

A Short History of Annexation

1. Introduction

A. Why This Document?

In May 2020, after his government was sworn in, former Prime Minister Benjamin Netanyahu renewed his campaign pledge to apply Israeli law to the Jordan Valley and all West Bank settlements-- altogether about 30% of the West Bank--by July 1, 2020. President Donald Trump's apparent acceptance of Netanyahu's plan (nominally conditioned on Israeli acceptance of his "Deal of the Century") put "annexation" at the center of the news about Israel/Palestine¹ until the Abraham Accords officially postponed the matter for another year. However, the number of [settlement housing starts](#) reached historic levels in 2020, suggesting that the Netanyahu government did not abandon the goal of annexing at least parts of the West Bank. Under Prime Minister Naftali Bennett, the Israeli government has continued to authorize [extensive settlement construction](#).

The creators of this document, members of the Joint Israel Commission of Reconstructing Judaism, offer it as an educational tool to stimulate discussion by providing information and historical background to those who want to learn more about annexation so they can participate in discussions and come to their own conclusions. This document does not seek to promote any specific political resolution to the Israeli-Palestinian conflict. However, Reconstructing Judaism has already taken [public stands](#) against occupation, settlement expansion, and unilateral annexation.

In outlining Israel's actions before and since 1967, we have identified several questions for the reader to consider:

1. *Israel and International Law*: Annexation is defined by international law. Does the legal definition of annexation encompass the political realities of the disposition of land, the establishment of settlements, and political motives on the ground in Israel/Palestine? Is Israel disregarding international law or being treated differently from other countries in this respect?

2. *Annexation and Governmental Knowledge* — On many occasions Israeli officials and citizens have taken actions that lead to *de facto* annexation without explicit

¹ The term "Israel/Palestine" refers to the territory that once comprised British Mandate Palestine. UN General Assembly Resolution 181 (ii) adopted on November 29, 1947 recommended partitioning this territory into a Jewish state and an Arab State. Today the term refers to Israel, the West Bank, East Jerusalem, and the Gaza Strip. This term (or a variant like Israel-Palestine) is used by the United Nations and several international NGOs.

governmental approval but with governmental knowledge or implicit approval. What can we conclude about Israeli government policy in such cases? What is the effect of the accumulation of such actions? Have Israeli governments used de facto annexation over time to avoid or diminish international pressure?

3. *Annexation as More than Land* — Discussions about annexation often focus on land acquisition and boundaries. But annexation, or *de facto* steps that fall short of declared annexation, may impact other rights such as water, freedom of movement, access to work, education, and health care. What would be the practical effects of annexation, if and when Israel implements it?

Because we are writing as Jews deeply committed to the values of the Reconstructionist movement, we begin with the Torah, which has much to say about our relationship to Eretz Yisrael and to all of its inhabitants.

Two verses from Tanakh can ground us in our learning about annexation, its history, and its daily impact. Seeking to understand and interpret Torah is something we do in each generation; gaining new perspectives, applications, and lenses along the way.

The two verses that follow, the first from Leviticus and the second from Proverbs, draw our attention to two values: that no one besides God has an absolute claim to Eretz Yisrael and that we must be aware of the dangers of greed. We invite you to hold these two values to heart as you read this document.

וְהָאָרֶץ לֹא תִמָּכַר לְצַמְתָּת כִּי־לִי הָאָרֶץ כִּי־גֵרִים וְתוֹשְׁבֵי־אֶתֶם עִמָּדִי:

But the land must not be sold beyond reclaim, for the land is Mine; you are but strangers resident with Me. (Leviticus 25:23, JPS translation)

כִּן אֲרָחוֹת כָּל־בֹּצֵעַ בֹּצֵעַ אֶת־נַפְשׁוֹ בְּעַלְוֵי יָקוֹחַ:

Such is the fate of all who pursue unjust gain; It takes the life of its possessor. (Proverbs 1:19, JPS translation)

Reading through this document, may we remember that the Torah, the core text of our tradition, reminds us that we are simply residents in God's land and that we must refrain from forgetting this in our actions and behavior. To be a resident in the land requires us to honor the land and act responsibly, humbly, and respectfully. In approaching this important and delicate topic, may we be guided by considerations of justice, the dignity and equal worth of all human life, and respect for the ecological capacity of the land.

