

# The Roots of Israel's Annexation Policy

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President Donald Trump's "Deal of the Century" provided a unilateral and immediate green light to the annexation of about 30 percent of the West Bank. The portion of the West Bank granted by Trump to Israel is located in "Area C," which is "under full Israeli authority, in accordance with the Oslo agreement." The latter was bound to an interim period of maximum five years and provided that the Gaza Strip and the West Bank formed "a single territorial unit" (art. IV). This means that whoever posits the existence of an "Area C" is also required to consider the "territorial unit."

Now, six months after the announcement of the "Deal of the Century" slogans such as "extending Israeli law to Judea and Samaria," or "exercising her sovereignty" have reached an [unprecedented level of support](#) in Israeli politics and society. Trump's green light for annexation was indeed interpreted by many as the final proof that the Israeli government-funded settlements are lawful and that Israel has a valid claim to sovereignty over the area.

This does not mean that Israel will annex most or a large part of the occupied Palestinian territory. The Israeli authorities aim at annexing Ariel and a few other strategic areas, while pushing the European Union (EU) to subsidize the Palestinian National Authority (PNA) in the West Bank. Qatar, on the other hand, is perceived by the Netanyahu administration as the key funder to the Gaza Strip.

It should be stressed that "selective annexation" is hardly new—as confirmed by the cases of East Jerusalem and the Golan Heights. The selective annexation that might happen in the upcoming weeks or months is not legally nor morally more problematic than the previous ones. Making a distinction between the (strong) answer required by the current annexation process and the previous

ones, would render the latter somehow “acceptable.” This would foster a dangerous precedent, both at the local and international levels.

## EQUAL RIGHTS IN A UNIQUE CONTEXT

A full annexation by Israel would mean that all inhabitants between the Jordan River and the Mediterranean Sea could benefit from equal rights. It should be remembered that the occupied Palestinian territory is the only area in the world in which millions of civilians have lived for over 50 years both without a State and without citizenship of any country.

Palestinians have the full right to tackle the legal limbo in which they live, and to struggle for equal rights. At the same time, recognition of a Palestinian state (that includes the West Bank, East Jerusalem, and the Gaza strip) by all EU member states, coupled with a more effective focus on “[the differentiation agenda](#),” and the imposition of tight economic and political sanctions against any actor who is not ready or willing to comply with international consensus, will not by themselves bring peace or a full-fledged solution. And yet, these are three needed steps in that direction.

It might be worthy to stress that the EU, Israel’s [largest trading partner](#), had no qualms in imposing sanctions in many other contexts, including against Russia in Crimea. In the occupied Palestinian territory, on the contrary, products manufactured in the Israeli government-funded settlements are still [benefitting](#) from preferential tariff treatment under the EU-Israel Free Trade Agreement (FTA), while the EU’s Horizon 2020 program continues to massively [subsidize](#) Israel’s weapons industry. A number of policymakers and analysts in Europe and the US tend to focus on the misleading [one-or two-state dichotomy](#), rather than exposing and tackling the role of the EU and other external actors in fostering the reality on the ground.

## CHERRY-PICKING REALITY

Notwithstanding the relevance of politics, international law, and economy-related considerations, none of them can bring any long-lasting and concrete change on the ground, nor can they help to explain the ideological roots of the

Israeli settlements project in the West Bank. History matters more than ever and is the main recipe to deconstruct, tackle, and possibly reverse Israel's policies in the occupied Palestinian territory.

A "[historical right to Judea and Samaria](#)"—land which hosted a number of different peoples and civilizations throughout history—represents the core argument through which the Israeli authorities justify their policies in the occupied Palestinian territory. As many Israeli politicians [argue](#), the West Bank "represents the heart of the historic Jewish homeland."

If this is the justification for taking possession of new pieces of land, however, Israel should renounce the entire coastal space between Ashkelon and Ashdod, which was never included in any ancient Israelite kingdom. Dozens of archaeological expeditions made over the years in the hinterland of Ashkelon—one of five ancient Philistine cities, which today encompasses what was, until 1948, the Palestinian village of al-Majdal—have confirmed that the area was never conquered by ancient Israelites.

A short verse included in the 7<sup>th</sup> book of the Tenàkh—which should not be read as a history book—would seem to suggest that these territories were indeed conquered for a few years. Yet, that very same verse is [contradicted](#) by the Hebrew Bible itself. And assuming that a conquest did occur, such a brief occupation cannot ipso facto transform Israel's coastal area into a portion of a historic Jewish homeland. Otherwise, the numerous Philistine raids and sporadic occupations of Israelite settlements as far east as the Jordan River valley would also make these areas "less Israelite."

The same approach should be adopted in relation to international consensus. See for instance the example of the Palestinian village of Umm Rashrash (present-day Eilat). The latter was conquered by the Negev and Golani Brigades on March 10, 1949, eight months after the United Nations Security Council's Resolution 54 called for a ceasefire, preventing any acquisition of land thereafter.

It is only in consideration of a widespread international consensus that Eilat is today legitimately part of the State of Israel. That very same international consensus—shared by over 150 countries—opposes any annexation and considers as illegal the Israeli government-funded settlements in the occupied

Palestinian territory. It is hardly acceptable to invoke international consensus over Eilat (and other areas), while neglecting it in relation to the West Bank, East Jerusalem, or the Golan Heights.

Many observers and analysts fail to notice both the selective use of the “historic homeland” logic and the cherry-picking approach related to international consensus.

## WHERE DOES PEACE BEGIN?

Speaking at a rally in Tel Aviv in 1991, former Israeli prime minister Yitzhak Shamir [pointed out](#) that “Why this land [‘Judea and Samaria’] is ours requires no explanation.” The echoes of his words reverberate within a much wider audience today. And yet, both then and now, they run against the very legal foundation of the State of Israel.

Israel’s admission to the UN in May 1949 was bound to specific assurances regarding the implementation of the UN Charter and other resolutions. Israel’s original application for admission in the fall of 1948 was, not by chance, rejected by the United Nations Security Council. It should also be added that article 80 of the UN Charter—which preserves the legal validity of the decisions taken at the time of the League of Nations—[does not support](#) Israel’s claims on any portion of the occupied Palestinian territory.

Before the establishment of the UN in 1945, the right granted to the Jewish people to settle in the mandated territories was [neither exclusive nor unlimited](#), but explicitly subordinated to the protection of the “rights and position of other sections of the population.” Those very same rights have been violated for decades by the continuous funding allotted to settlements and through the exploitation of local natural resources, a policy specifically [prohibited](#) by the Fourth Hague Convention of 1907.

Although Israel/Palestine has two peoples with two different deeply rooted rights to the land, there is only one international consensus. Peace begins there.