



Israel's creeping annexation of Palestine

Palestinians have the right to their own land. However, this right is being eroded as Israel relentlessly pursues policies of land appropriation and transfers of its Jewish population onto occupied Palestinian territory, deepening its de facto annexation. Israel also undertakes formal annexation of lands. This factsheet clarifies the specific legal context and consequences of Israel's actions.

Occupation

A territory is considered 'occupied' when it is under the control of a hostile army. According to international law the occupying power is restricted by law to act only as the temporary administrator until it returns the territory in full, in as short and as reasonable a time as possible, back to the inherent sovereign and protected population. The occupier is prohibited from:

- acquiring sovereignty over the occupied territory;
- undertaking forced transfers of population from and within the occupied territory;
- transfers of the civilian population of the occupying power into the occupied territory;
- administering collective punishment;
- destroying or seizing enemy property unless absolutely required by military necessity.

Israel has and continues to breach every one of these conditions. In addition Israel's military occupation of Palestine has now been going for more than half a century. One of the longest in modern history.

Annexation

There are two types of annexation, *de jure* where a state formally annexes a territory proclaiming sovereignty over it, and *de facto* where it is done implicitly.

Both forms of annexation are illegal under international law.

Since 1967 Israel has been systematically progressing an expansionist policy of annexation, which profoundly undermines the viability of the two state solution with East Jerusalem as the future Palestinian capital.

Israel's policies create "Facts on the Ground" on occupied territory that are intentionally irreversible changes designed to control as much land and resources as possible, with as few Palestinian people on that land as possible.

De Jure (formal) Annexation

Jerusalem

In 1967 Israel occupied Palestinian East Jerusalem and extended the municipal boundaries, putting both East and West Jerusalem under its sovereignty and civil law. In 1980 it passed the Jerusalem Law, declaring "Jerusalem, complete and united, is the capital of Israel", making its annexation explicit. The UN has repeatedly condemned Israel's actions, illegal under international law. Until December 2017 when the Trump administration recognised Jerusalem as Israel's capital, all states had collectively rejected Israel's annexation.

Israel has disregarded calls to withdraw from East Jerusalem, instead systematically building and expanding Jewish settlements (now numbering 212,000 settlers according to UNOCHA) and oppressing Palestinian neighbourhoods with impunity. Analysis by Israeli group Peace Now indicates that while Palestinians make up more than 60% of the population in East Jerusalem, they have received only 30% of the building permits issued since 1991. Israel's policies, such as the May 2018 five-year plan for occupied East Jerusalem, aim to create a demographic and geographic reality to entrench the annexation.

West Bank

Israel is increasingly proposing formal annexation of illegal settlements and large areas of Palestinian land into Israel. In September 2019, Prime Minister Benjamin Netanyahu promised to extend Israeli sovereignty to all Israeli settlements in the West Bank, as well as to the Jordan Valley (home to 65,000 Palestinians and 11,000 Israeli settlers according to the Israeli human rights group B'Tselem).

“You are asking whether we are moving on to the next stage — the answer is yes, we will move to the next stage. I am going to extend [Israeli] sovereignty and I don't distinguish between settlement blocs and the isolated settlements.”

Benjamin Netanyahu, Israeli President

Defacto Annexation

Illegal settlements

and the appropriation of Palestinian lands

Since 1967, Israel has allowed and provided incentives for more than 400,000 Israeli Jewish settlers to illegally and forcibly take possession of Palestinian land in the West Bank.

These settlers live under Israeli civilian law as if they are living in the State of Israel. The settlements are provided high quality infrastructure, Israeli only highways, public transport, shopping centres, sport and entertainment facilities. For Israelis, this infrastructure seamlessly integrates the settlements into Israel, hiding the reality they are located on occupied Palestinian territory, and are not part of the internationally recognised State of Israel. At the same time, Palestinian movement is severely restricted.

Palestinian communities neighbouring settlements often experience attacks by settlers, as well as enduring constant surveillance and incursions by the Israeli military. These communities endure a humanitarian crisis, unable to access their agricultural land or sufficient water, unable to build any infrastructure or develop their communities without the permission of the Israeli military, which is invariably denied. Palestinians have scant access to the Jordan Valley, the most fertile lands in the West Bank, as Israel has declared vast swathes of land as 'closed military zones' allowing settlers to farm the land.

Israeli human rights organisation B'Tselem estimates 42% of the West Bank is controlled by settlements.

Separation wall

Israel began building the separation wall in 2002 which has been deemed illegal by the International Court of Justice. The wall does not follow the 1967 border (Green Line), instead incorporates into Israel large amounts of Palestinian land, cutting through villages, prohibiting Palestinian farmers' access to their lands, and cutting off thousands of Palestinians living in Palestinian-populated areas in East Jerusalem. Many see the wall as Israel pre-emptively claiming lands, especially now the Trump administration's 2020 proposal concedes most of this land to Israel.

Application of Israeli domestic law

According to the Israeli rights group Yesh Din, Israel has adopted a number of laws in recent years, such as the 2017 settlement regularisation law, as well as other measures that apply Israeli law to the West Bank. Yesh Din states this reflects the "transition from de facto annexation to de jure annexation" of the West Bank.

"No country creates civilian settlements in occupied territory unless it has annexationist designs in mind, which is why the international community has designated the practice of settler-implantation as a war crime. The political purpose of the Israeli settlement enterprise has always been to establish sovereign facts-on-the-ground and to obstruct Palestinian self-determination."

UN Special Rapporteur, 22 October 2018

Annexation timeline

1947	Partition plan - UN General Assembly Resolution 181 partitions Mandatory Palestine into two states (one Arab, one Jewish, with equal rights for minorities in each state)
1967	The Occupation of East Jerusalem, the West Bank and Gaza by Israel; United Nations calls on Israel to end the occupation; Israel continues the occupation and illegally annexes Jerusalem
1968	Illegal Jewish settlements begin to be established in both rural areas and Palestinian cities across the occupied territory
1977	1900 illegal Jewish settlers living in 38 settlements in the West Bank, East Jerusalem and Gaza
1991	Around 100,000 illegal Jewish settlers in the West Bank
1993	Oslo Accords – around 120,000 illegal Jewish settlers in the West Bank
2002	Israel starts work on the 700km long separation wall around East Jerusalem and the West Bank – not along the 1967 border but inside Palestine, stealing valuable Palestinian land
2017	More than 130 "official" Israeli Government sanctioned illegal Jewish settlements and 110 other settlements in existence, with more than 600,000 settlers, who control vast swathes of Palestinian land and resources
2019	Prime Minister Benjamin Netanyahu announces a policy to annex all illegal Israeli settlements in the West Bank, as well as all of the Jordan valley – over a third of the entire West Bank land

Australia must:

- reconfirm Australia's opposition to Israel's illegal settlements, condemn any expansion of settlements;
- assert a clear position that annexation of Palestinian land is illegal and unacceptable; adopt meaningful measures to stop Israel's annexation of the West Bank and to hold Israeli accountable to international law;
- reject the Trump Administration's 2020 proposal which supports widespread annexation of Palestinian territories.