B. What Is “Annexation”?

One authoritative definition of annexation is:

The acquisition of legal sovereignty by one state over the territory of another, usually by occupation or conquest. Annexation is now generally considered illegal in international law, even when it results from a legitimate use of force (e.g., in self-defence). It may subsequently become legal, however, by means of recognition by other states.²

This definition presumes that annexation will be *de jure* — a legal proclamation of sovereignty over occupied land, whether or not it is recognized by other states. Until the Trump administration changed United States policy, no country has recognized Israel’s application of sovereignty to East Jerusalem or the Golan Heights. (In its first year in office, the Biden administration maintained the Trump administration’s policy regarding Jerusalem and the Golan.) United Nations Security Council Resolutions 446, 452, 465, 471, 476 and, most recently, Resolution 2334 (of 2016) affirm that Israel’s occupation of the West Bank is illegal and that its settlements there have no legal validity. The International Court of Justice’s 2004 advisory opinion reached the same conclusion.

We use the term “*de facto* annexation” here to describe actions that have the practical effect of establishing Israeli sovereignty over parts of the West Bank. This term was introduced to international law by Secretary of State Henry Stimson in 1932 when the United States refused to recognize Japan’s invasion and occupation of Manchuria in northeastern China. The United States invoked this principle when it refused to recognize the Soviet Union’s annexation of the Baltic states in 1940. The principle was also affirmed by both the League of Nations Assembly (in 1932) and the Organization of American States (in 1948).

² Oxford Reference. Another definition by Donald Rothwell, Stuart Kaye, Afshin Akhtarkhavari, and Ruth Davis, [“6.6 Cession and Annexation”](#). *International Law: Cases and Materials with Australian Perspectives* (Cambridge University Press, 2014):

Annexation is distinct from cession. Instead of a State seeking to relinquish territory, annexation occurs when the acquiring State asserts that it now holds the territory. Annexation will usually follow a military occupation of a territory, when the occupying power decides to cement its physical control by asserting legal title. The annexation of territory is essentially the administrative action associated with conquest. Mere conquest alone is not enough, but rather the conquering State must assert it is now sovereign over the territory concerned. For example, the defeat of Germany and Japan in 1945 led to their occupation by the Allies for a number of years, but the States themselves were not absorbed by the Allied Powers part of their respective territories. Examples of annexation in contemporary practice are not common and are generally viewed as illegal.

2. Israeli Views of the West Bank Before the June 1967 Arab-Israeli War

At the conclusion of the Arab-Israeli War of 1948, Israel signed armistice agreements with Egypt, Syria, Lebanon, and Jordan. They delineated a border known as the Green Line (officially, the 1949 Armistice Line) which left Israel in control of 78% of British Mandate Palestine, as opposed to the 55% recommended for a Jewish state by the UN Partition Plan. However, the armistice agreements explicitly specified that the Green Line was not to be construed as the final border between Israel and the Arab states (except Lebanon), and neither Israel nor the Arab states accepted it as such. Israel has never specified what it considers to be its boundaries.

Following the 1948 war, some Israeli political figures and parties sought to transform the Green Line, or something close to it, into a final border.

In advance of the socialist-Zionist Mapam Party's 1951 congress, the Hashomer Hatzair kibbutz movement and its urban allies proposed that Mapam's platform advocate the creation of a Palestinian state "outside the borders of Israel," presumably in the West Bank. The other factions of Mapam rejected this proposal, and it did not become part of the party platform.³

About a year later, Abba Eban, Israel's Ambassador to the UN, proposed a comprehensive peace with the Arab states based on the territorial status quo. Several member states endorsed Eban's proposal. A few days later, Prime Minister Ben-Gurion gave an interview to the *New York Times* in which he "spoke contemptuously of any international interest in Jerusalem" (which was to have been a "*corpus separatum* under a special international regime" according to the 1947 UN Partition Plan for Palestine). In response, the Philippines and other Catholic majority states withdrew their support from Eban's proposal, and it died.⁴

Ben-Gurion had led the opposition to specifying Israel's borders in its Declaration of Independence and anticipated that in the approaching war with the Arab states, the borders would extend beyond those specified in the UN Partition Plan. But he had a pragmatic approach to this question. Towards the end of the 1948 War, the military high command proposed that the IDF conquer the entire West Bank. Ben-Gurion did not doubt the army's capacity to complete this mission successfully. But he was concerned that the United States would disapprove and refused to authorize the operation. Yigal Allon, the former Palmach commander, subsequently recalled, "I never forgave the Israeli government under Ben-Gurion for not letting us finish the job in '48-'49, both militarily and politically." Many

³ *Ma'ariv*, Jan. 24, 1951.

⁴ Abba Eban, *An Autobiography* (New York: Random House, 1977), 168-69. Eban does not specify the exact date of his initiative.

