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**Human rights situation in Palestine and other
occupied Arab territories**

Written statement* submitted by BADIL Resource Center for Palestinian Residency and Refugee Rights, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 January 2021]

* Issued as received, in the language(s) of submission only.



Looming Annexation and Settlement Construction: Tools Employed by Israel to Further its Domination, Subjugation, and Exploitation of the Palestinian People and their Lands

In April 2020, Israeli Prime Minister Netanyahu and the leader of the Blue and White party Gantz announced their plans to begin a process of de jure annexing large swathes of the West Bank. While these formal annexation plans have been suspended for the time being, de facto annexation of Palestinian territory is ongoing in the form of settlement expansion, which is equally illegal under international law as a means of acquiring territory by force. Israel's employment of annexation, whether formal or informal, is not an end goal in and of itself, but is rather a tool that serves the same goal, that is to enforce Israel's subjugation, domination, and exploitation over Palestinian lands, to thwart the Palestinian people's ability to exercise their right to self-determination, and to disrupt their national unity and territorial integrity.

Since its creation in 1948, Israel has gradually entrenched multi-tiered territorial de jure and de facto annexation on Palestinian lands as a mechanism to reinforce its domination over the Palestinian people, culminating in these most recent threats concerning approximately one third of the West Bank. This broader process of annexation as a tool for subjugation first began in 1948 following Israel's creation, whereby it annexed 23 percent of the land that was allocated to make up a future Arab state under the United Nations General Assembly Resolution 181(II). In 1967, under the Law and Administration Ordinance, Israel proceeded to de jure annex the eastern side of Jerusalem, which has nonetheless been constantly condemned by the international community, but to no avail.

Pillars of Israel's De Facto Annexation of the West Bank: Towards a Fait Accompli of Territorial Sovereignty

As for the West Bank, annexation has taken a slower and more gradual form through Israel's manipulation of its status as an occupying power, as is well-illustrated by the 1967 Allon Plan to annex the Jordan Valley and Jerusalem, the 1977 Sharon Plan, and the 1987 Drobles Plan expanding settlements in the internal lands of the West Bank. In comparison to de jure annexation, Israel pursues its annexation enterprise in the West Bank without formally announcing it through the imposition of facts on the ground that, taken together, creates a situation of de facto annexation. It relies on the combination of numerous factors, including (1) effective control of the occupied territory, (2) foreign sovereignty on parts or the whole territory through introducing new laws, amending local laws, manipulating demographics through population transfers, and modifying legal statuses, (3) political expression of formal annexation intentions, and (4) denial of the applicability of international law, including occupation law, human rights and humanitarian law.¹

These features of de facto annexation are encapsulated in common Israeli practices in the West Bank aimed at creating a fait accompli of territorial sovereignty, namely:

- (a) The continuous construction and legalization of settlements, including the installment of developed infrastructures for the use of settlers;
- (b) The illegal amendments of pre-1967 local laws to alter the applicable legislative framework, such as Military Order 418 which abolished local Palestinian participation in planning;
- (c) The extraterritorial application of Israeli laws to settlers in the West Bank, while subjecting Palestinians to military rule;

¹ See BADIL Resource Center for Palestinian Residency and Refugee Rights (BADIL), *Creeping Annexation: A Pillar of the Zionist-Israeli Colonization Process in Palestine*, working paper no. 25 (Bethlehem: BADIL, 2020), available at: <http://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/WP25-CreepingAnnexation.pdf>

- (d) The erection of checkpoints, bypass roads, and the “Apartheid Wall”;
- (e) Land appropriation and expansion of settlements in Area C;
- (f) The exploitation and deprivation of Palestinian natural resources, particularly water, agricultural land, and extractive resources, at the expense of the Palestinian people;
- (g) The monopoly of Palestinian industries, including tourism.²

Altogether, these Israeli practices have virtually erased the Green Line recognized by the international community, allowing Israel to exercise its sovereignty on the entirety of the land from the river to the sea. Such practices in the form of de facto annexation foster an enabling environment for the transfer of settlers and the simultaneous forced displacement as well as forcible transfer of Palestinians from their lands, which once again, serve Israel’s goal to deny the Palestinian people’s right to self-determination.

Conclusion and Recommendations

Critically, the aforementioned Israeli policies and practices aimed at dominating, subjugating, exploiting, and denying the Palestinian people their right to self-determination amount to colonization. Israel has, as such, developed and imposed a colonial system over the Palestinian people by means of its de jure and de facto annexation. Considering this ongoing nature of Israel’s colonial enterprise, it is neither unforeseen nor unanticipated that it has been relentless in its attempt to transition its control of the West Bank into a de jure annexation since its occupation in 1967. Between 2015 and 2019 alone, more than 60 bills proposing annexation projects were submitted before the Knesset. It is thus imperative to stress that Israel’s suspension of de jure annexation in summer of 2020 is merely a tactic to avoid and mitigate international response for a process that is already underway and ongoing, and not due to its concern to abide by internationally prohibited peremptory norms.

In view of the above, BADIL calls on third state parties to:

- Recognize Israel’s annexation process as a pillar of a wider policy of colonization of Palestinian territories which in turn constitutes an act of aggression that warrants triggering Security Council sanctions against Israel under Chapter VII of the United Nations Charter, including complete or partial interruption of economic and diplomatic relations, as well as military embargo measures.
- Fulfill their obligations to hold Israel accountable for its unlawful actions by cooperating to bring to an end Israel’s annexation of Palestinian territory.

² See BADIL, Series on Forced Population Transfer: The Case of Palestine, working papers no. 15 - 23, available at: <https://www.badil.org/en/publication/research/working-papers.html>