



النهضة العربية للديمقراطية والتنمية
Arab Renaissance for Democracy & Development

The Question
of Palestine



**The Question of Palestine in the times of COVID-19:
Position paper on the annexation plans
for the West Bank - (No.3)**



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This position paper, the third in a series by the Global Network of Experts on the Question of Palestine (GNQP), focuses on the announced illegal Israeli plan to annex considerable parts of the West Bank, including the Jordan Valley. The planned annexation occurs at a time when the Israeli government continues to implement its arbitrary policies against the Palestinians, and is particularly timed to take advantage of the state of emergency and consequent crisis created by the COVID-19 outbreak to advance Israeli plans with impunity.

Purpose of the brief

Overwhelmed by the current COVID-19 pandemic, the world's attention is centered on coming up with response measures that would enable countries to cope with the economic consequences of the pandemic. While the two previous position papers aimed to highlight the impact of the pandemic on [Palestinians under occupation](#) and on Palestinian [refugees in the region](#), this paper focuses on the impending threat posed to Palestine, Palestinians and the region, and in particular on Jordan, by the Israeli annexation plan, slated to be implemented on 1st of July 2020. The aim of the paper is to advocate for and contribute to rejecting and condemning the annexation plan to prevent its implementation. The paper builds upon ARDD's previous [statement](#) opposing the "Deal of the Century" (henceforth, DoC), noting that the annexation is a consequence of the DoC.

Context

The discussion around solutions to the Question of Palestine has been increas-

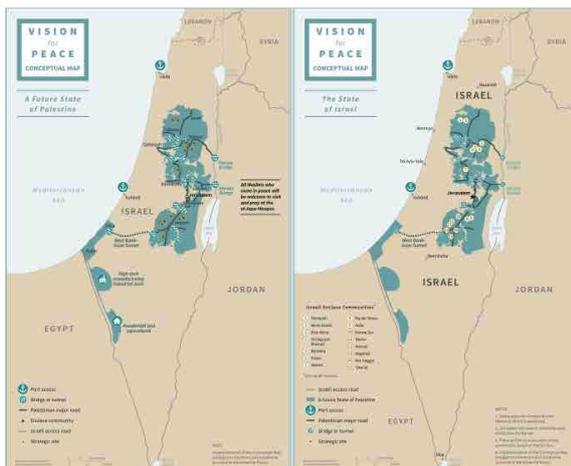
ingly silenced, and even regarded as hostile by the US Administration since Donald Trump was elected. The Trump Administration has shown increased public support to Israel through, for example: the recognition of Jerusalem as Israel's capital, relocation of the US Embassy in Israel to Jerusalem, destabilization and defunding of UNRWA, eviction of the PLO from the US, and the recognition of Israeli sovereignty over the Golan Heights.

One of the outcomes of recent developments in US policy towards Palestine is the [Peace to Prosperity Plan](#), also known as the DoC, which was drafted without any Palestinian input or representation and was drafted in blatant disregard of international law and bilateral agreements reached between Israel and the PLO.

The DoC supports the prevalent Israeli discourse of [Mandate Palestine](#) being the homeland of the Jewish people, and thereby effectively denies Palestinians the right to self-determination in a sovereign state with territorial contiguity as

well as the right of return of Palestinian refugees. The DoC was [opposed by 94 per cent of Palestinians](#) in the West Bank and the Gaza Strip.

The DoC enables Israel to annex as much as 30 percent of the West Bank, including the illegal settlement blocs, and the occupied [Jordan Valley](#). This is the equivalent of 50 per cent of Area C, which represents 60 per cent of the occupied West Bank and is under full Israeli administrative and security control, and leaves the Palestinians with approximately 15 per cent of historic Palestine, spread over a number of non-contiguous enclaves. The fertile Jordan Valley and the northern Dead Sea area, both slated for annexation, make up approximately one third of the West Bank, almost 2,400 square kilometers where [over 50,000 Palestinians reside](#). Below are two maps that illustrate “A Future State of Palestine” and “The State of Israel” as envisioned by the plan revealed by the Trump Administration.