Israelis considered Ben-Gurion's restraint a cause for "weeping for generations" (*bechiya le-dorot*; the reference is to Talmud, Taanit 29a).⁵

In contrast, several currents in Israeli politics explicitly advocated Israel's expansion beyond the Green Line.

Le-Achdut ha-Avodah, a current of Labor Zionism that was predominant in the officer corps of the pre-state Palmach militia, considered all of British Mandate Palestine from the Jordan River to the Mediterranean Sea as Eretz Yisrael. In June 1966, Le-Achdut ha-Avodah's theoretical guru, Yitzhak Tabenkin, declared, "Anywhere war will allow, we shall go to restore the country's integrity."⁶ Yigal Allon and Yisrael Galili represented the party as ministers in the coalition government at the time of the 1967 War. In July 1967 Tabenkin became one of the founders of the Greater Israel Movement, which advocated annexation and settlement of the territories occupied in the war. Achdut ha-Avodah merged with the Labor Party in 1968.

At the other end of the Zionist political spectrum, the slogan of the pre-state Etzel (Irgun) militia led by Menachem Begin was "the Jordan River has two banks; one is ours, and also the other." Etzel and its post-1948 political successor, the Herut (Freedom) Party, rejected the UN plan to partition British Mandate Palestine into an Arab and a Jewish State. Herut is the historic core of today's *Likud* Party. The [original \(1977\) platform](#) of the *Likud* says:

The right of the Jewish people to the land of Israel is eternal and indisputable and is linked with the right to security and peace; therefore, Judea and Samaria will not be handed to any foreign administration; between the Sea and the Jordan there will only be Israeli sovereignty.

In May 1967, just before Israeli Independence Day, Rabbi Tzvi Yehuda Kook, son of the former Ashkenazi chief rabbi of Palestine, spoke at the Mercaz ha-Rav Yeshiva and recalled that he did not celebrate the establishment of the state of Israel because

I could not reconcile myself to the events... to the prophecy... 'For they divided My land' (Joel 4:2)! Where is our Hebron – have we forgotten that?! And where is our Shechem [Nablus] — have we forgotten that?! And where is our Jericho – have we forgotten that?! And where is our Transjordan?!

⁵ Tom Segev, *1967: Israel, the War, and the Year that Transformed the Middle East* (New York: Metropolitan Books, 2007), 175.

⁶ *Ibid*, 180.

Where is every clod of land? . . . Are we permitted to relinquish even one millimeter of this?!⁷

After the 1967 War, Mercaz ha-Rav became the incubator for the Gush Emunim (Bloc of the Faithful) religio-nationalist settler movement, the vanguard of the West Bank settlement enterprise established in 1974.

After the 1948 War, Israel was overburdened with absorbing new immigrants, economic austerity, and anxieties about its military security and its political relations with its Arab neighbors. While some political and military leaders pursued an aggressive security policy intended to open the possibility of annexing additional territory, they were, for the most part, restrained. The main exception was the 1956 Sinai War, after which Israel declared its annexation of the Gaza Strip and Sinai Peninsula. It evacuated those territories under pressure from the United States and the Soviet Union. Israel once again occupied the Sinai Peninsula (along with other Arab territories) during the 1967 War, but completely withdrew according to the terms of the 1979 Israeli-Egyptian Peace Treaty.

3. Territorial Developments After June 1967

During the 1967 Arab–Israeli War, Israel conquered the West Bank, including East Jerusalem (from Jordan), the Gaza Strip and the Sinai Peninsula (from Egypt), and the Golan Heights (from Syria). The consensus of the international community is that these are occupied territories.

A. East Jerusalem

East Jerusalem was occupied by Jordan during the 1948 Arab–Israeli War, while the western sector of the city was occupied by Israel. East Jerusalem encompasses the Old City of Jerusalem, which includes some of the holiest sites of Judaism, Christianity, and Islam, such as the Temple Mount, Western Wall, al-Aqsa Mosque, Dome of the Rock, Church of the Holy Sepulcher, and the adjoining neighborhoods.

Israel began changing the status of East Jerusalem after *motzei shabbat* on 10 June 1967, before the ceasefire officially ending the war was signed. Without receiving authorization from the government, but with its tacit approval, the army engaged civilian contractors to bulldoze the Mughrabi (Moroccan) Quarter facing the Western Wall, destroying 135

⁷ Zvi Yehuda Kook, quoted in Motti Inbari, *Messianic Religious Zionism Confronts Israeli Territorial Compromises* (Cambridge University Press, 2012), 28.

homes and displacing at least 650 people.⁸ Several prominent Israelis took credit for ordering this action. But there is no paper trail, and responsibility cannot be definitively attributed.

