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Unilateral West Bank Annexation by Israel: A Hazardous Voyage

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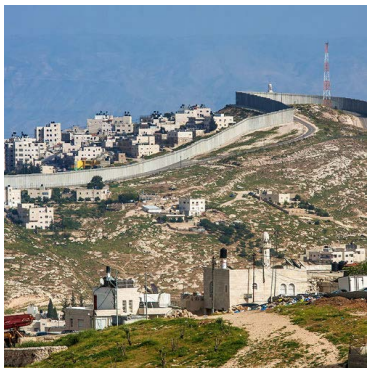
The two-state-for-two-people vision for Israel and Palestine has long been proposed as a partition of the area between the Jordan River and the Mediterranean Sea into two nation-states: Israel, on roughly 78% of the land, and a Palestinian state on the West Bank and Gaza Strip, comprising 22% of the land.[1] Today, this vision seems increasingly distant, as the way forward has become muddled by incremental de facto Israeli annexation in the West Bank, outbreaks of Palestinian terror and violence, and a complete breakdown of trust on both sides. Yet a two-state reality is essential for attaining a democratic Jewish national home in *Eretz Yisrael*[2] within secure and recognized boundaries. The Zionist enterprise never endeavored to rule over another people, let alone for more than half a century.

More than ever, drawing a border between two nation-states, even a provisional one, is an urgent priority—especially for preserving the progress of the Oslo negotiations. The Oslo process resulted in two significant milestones: mutual recognition between Israel and the Palestine Liberation Organization in 1993 (the Oslo I Accord), and an interim self-government agreement signed in 1995 (the Oslo II Accord) that established the Palestinian Authority and the division of the West Bank into Areas A, B, and C. The Tel Aviv Institute for National Security Studies has a comprehensive political and military plan[3] for embarking toward a reality of two distinct political entities. Among other things, it suggests drawing a provisional border that would encompass the large blocks of settlements comprising ~75% of settlers without annexing any West Bank territory until a final agreement is attained.

Rather than moving toward a two-state vision, however, recent legislative efforts and public discourse in Israel have increasingly trended toward unilateral annexation of West Bank territory. West Bank annexation threatens a dangerous Israeli decline into a disastrous reality of one state, which will either comprise a non-Jewish majority or will be non-democratic and lacking equality between its inhabitants; it would perpetually be on the verge of civil war. Such a process will have pernicious and lasting consequences, leading Israel to an unprecedented crisis of delegitimization, enhanced demonization, and isolation.

Annexation could come in many forms: annexing only the largest "consensus" settlement blocs (Gush Etzion, Ma'ale Adumim, Givat Ze'ev, the Jordan Valley, etc.), most or all of the Jewish settlements and outposts in Area C, all of Area C, or even the entire West Bank.[4] No matter the geographic extent, annexation will initiate a perilous and nearly irreversible process, endangering Israel on numerous fronts. The country will face international reprisals, a cooling of diplomatic relations with global and regional allies, and a diminished economic outlook. The inroads of Oslo will be all but undone, undermining



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the territorial viability of a future Palestinian state and jeopardizing the security and civil coordination with the Palestinian Authority.

President Donald Trump has upended decades of U.S. foreign policy, which previously sought a solution of two states for two peoples through a process compliant with UN Security Resolutions 242 and 338 and based on a "land for peace" principle. Thus, Israeli protagonists of annexation have sensed a historic opportunity. Trump's 2018 relocation of the U.S. embassy in Israel from Tel Aviv to Jerusalem and his 2019 proclamation recognizing Israeli sovereignty over the Golan Heights have both signaled strong support for Israel. In addition, the U.S. ambassador to Israel, David Friedman, has commented that Israel has the right to "retain parts of the West Bank."[5] The White House is further indifferent to Prime Minister Benjamin Netanyahu's campaign commitment to annex the Jordan Valley after the last Israeli elections, while the Trump administration has also taken drastic diplomatic and financial measures vis-à-vis the Palestinian Authority. In that context, the "political" portion of Trump's "Deal of the Century"—a long-awaited deal for Israeli-Palestinian peace about which little is known—is unlikely to gain traction once released.[6]

Nevertheless, while a supportive Trump administration might empower Israel to begin enacting annexationist policies, it may not remain comfortably allied with Israel as the fallout ensues. It is unlikely that the U.S. will condone applying Israeli sovereignty over all Jewish settlements in the West Bank, as Netanyahu has suggested.[7] There also remains the looming danger that any future Democratic U.S. leadership, which will almost certainly support a two-state vision, will reject Israeli sovereignty over the West Bank (except for an equal swap of lands and within the context of a negotiated agreement)—and perhaps reverse Trump's Golan Heights decision. Thus, any Israeli action undertaken with Trump's assurances will be under question, and Israel could find itself facing international hostility without American support.

Moreover, it will be nearly impossible to turn back once the process of annexation begins, due to the 2014 "Basic Law: Referendum," passed by the Israeli Knesset.[8] According to the law, any Israeli government seeking to remove Israeli jurisdiction from territory in which it already applies—such as the Golan Heights or annexed West Bank territory—must receive the approval of at least 80 of 120 Knesset members or, alternatively, 61 members of the Knesset and 50% public support by way of a general referendum. Thus, any annexed territory will be extremely difficult to reverse, given the high threshold of legislative and public support required.