The evident creeping Israeli annexation of the West Bank is further proof of Israel's settler colonial project over Palestine, a project defined as the creation of societies distinct from that of the indigenous

population. It seeks to control land and resources and establish its own economy and system of governance. Furthermore, the project undermines the likelihood of a future Palestinian state according to the internationally recognized 1967 borders and accelerates the fragmentation of the land, people and institutions.

Condemnations and concerns were voiced by various actors from [Palestinian](#) and [Jewish](#) communities worldwide, [young Israelis](#) as well as [international scholars](#) and [UN experts](#). Rights organizations also sent numerous [submissions](#) to the UN [Special Rapporteur](#) on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967. Ironically, [Jewish settler leaders](#) have also condemned the annexation plans, for not going far enough.

Current Developments and Analysis

Since the publication, [on 28 January 2020, of the DoC](#) by the Trump Administration and Israeli Prime Minister Benjamin Netanyahu, the following developments around the announced annexation have been observed:

◆ Legal observations

The anticipated annexation of considerable parts of the West Bank, along with the establishment and enforcement of distinctions, exclusions, restrictions and limitations, exclusively based on ethnic origin is similar to the situation in South Africa during apartheid. That regime was recognized by the International Court of Justice in its [Advisory Opinion on apartheid](#) in South West Africa from 1971 – in particular paragraph 130 and 131 – as amounting to a denial of fundamental human rights, which is a flagrant violation of

the purposes and principles of the UN Charter. With similar and new strategies, Israel has created an apartheid regime manifested through:

- a. The political and geographic fragmentation of the Palestinian population outside and inside the occupied Palestinian territory, which weakens the occupied population's capacity for resistance and self-reliance.
- b. The oppression of Palestinians through an array of discriminatory [laws](#), policies and [practices](#) that ensure domination by Israel and enable structural inequalities.

The annexation, if carried through, would enforce the institutionalized systematic Israeli oppression and domination of Palestinians and would continue to enable [crimes against humanity](#), as considered by Article 7(1) (j) of the Rome Statute of the International Criminal Court. Israel's illegal acts are also encouraged by the international community, which turns a blind eye to its consistent violations of international law. Activation of accountability mechanisms and the firm rejection of actions by Israel in this regard are paramount to halting the continuation of its illegal acts and upholding the credibility of the applicability of international law.

Furthermore, annexation undermines the right to self-determination of the Palestinian people. Annexation would establish permanent Israeli sovereignty over Palestinian land and other natural resources, such as water. "Palestinians' right to self-determination would be irredeemably undermined by territorial acquisition of parts of the West Bank by force.

The Palestinians' right to self-determination is rooted in the League of Nations' Mandate for Palestine (1922), universalized by Articles 2(3) and 2(4) of the [United Nations Charter](#), Common Article 1 of the ICESCR and ICCPR, and reaffirmed in many UN resolutions, including Security Council Resolution [2334](#) and UN General Assembly Resolution [2649](#). Moreover, UN Human Rights Council Resolution [37/36](#) calls upon Israel to cease all measures aimed at [altering the demographic composition](#), character and status of the occupied Palestinian territory since 1967.

In fact, any attempt to alter the demographic composition of the territory under occupation – i.e., through construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes, construction of the West Bank wall and displacement of Palestinian civilians – constitutes a flagrant violation under international humanitarian law (1907 Hague Regulations, [Fourth Geneva Convention](#)) and poses a major obstacle to the achievement of the [two-state solution](#) and a just, lasting and comprehensive peace.

The International Court of Justice, in its [Advisory Opinion](#) (paragraphs 87, 88, 155), makes clear that the construction of a wall on occupied Palestinian territory constitutes a violation of the Palestinians' right to self-determination. As Special Coordinator for the Middle East Peace Process [Nickolay Mladenov](#) stated, the ongoing threat of annexation constitutes "a most serious violation of international law" and would also deal a "devastating blow" to the idea of a two-state solution on the basis of pre-1967 borders. It would, moreover, [close the door to renewed ne-](#)

[gotiations](#) and threaten efforts to advance regional and international peace and security. The [European Union](#) (EU) also strongly urges Israel to refrain from any unilateral decision that would lead to the annexation of any part of the occupied Palestinian territory and would be, as such, contrary to international law.