On 27 June 1967 the Knesset extended Israeli “law, jurisdiction and administration” to the area of East Jerusalem by incorporating it into its municipality of West Jerusalem. The legislation was portrayed as amendments to existing laws, and Israeli diplomats were instructed to use the term “municipal integration” rather than “annexation.”⁹ The next day Israel disbanded the elected Arab municipal council. West Jerusalem Mayor Teddy Kollek assumed responsibility for the entire city.

However, Israel expanded the former municipal boundaries of East Jerusalem by about 27 square miles (and 71,000 Jordanian citizens). Most of the enlarged area was never part of Jerusalem at any time in its history. Israel thereby effectively annexed over 2 percent of the West Bank. (See the official UN map [here](#).) Since 1967, Israel has constructed eleven new exclusively Jewish neighborhoods on land occupied during the war. In November 2020 the Netanyahu government approved the construction of a new Jewish neighborhood in East Jerusalem - Givat Hamatos.

On 4 July 1967 the UN General Assembly adopted resolution 2253 calling on Israel to “rescind all measures taken [and] desist forthwith from taking any action which would alter the status of Jerusalem.” Israel objected to this resolution and to several subsequent expressions of international disapproval, on the grounds that it has always considered Jerusalem its rightful capital.

On 30 July 1980, the Knesset passed the [Basic Law: Jerusalem, Capital of Israel](#), which declared Jerusalem to be the “complete and united” capital of Israel. [United Nations Security Council Resolution 478](#) declared that this action was “null and void” and “must be rescinded forthwith.” Israel [“categorically rejected”](#) this Security Council Resolution.

The status of East Jerusalem was a major element in the breakdown of Camp David talks in 2000 and remains fraught today. Only about 5% of Palestinian Jerusalemites are Israeli citizens; the rest are permanent residents and risk losing the ability to return to Jerusalem if they leave the city for an extended period. Only 15% of the land area of East Jerusalem is zoned for residential use by Palestinians, who account for 40% of the city’s population. Palestinians are routinely denied building permits, while expansion of exclusively Jewish neighborhoods in East Jerusalem, often enacted through demolitions of Palestinian homes, continues at a steady pace.

⁸ Segev, 1967, 400-02; Eyal Weizman, *Hollow Land: Israel’s Architecture of Occupation* (Verso, 2007), 37-38.

⁹ Segev, 1967, 434.

In December 2017 [President Trump recognized Jerusalem](#) as the capital of Israel. The EU, China, Russia, and Pope Francis all criticized the announcement as a potential threat to peace in the Middle East. The Trump administration portrayed the move as a step toward peace. But there were no official diplomatic contacts between the United States, Israel, and the Palestinians for the rest of President Trump's term in office.

B. The Golan Heights

The Golan Heights had been undisputed Syrian territory before the 1967 War, inhabited by 130,000 to 150,000 Druze, mostly civilians, who lived in some 275 towns and villages. During and after the war, most of the villages were bulldozed and their residents driven off. Today about 25,000 Druze remain in four towns.

On 16 July 1967 a young kibbutznik, Carmel Bar, drove a jeep to the abandoned Syrian army base of Alleiqā on the Golan Heights, where he began laying the groundwork for what became Kibbutz Merom Golan, the first Israeli settlement in the territories occupied during the 1967 War.¹⁰

Deputy Prime Minister Yigal Allon and other high-ranking military and civilian officials assisted the founders of Merom Golan without a formal government decision to settle the Golan Heights. But by August 27, the Israeli government had accepted Merom Golan as an established fact. By 1970 there were twelve Jewish settlements on the Golan Heights. Today about 20,000 settlers inhabit over 30 settlements there.

On 14 December 1981 the Knesset adopted the Golan Heights Law which applied Israeli law to the territory, effectively annexing it without using the term. UN Security Council resolution 497, unanimously adopted on 17 December 1981, declared the Israeli law "null and void and without international legal effect" and called on Israel to rescind its action. Israel has disregarded UNSC 497.

On 20 January 1982, although the United States had voted for UNSC 497, the Reagan administration vetoed a draft Security Council resolution calling for action by the international community against Israel. Because of that veto, on 5 February 1982 the UN General Assembly adopted, by 86 votes to 21, a resolution calling for a boycott of Israel. (Most Western states voted against it.)