There are also significant international and diplomatic risks of annexing West Bank territory, especially for Israel's regional ties. Regarding Jordan and Egypt, the only two Arab nations with which Israel has a peace agreement, annexation will greatly challenge normalized relations, especially with Jordan. Annexation will increase the Hashemite Kingdom's fears of becoming a de jure or, ultimately, de facto "Palestinian state."[9] As public and political pressure intensifies in Jordan to terminate the 1994 Israel-Jordan peace accord, Israeli annexation will only increase chances for a collapse of the treaty, particularly in the wake of King Abdullah II's 2018 decision not to renew a 25-year-old land use agreement that was established as part of the accord.[10]

Israel's growing relationship with many Sunni Arab states will also diminish in the event of West Bank annexation. Saudi Arabia, the United Arab Emirates, and other Gulf states have been discreetly strengthening security ties to Israel, insofar as their strategic interests align regarding the Iranian threat. Nevertheless, Sunni Arab leaders remain beholden to the sentiments of their political bases, and Israel should expect a chilly reception if the Palestinian conflict remains relevant. In recent years, many Arab states have been less eager to issue Palestinian rallying cries, but steps toward Israeli annexation of West Bank territory will prompt Sunni Arabs to flock to the cause once again.

Naturally, the Palestinians will react most harshly to any Israeli overtures toward annexation. Unilaterally asserting sovereignty in parts of the West Bank will

likely prove a lethal blow to hopes for an eventual two-state solution, as well as any power vested in the Palestinian Authority. The prospect of Palestinian uprisings in Gaza and the West Bank without the benefit of Palestinian Authority security forces will require the Israel Defense Forces to further deploy military forces in the West Bank, perhaps even doubling its presence.[11] A resurgence of Palestinian violence will also demand further security checkpoints and roadblocks, and perhaps eventually even reinstating a military administration in Areas A and B, creating constant and unsustainable friction in the freshly annexed territory. Since the Second Intifada from 2000–2005, Israel has contended with pockets of violent terror, but annexation may incite a sustained and widely coordinated Palestinian uprising.

A healthy democracy in this reality is inconceivable. Unless Israel were to offer citizenship including, inter alia, voting rights to every Palestinian under its jurisdiction, any extension of sovereignty or control will lead to an apartheid-like system that tears at the moral fabric of the Jewish state. Palestinians and the international community will soon come to realize that annexation is a permanent reality, and they will most probably demand that Israel either return the land in a negotiated agreement or offer full rights to all its citizens.

Compromising Israel's Jewish-democratic character by jeopardizing the Jewish majority encompassed within the country's borders is unacceptable to most Jewish Israelis, but so is controlling the daily lives of the Palestinians without equal rights. Israelis must choose to either disengage or fully integrate with the Palestinians. Annexation is not a valid alternative.

ENDNOTES

1. This issue brief is based on a previous report: Gilead Sher and Daniel Cohen, *The Repercussions of Partial or Full West Bank Annexation by Israel* (Houston: Rice University's Baker Institute for Public Policy, September 2019), https://www.bakerinstitute.org/research/repercussions-partial-or-full-west-bank-annexation-israel/.

2. "The Land of Israel" in Hebrew.

3. Amos Yadlin, Udi Dekel, and Kim Lavi, "A Strategic Framework for the Israeli-Palestinian Arena," Institute for National Security Studies, March 2019, https://www.inss.org.il/publication/strategic-framework-israeli-palestinian-arena/.

4. The Israeli-Palestinian Interim Self-Government Agreement signed in 1995 (the Oslo II Accord) established, inter alia, a plan to create the Palestinian Authority. It also divided the West Bank into Areas A, B, and C, with Area A under full Palestinian control, and Area B under Palestinian civil control and an overriding security authority for Israel. Together, these areas made up roughly 40% of the West Bank, with Israel-controlled Area C accounting for the remaining 60%. This arrangement was meant to last for a maximum 5 years, during which time the two sides would negotiate a final agreement.

5. David M. Halbfinger, "U.S. Ambassador Says Israel Has Right to Annex Parts of West Bank," *The New York Times*, June 8, 2019, https://www.nytimes.com/2019/06/08/world/middleeast/israel-west-bank-david-friedman.html.

6. Michael J. Koplow, "The Deal of the Century's Audacious Bets," Israel Policy Forum, May 23, 2019, https://israelpolicyforum.org/2019/05/23/the-deal-of-the-centurys-audacious-bets/.

7. David M. Halbfinger, "Netanyahu Vows to Start Annexing West Bank, in Bid to Rally the Right," *The New York Times*, April 6, 2019, https://www.nytimes.com/2019/04/06/world/middleeast/netanyahu-annex-west-bank.html.

8. Joel Singer, "Trump's Recognition of Israeli Sovereignty in the Golan Heights and Netanyahu's Promise to Annex the Jewish Settlements in the West Bank – Poison Pills to Middle East Peace," Joel Singer, May 16, 2019, https://www.joelsinger.org/trumps-recognition-of-israeli-sovereignty-in-the-golan-heights-and-netanyahus-promise-to-annex-the-jewish-settlements-in-the-west-bank-poison-pills-to-middle-east-peace/.

9. Curtis Ryan, "Jordanians Worry That the 'Deal of the Century' Will Come at Their Expense," *Washington Post*, June 1, 2019, https://beta.washingtonpost.com/politics/2019/06/01/jordanians-worry-that-deal-century-will-come-their-expense/.

10. Gilead Sher and Mor Ben-Kalifa, "Challenge to the Israel-Jordan Peace Treaty," Institute for National Security Studies, October 29, 2018, https://www.inss.org.il/publication/challenge-israel-jordan-peace-treaty/.

11. Commanders for Israel's Security, *Ramifications of West Bank Annexation: Security and Beyond* (Commanders for Israel's Security and Israel Policy Forum, 2018), 19, https://israelpolicyforum.org/annexation/.

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