[Israel's position](#) that a sovereign Palestinian State does not exist is a consistent solid position that has never changed as exemplified in Begin's position in [Camp David negotiations](#) with Sadat and Carter. As such, Israel does not consider annexation to be a violation. PM Netanyahu furthermore stated in an interview that [Palestinians in annexed areas in the Jordan Valley will not obtain Israeli citizenship](#). Palestinian towns and villages in the area were said to remain "Palestinian enclaves" under Palestinian rule but Israeli security control.

The Palestinian Authority (PA) has taken a clear stance, [condemning Israel's intent to annex](#) parts of the West Bank and Jordan Valley and [stating](#) an end of its commitments under the Oslo Accord. After this statement by the PA, the [International Criminal Court](#) requested the State of Palestine to provide additional information on the PA announcement with respect to the annulment of the Oslo accords. The [PA responded](#) that its commitments under the agreements cease if Israel proceeds with the annexation, as it would constitute a material and irreversible breach of the agreements reached by the two parties, as reflected in the Oslo Accords (1993-1995).

◆ **Political observations**

Historically, the US has a longstanding re-

cord of [working for Israeli interests](#) and its presence on the Security Council impedes the effectiveness and neutrality of the body in upholding principles of international humanitarian law. Over the years, numerous resolutions and endorsements were issued by UN bodies, with little or no effect on the ground for the Palestinians under occupation. On the contrary, settlements in the West Bank expanded and underlying structural inequalities continued to deepen, as most recently revealed by the [impact of COVID-19](#) in the occupied Palestinian territory and in Israel.

Nonetheless, UN Security Council Resolution [1515](#) endorsed the [Quartet Performance-based Roadmap](#) to a permanent two-state solution to the Israeli-Palestinian conflict, which would result in the emergence of an independent, democratic, and viable Palestinian state whose people would be living side by side in peace and security with Israel and its other neighbors. In this regard, a peace proposal brokered by Arab states, the [Arab Peace Initiative](#), was endorsed by the Arab League in 2002 (and reconfirmed in 2007 and 2017); it called for full Israeli withdrawal from all territories occupied since 1967, including the Syrian Golan Heights and the remaining occupied territories in the south of Lebanon, to the June 4, 1967, lines. Furthermore, the Arab peace plan calls for the establishment of a sovereign independent Palestinian state encompassing the West Bank and Gaza Strip, with East Jerusalem as its capital. Currently, the [Palestinian Delegation to the United Nations](#) is advancing a resolution to the UN General Assembly, proposing a number of actions against Israel. The [delegation met with the UN Security Council](#) on 24 June, 2020.

In response to the continued violation of international law, and in the absence of consensus on how to resolve the Israeli-Palestinian conflict, and of Israeli accountability, Palestinian President Mahmoud Abbas [declared his intention to put an end to the PA/PLO's commitments under the Oslo Accords](#), including its security cooperation with Israel. President Abbas says this should force Israel to live up to its [responsibility](#) as the occupying power under the applicable provisions in international law. President Abbas' statement on agreements with Israel is not idle threat; several Palestinian officials [interviewed](#) by The New York Times stressed that the president is serious, and has asked Palestinian security officers to [avoid contact](#) with Israeli officials and limit their mission to maintaining public order and combating terrorism. On the Israeli side, the Israeli army, Shin Bet (Israel Security Agency), Israeli police and civilian security organizations had [started preparing for worst-case scenarios](#) for several months now, in an operation called "Shahar Beharim" ("Dawn in the Mountains"), in anticipation of unrest following annexation.

Moreover, the PA announced that without a viable prospect of statehood, its services would be reduced to performing civil functions, including running schools, hospitals and police stations. The head of the General Authority of Civil Affairs, [Hussein Al Sheikh, confirmed](#) on 3 June, 2020, that it would end coordination with Israel in collecting tax revenues – known as maqassah – an arrangement under which Israel gets a [3 per cent commission](#). The taxes are estimated to represent 60 per cent of the [PA's monthly public revenue](#). Israel's settler colonial project, including the settlement expansion and annex-

ation in accordance with the DoC, will further restrict Palestinians' freedom of movement and deny them access to natural resources. The increased restrictions, compounded by Israeli-imposed impediments on labor, trade, and fiscal relations and agreements, will further weaken and hold [captive the Palestinian economy](#). These developments will have significant consequences as a recently published report by the [World Bank](#) highlights. Palestinian economy is likely to witness an up to 11 per cent decline in its GDP in the case of a slower COVID-19 recovery or further restrictions.