Israel and Syria negotiated over a peace agreement on several occasions between 1991 and 2000. Syrian President Hafez al-Assad was a brutal ruler. Syrian forces occupied much of Lebanon from 1976 to 2005, and Assad directed the slaughter of tens of thousands in the

¹⁰ Gershom Gorenberg, *Accidental Empire: Israel and the Birth of the Settlements, 1967-1977* (New York: New York Times Books, 2006), 77-78.

city of Hama in the course of repressing a Muslim Brotherhood-led revolt. But these were not significant factors in the failure of the talks. The principal sticking point was that Syria insisted that Israel evacuate the entire Golan Heights and return to the pre-June 1967 border, including the four Demilitarized Zones specified in the 1949 Armistice Agreement that had been under de facto Syrian control through June 4, 1967, just as Israel had done with Egyptian territory in the Sinai Peninsula. Prime Minister Ehud Olmert pursued indirect negotiations with Syria in 2007-2008. Secret Israeli-Syrian negotiations in 2010 were disrupted by the popular uprising that began in Syria in March 2011. In 2016 Prime Minister Netanyahu [declared](#) that “the Golan Heights will remain under Israel’s sovereignty permanently.”

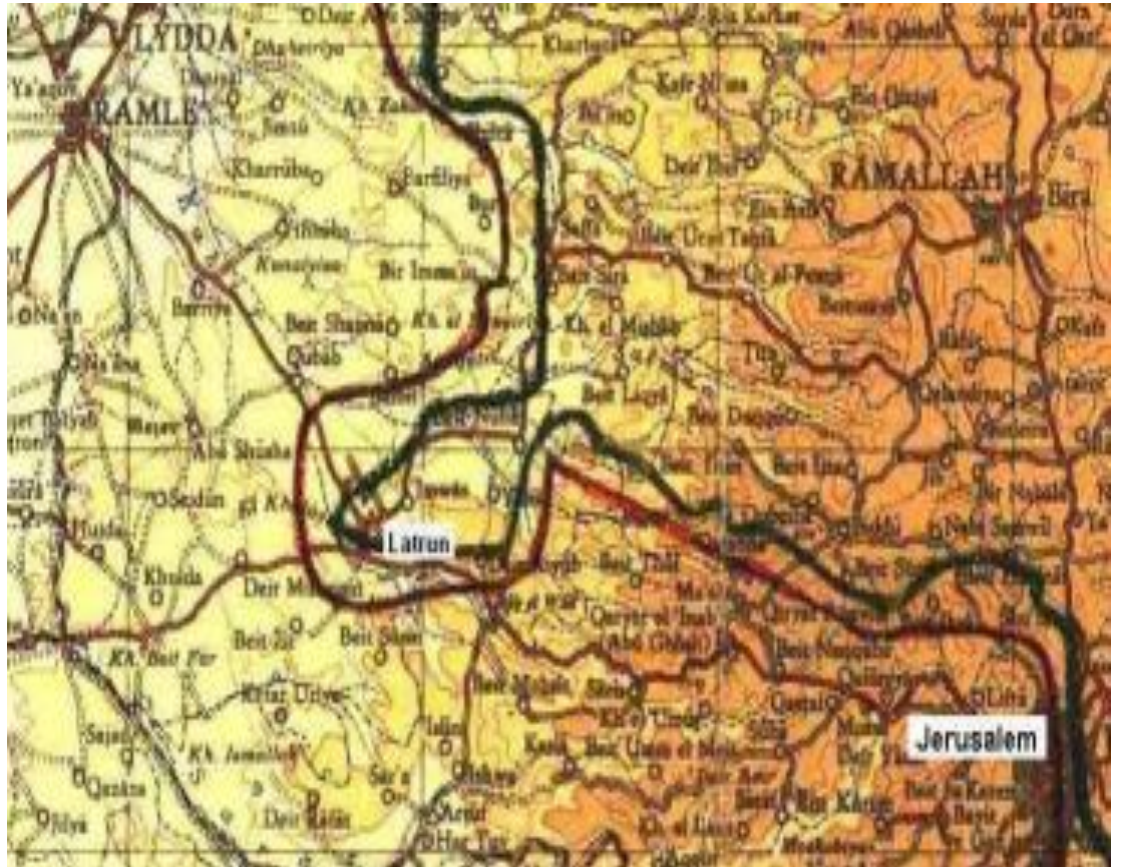
With the proclamation signed by President Donald Trump on March 25, 2019, the United States recognized Israel’s sovereignty over the Golan Heights. International opinion opposed the Trump proclamation. UN Secretary-General António Guterres announced that [“the status of Golan has not changed,”](#) and all [28 EU states rejected](#) Trump’s declaration. Israel’s President Reuven Rivlin and the leaders of the Likud, Labor, Blue and White, Kulanu, and New Right parties praised Trump’s announcement. Only Meretz and the Joint List opposed it. (For a quick overview of the different political parties in Israel, [click here.](#))

