a significant problem for Israeli security.

Unilateral Israeli annexation of parts of the West Bank also poses a threat to Israel’s peace with Egypt, which has constituted a major asset for the US regional strategy in the Middle East for over 40 years. The consequences of a disruption to the Israeli-Egyptian peace would be severe. Egypt serves as the primary intermediary between Israel and Hamas, helping to prevent violence between the parties and brokering ceasefires when violence does occur. Egypt is also
a vital partner for Israel in fighting insurgents affiliated with the Islamic State and Al-Qaeda located in the Sinai Peninsula.

**Blow to Hopes for Israeli Rapprochement with the Larger Arab World**

In 2002, the Arab League unanimously endorsed the Arab Peace Initiative (and subsequently re-endorsed it in 2007 and 2017), offering Israel the inducement of full normalization with the Arab world in exchange for, inter alia, withdrawal from the territory it occupied in 1967. Benjamin Netanyahu has offered Israelis a different bargain, promising a major diplomatic breakthrough with the Arab world without Israeli concessions on Palestinian statehood or territorial withdrawal. Similarly, President Trump’s senior advisor Jared Kushner attempted to raise (without success) $50 billion dollars from Gulf Arab states to fund Trump’s “Peace to Prosperity” proposal that gives a green light to annexation.

While Arab leaders may have discounted Netanyahu’s vows to annex parts of the West Bank as mere campaign promises, implementation of annexation will likely put an end to the potential for formalized ties between Israel and the Arab states, given the emotive nature of the Palestinian issue in Arab public opinion. Further, at a time when Arab states are destabilized by the COVID-19 outbreak, unilateral annexation by Israel could bolster radical elements in the Arab world at the expense of moderates.

Former Israeli MK and Middle East regional expert Ksenia Svetlova recently warned, “Even before the pandemic, the Arab regimes and their populations were not enamored by the annexation prospects. Now, with millions in the Arab world unemployed and facing a severe economic crisis, any hasty move could deal a blow to the delicate fabric of Israel’s relations with the Arab world and eventually have a much harsher impact on Israel’s security.”

**Implications for International Law**

Unilateral Israeli annexation of the West Bank would be a significant blow to the international laws and norms that the United States has shaped since World War II. In addition to the prohibition on annexation in the United Nations Charter, the UN Security Council (including the United States) forbade annexation in UNSC Resolution 242 in November 1967. It has done so subsequently on seven additional occasions, including with the assent or non-objection of Republican and Democratic administrations. Michael Lynk, the UN Special Rapporteur on the situation of human rights in the Palestinian Territories noted in June 2019, “While annexation has not disappeared from the modern world, this strict ban in international law has had a considerable dampening effect.”

American approval of annexation in the Israeli-Palestinian case would do substantial damage to a liberal international order already under considerable strain. Providing a green light to annexation in the case of the West Bank undermines the credibility of the US in opposing
annexation elsewhere, as in the case of Russia’s 2014 annexation of Crimea. Historically speaking, condemnation of annexation is the norm. Giving Israel a pass would be an exception that undermines the prohibition against acquisition of territory by force.

**Negative Impact on US National Security Interests**

In addition to all the other consequences above, unilateral Israeli annexation of parts of the West Bank with US approval will likely have a negative impact on American national security interests. The potential repercussions include the following:

- **Anti-American sentiment in Arab and Muslim countries is likely to increase.** Former Defense Secretary James Mattis stated in 2013, “I paid a military security price every day as the commander of CentCom because the Americans were seen as biased in support of Israel, and that moderates all the moderate Arabs who want to be with us, because they can’t come out publicly in support of people who don’t show respect for the Arab Palestinians.” US acceptance of Israeli annexation will worsen this situation further.

- **Heightened security risks for US soldiers, diplomats and contractors** stationed in the Middle East could result from a public backlash against Israel and the United States.

- **Strains in bilateral relations with key Middle East security partners** will likely increase.

- **Important Arab allies may be destabilized.** Jordan, where nearly 3,000 US troops are stationed, poses a particular concern.

- **In a worst-case scenario, a potential regional conflagration could occur** that would spur the US to act. One possibility is that unrest in the West Bank could spur militants in Gaza, Lebanon, or Syria to attack Israel while it is vulnerable, potentially with the help of Iran.

**Conclusion**

Goaded by the Trump administration, Israel’s new government is poised to take a unilateral step that is: 1) completely at odds with a negotiated two-state solution, 2) detrimental to its own security, 3) bad for Israeli democracy, 4) injurious to Palestinian human rights, 5) threatening to Israel’s peace with Jordan, 6) likely to undermine prospects of normalized relations between Israel and the Arab world, 7) contemptuous of international law, and 8) dangerous for US national security.
In the short time remaining before July 1, responsible American leaders opposed to the disastrous policies of Trump and Netanyahu should make clear that it would be nearly impossible to maintain the same special relationship with an Israel that abandons a commitment to democracy — and that Israel would face real consequences for carrying out annexation.