In reaction to the announcement of the annexation plans, a large majority (84 per cent) of Palestinian in the West Bank and the Gaza Strip said they would not longer recognize the state of Israel, 77 per cent support ending security coordination with Israel and 69 per cent are in favor of ending the implementation of the Oslo agreement ([results from an opinion poll](#) conducted in February 2020 by the Palestinian Center for Policy and Survey Research). Palestinians living in the West Bank are directly affected by the annexation plans as a result of increased construction of illegal Israeli settlements. Annexation by Israel of the Jewish settlements in the West Bank implies further fragmentation of the areas A, B and C, and renders a [realistic two-state solution impossible, according to 61 per cent](#) of Palestinians living in the West Bank and the Gaza Strip. In addition, dismantlement of the PA as a consequence of the annexation risks leaving tens of thousands of Palestinian civil servants without jobs and increase the vulnerability of civilians vis-à-vis the occupying force in terms of security. [Israeli settler attacks](#) against

Palestinians and their properties in the West Bank increased since the start of the pandemic, even though [settler violence](#) and rising far-right extremism in Israel against Palestinians caused concern for the safety of Palestinian civilians well before the outbreak. The settler colonial paradigm renders violence and injustices perpetrated by settlers against Palestinians, fueled by institutionalized ethnic inequality, acceptable for Israel. At a larger scale, the perception exists that Israel is dominating international decisions based on ideological aspirations, which could motivate other radical groups in the region to resort to their religious beliefs to justify their causes. Such motivation is likely to increase the level of violence and instability beyond the region.

The [Jordan-Israel Peace Treaty](#) of 1994 entails, amongst others, security cooperation between the neighbors. This security coordination is highly treasured by Israel's military and intelligence, and proved effective in combatting counterterrorism. Ending the peace treaty would heighten security concerns along the border. An end to the security cooperation could turn into a security threat for the whole region, therefore consultations with regional powers should take certain things into consideration. In an interview with the German newspaper [Der Spiegel](#), King Abdullah II said that he is considering all options when asked whether he would suspend the peace treaty with Israel in case of annexation. It should be noted that Article 2 of the peace treaty states that the two parties will refrain from the threat or use of force against each other.

Jordan has an additional interest in preventing annexation, ongoing occupation

and the advancing settler colonialism project, as these mean that the over 2.2 million Palestinian refugees in the country cannot claim the right to return. The political, economic and security pressure on Jordan as a long-term host country with frequent influxes of refugee is significant. In addition, Jordan's relation with Israel continues to fuel internal social tensions.

In responding to Israel's expansionist policy, Jordan needs to tread carefully to maintain its images and role as a moderate state in the region. As such, abrogating the peace treaty would lead to the cancellation of security, military and economic agreements with its neighbor, including a \$10 billion natural gas deal. Ending the peace treaty also risks jeopardizing granting of foreign aid to the country that hosts over 750,000 registered refugees, at a time of heightened economic downturn exacerbated by COVID-19, which has severely harmed the Jordanian economy.

Jordanian Foreign Minister Ayman Safadi recently visited President Abbas to reaffirm Jordan's support for a viable two-state solution. The [King met with key US lawmakers](#) to reiterate his opposition to the annexation and refused a phone call with Israeli PM Netanyahu; however, it is unclear what actions Jordan will take to prevent annexation.

◆ Moral observations

Israeli occupation of Palestinians has been causing suffering, frustration and paralysis for both those living under the occupation and those in exile. Annexation further exposes a [regime of institutionalized racial discrimination and systematic](#)

[oppression](#), as mentioned in the previous sections. The settler colonial character of the occupation entails confiscation of land, transfer of Jewish population to the territory it occupies, and a separate living system for settlers, under full protection of the Israeli army.