C. The West Bank

On June 5, the first day of the 1967 War, the IDF occupied the villages of Beit Nuba, Yalu, and Imwas in the Latrun Valley. Soldiers ordered the several thousand villagers to abandon their homes and march towards Ramallah, 32 kilometers away, and bulldozed the villages (a fourth village in the area, Deir Ayyub, had long been abandoned). At a meeting of officers a few months after the war, Defense Minister Moshe Dayan said that the villages were destroyed “with Zionist intentions” consistent with “the complex framework of the unpleasant and unpopular aspects of fulfilling Zionism.”¹¹

Destroying the villages allowed Israel to eliminate the “Latrun bulge,” consisting of No-Man’s Land and territory in the West Bank before 1967, and to straighten Road 1 between Jerusalem and Tel Aviv by rerouting it to the east of Latrun. The JNF’s Canada Park today occupies the site of two of the former villages. While no announcement to this effect was ever made, this would be a good candidate for Israel’s first outright annexation of territory occupied in the 1967 war.

¹¹ Segev, *1967*, 407-10.



D. The Allon Plan



Source: ECF, “The Israeli-Palestinian Conflict: An Interactive Data Base”

During or shortly after the 1967 War, Minister of Labor Yigal Allon conceived his [plan](#) to annex the Jordan Valley, the Dead Sea shore, the Hebron hills, East Jerusalem and the southern Gaza Strip and to create Palestinian enclaves on the mountain ridge north and south of Jerusalem with an unspecified connection to the northern Gaza Strip. Minister of Defense Moshe Dayan’s vision was the polar opposite—that Israel should annex the entire West Bank, establish army bases surrounded by civilian settlement on the central mountain ridge from Jenin to Hebron, and allow its residents to continue being citizens of Jordan with the right to come and go relatively freely across the Jordan River. Other cabinet members had different views, including the return of most of the West Bank except for Jerusalem.

Consequently, in a January 1968 meeting at the LBJ ranch, Prime Minister Levi Eshkol responded to President Johnson’s question about Israel’s intentions for the occupied

territories that his government had “decided not to decide.”¹² In practice, this meant that, as had happened in East Jerusalem and the Golan Heights in the days and weeks after the 1967 War, individual cabinet ministers or military commanders could take the initiative to protect and assist civilians who decided, without official government approval, to settle in the occupied territories.

E. Settlements

In September 1967 the Israeli government asked the legal counsel of the Foreign Ministry, Theodor Meron, whether international law allowed settlement in the newly occupied lands. In a “Top Secret” memo dated 16 September Meron replied, “My conclusion is that civilian settlement in the administered territories contravenes the explicit provisions of the Fourth Geneva Convention.”¹³

Nonetheless, the first government-approved settlement was established on 25 September 1967 at Kfar Etzion. The original Gush (Bloc) Etzion, consisted of one secular and three religious kibbutzim located about 20 kilometers southwest of Jerusalem. They were in territory designated for the Arab State according to the 1947 UN Partition Plan. But when fighting in the area began soon after the General Assembly voted in favor of partition, the Haganah decided not to evacuate the kibbutzim. After intense combat and many deaths, including a massacre of Jewish defenders of Kfar Etzion, all the kibbutzim surrendered. The Etzion Bloc became a symbol of Zionist heroism and martyrdom.

After the 1967 War, Chanan Porat, a graduate of the Mercaz ha-Rav yeshiva, and other children of the original kibbutz members began a public campaign to resettle Gush Etzion. Porat appealed to Prime Minister Eshkol to allow the group to conduct Rosh Hashanah prayers at the site. Eshkol agreed, understanding that they intended to stay.¹⁴ Their settlement was initially designated a Nahal outpost to avoid acknowledging that it was a civilian settlement.

F. Hebron

On 4 April 1968 Rabbi Moshe Levinger, a graduate of the Mercaz ha-Rav yeshiva, led eighty-eight Jews, selected and financed by the Movement for Greater Israel, to Hebron. They registered at the Park Hotel as tourists, claiming that they had come to conduct a Passover seder. After the seder, they reneged on their promise that they would leave Hebron after two days and announced that they had come to resettle the city. Deputy

¹² Gorenberg, *Accidental Empire*, 127.

¹³ *Ibid.*, 98.

¹⁴ *Ibid.*, 112-13.

Prime Minister Yigal Allon embraced their cause. He had already submitted to the cabinet, in January 1968, a plan to settle Hebron.

Allon visited Levinger's group at the Park Hotel and announced, "There have always been Jews in Hebron, the cradle of the nation, until they were violently uprooted....It is inconceivable that Jews be prohibited from settling in this ancient town of the patriarchs."¹⁵

In 1971, the government relocated the Levinger group to Kiryat Arba, a former military base on the edge of Hebron. In 1979 Miriam Levinger led a group of women to occupy the former Bet Hadassah medical clinic in downtown Hebron. They did not leave until the government authorized permanent Jewish settlement in formerly Jewish-owned buildings in Hebron.

From 1969 to 1977, Labor/Alignment-led governments allowed the establishment of 38 West Bank settlements with a population of some 5,000 Jews, in addition to creating nine all-Jewish neighborhoods in East Jerusalem, with tens of thousands of residents, and seventeen settlements in the Golan Heights.

4. The First Likud Government, the Droblless Plan, and Elon Moreh¹⁶

In May 1977 the Likud party, led by Menachem Begin, came to power for the first time. Although the Labor/Alignment-led governments of 1967 to 1977 contemplated permanent annexation of parts of the West Bank, they commonly justified settlements on security grounds. The Likud, in contrast, publicly affirmed Herut's original view that "the entire historic Land of Israel is the inalienable heritage of the Jewish people, and that no part of Judea and Samaria (the West Bank) should be handed over to foreign rule."¹⁷

In 1978 Matitياهو Droblless, head of the World Zionist Organization's Settlement Division, prepared a comprehensive plan to establish settlements throughout the West Bank (see map). The plan was updated several times, but its essence was that "there must not be the slightest doubt regarding our intention to hold the areas of Judea and Samaria

¹⁵ Gorenberg, *Accidental Empire*, 139, 148; see also Haaretz, 16 April 1968.

¹⁶ Based on B'Tselem, "Seizure for Military Needs and the Elon Moreh Ruling," 13 March 2013, https://www.btselem.org/settlements/seizure_of_land_for_military_purposes

¹⁷ "Government statement on recognition of three settlements," 26 July 1977. <https://mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook3/pages/23%20government%20statement%20on%20recognition%20of%20three%20se.aspx>

forever.... The best and most effective way to remove any shred of doubt regarding our intention to hold Judea and Samaria forever is a rapid settlement drive in these areas.”¹⁸



This was to be done by establishing blocs of settlements on the central mountain ridge of the West Bank, which had been avoided by previous governments, as well as the Jordan Valley and areas along the pre-1967 border between the West Bank and Israel (the Green Line) meant to erase that border. The Drobless Plan was consistent with the aims of Gush Emunim and enabled close collaboration between Gush Emunim and the government.

Customary International Humanitarian Law, codified in a [two-volume publication](#) by the International Committee of the Red Cross in 2005, requires an occupying power to protect the property of residents of an occupied area. The occupying power may not expropriate this property except to *temporarily* house its military forces and administrative units. The

¹⁸ Matitiyahu Drobless, “The Settlement in Judea and Samaria – Strategy, Policy and Program” (in Hebrew) (Jerusalem: World Zionist Organization, September 1980), 3 quoted in B’tselem, *Land Grab: Israel's Settlement Policy in the West Bank*, May 2002.

occupier does not acquire property rights in the requisitioned land and buildings, may not sell them to others, and must pay compensation to the owners.

Using this exception, from 1968 to 1979 IDF commanders issued dozens of orders requisitioning almost 47,000 dunams (1 dunam = ¼ acre) of private land in the West Bank, claiming that it was “required for essential and urgent military needs.”¹⁹ Most of the land was allocated to establish settlements, including Matitiyahu, Neve Zuf, Rimonim, Bet El, Kokhav Hashahar, Alon Shvut, El’azar, Efrat, Har Gilo, Migdal Oz, Gittit, Yitav and Qiryat Arba. Israel’s High Court of Justice (Supreme Court) rejected all appeals that argued there was no security justification for these expropriations.