Settlements in the West Bank are used for residential, [agricultural](#), and industrial purposes. In this regard, it is fundamental to note the [sustainability and profitability](#) of the settlements while discussing moral considerations. Produce from these settlements, as a result of the exploitation of natural resources available in these areas, is used for business purposes with external markets, including the US, [Europe](#) and beyond. Further annexation of 30 per cent of the West Bank - including the fertile land of the Jordan Valley and mineral rich and tourism attracting Dead Sea - will increase profitability of the exploitation, and further sustain the illegal settlement enterprises. The enterprises in the settlements disregard moral considerations in numerous ways, while the UN Guiding Principles on Business and Human Rights (UNGPs) establish that all business enterprises have a responsibility to protect human rights. In [banning](#) and desisting from purchasing illegal settlement products and services, states and individuals alike can ensure [accountability](#) and justice, and redress for Palestinians. In this respect, a recent ruling by the [European Court of Human Rights](#) held unanimously that France's highest court's criminal conviction of Israel boycott advocates violates the European Convention on Human Rights' freedom of expression (Article 10).

Not only do the acts perpetrated by Israel amount to grave violations of internation-

al law, they also demonstrate a lack of moral considerations and willingness for equality and coexistence.

[Israeli \(and Palestinian\) demonstrators](#) recently took to the streets in Tel Aviv against the annexation plans and [American Jewish organizations](#) issued a statement rejecting annexation, but the reality is that extremism has been on the rise among Jewish settlers and far-right politicians. The disregard for morality becomes obvious in the current context, as Israeli PM Netanyahu leads the annexation process according to the DoC on the premise that only Jewish people have a right to self-determination and that [the Land of Israel is the historical homeland of the Jewish people](#), in which the State of Israel was established. This is a discourse that institutes inequality and discrimination against Palestinians, leaving little room for moral considerations and acknowledgement of the injustices perpetrated against the Palestinians since 1948.

Annexation is bound to lead to a cessation of negotiations between the Israeli government and the PA, unattainability of the two-state solution and a continuation of gross violations of international law. Meanwhile, tensions inside the occupied Palestinian territory and Israel, and between Jordan and Israel are mounting, raising security concerns and uncertainties for Palestinians and Israelis alike, as well as for the broader region. In order to prevent and reverse implementation of illegal activities on the ground, a clear unified message – encapsulating consequences – is fundamental to reach Israel and compel its government to desist from further violations.

Recommendations

The Global Network of Experts on the Question of Palestine therefore recommends to the international community to:

- *Oppose* the annexation, supported by a UN Security Council resolution acknowledging it as a violation of international humanitarian law, and establishment of a special UN peacekeeping envoy with a clear mandate to address the settler colonialism project, apartheid regime and occupation.
- *Label* the regime institutionalized by Israel as apartheid and ensure implementation of the relevant international law provisions and UN resolutions through economic sanctions, in addition to banning arms trade and military-security cooperation with Israel, including suspension of free-trade agreements.
- *Reject* the “Deal of the Century” and all illegal Israeli acts engendered by this plan.
- *Accelerate* recognition of the State of Palestine and grant it full membership in the United Nations.
- *Establish* an independent committee from the Arab World to coordinate with the Security Council to address the protection needs of protracted crises in the region – specifically for Jordan, Lebanon and Occupied Palestine.
- *Implement* laws banning the import of goods and services originating from illegal Israeli settlements in the West Bank to continue to oppose settler colonialism and the occupation.
- *Urge* states to withdraw their diplomatic presence from Jerusalem and to oppose the Trump administration’s recognition of Israeli sovereignty over the city.
- *Establish* accountability mechanisms through the International Criminal Court and the International Court of Justice.

The Global Network of Experts on the Question of Palestine

The GNQP members consist of leading international academics, lawyers and human rights activists that share their insights and outlooks on predominant legal and political discussions on issues pertaining to the [Question of Palestine](#). The establishment of the GNQP is a result of the three-year programme dedicated to the “Question of Palestine 70 Years On: Priorities for Action” launched in October 2018 by the Arab Renaissance for Democracy and Development (ARDD) with the purpose of strengthening dialogue on Palestine through strategic, innovative and evidence-based advocacy.



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