The IDF similarly expropriated 5,000 dunams from the village of Rujeib south of Nablus. The army did not actually want the land for military purposes. As in the examples noted above, it sought to use the claim of “essential and urgent military needs” to gain control of the land and hand it over to a Gush Emunim group that intended to establish the settlement of Elon Moreh. In June 1979, the residents of Rujeib appealed to the Supreme Court to nullify the measure. Unexpectedly, the prospective settlers of Elon Moreh joined the residents of Rujeib in the case. The settlers’ brief to the court rejected the argument that security needs were the principal reason for establishing the settlement:

Basing the requisition orders on security grounds... can be construed only in one way: the settlement is temporary and replaceable. We reject this frightening conclusion outright. It is also inconsistent with the government’s decision on our settling on this site. In all our contacts and from the many promises we received from government ministers, and most importantly from the prime minister himself... all see Elon Moreh to be a permanent Jewish settlement no less than Deganya or Netanya.²⁰

In other words, the settlers of Elon Moreh claimed that they had received assurances that the government intended to annex Elon Moreh (in accord with the Drobless Plan). Therefore, the Supreme Court ruled that the state of Israel could not confiscate the lands of Rujeib unless there was a security justification to do so, and the villagers kept their property.

The government circumvented the court’s decision by establishing Elon Moreh in a new location, northeast of Nablus, on land confiscated from two Palestinian villages, Azmut and Deir al-Hatab. But from then on, “security” was no longer used as a justification to

¹⁹ B’Tselem, “Seizure for Military Needs and the Elon Moreh Ruling,” 13 March 2013, https://www.btselem.org/settlements/seizure_of_land_for_military_purposes

²⁰ Ibid.

expropriate privately owned lands for new Jewish settlements. In 1994 this justification was reintroduced to build bypass roads linking settlements to pre-1967 Israel.

5. The Oslo Process

The 1993 Oslo Accords and the 1995 Taba Agreement (or, Oslo II) established the Palestinian Authority and divided the West Bank and the Gaza Strip into three forms of control. In Area A (18% of the land) the Palestinian Authority is responsible for municipal affairs, including internal but not external security; in Area B (22%) the Palestinian Authority is responsible for municipal affairs while internal security is shared jointly with Israel; Area C (60%) is exclusively under Israeli control. In principle, this division remains in place today.

In practice, Israeli security forces enter Area A frequently and do as they wish without coordinating with the Palestinian Authority. Areas A and B are non-contiguous spaces. The vast majority of West Bank Palestinians reside in these regions.

Area C, the only contiguous region, is largely unavailable to Palestinian entry or settlement. Neither the Oslo Accords nor the Taba Agreement mention a Palestinian state (which both Yitzhak Rabin and Shimon Peres publicly opposed). Nonetheless, many people believed that the Oslo negotiating process would lead to the establishment of a Palestinian state. In 2002 US President George W. Bush declared US support for the establishment of a Palestinian state alongside Israel, though he also wrote to then Israeli Prime Minister Ariel Sharon and gave his support to eventual Israeli annexation of unspecified parts of the West Bank and East Jerusalem.

The Second Intifada (2000 - 2005) was both a cause and an effect of the stalled peace process; it constituted an additional obstacle to the already dwindling promise for a permanent agreement through the Oslo negotiating process. The negotiating process came to an end with the victory of Ariel Sharon and Israel's February 2001 elections. Negotiations were resumed under Prime Minister Olmert in 2006-07 and again under the mediation of Secretary of State John Kerry in 2013-14. Responsibility for the failure of these negotiations is hotly contested.



Map of Areas A (green), B (dark red), and C (pink)

A. The Separation Barrier

Between 2004 and 2016 Israel constructed a 440 kilometer long Separation Barrier which runs mostly inside the West Bank. About 9.5% of the West Bank lies west of the barrier and consequently, is effectively annexed to Israel and isolated from the remainder of the West Bank. The barrier consists of an 8 meter high concrete wall in urban areas and along major highways and a 60 to 100 meter wide network of fences and barriers for the majority of its route. In 2004, the International Court of Justice ruled that the Separation Barrier is illegal under international law.

B. Checkpoints

Travel is restricted or entirely prohibited on 66 kilometers of roadway within the West Bank. According to the Israeli human rights organization [B'Tselem](#), in 2019 Israel operated 31 permanent checkpoints at the borders of the West Bank and another 33 inside the West Bank. Palestinians are often subjected to long delays at checkpoints. The IDF Judge Advocate General [confirmed](#) that Palestinians are commonly abused and humiliated at checkpoints. Between 2001 and 2005 alone, the UN's sexual and reproductive health

agency (UNFPA) [reported](#) more than 70 cases of women in labour who had been delayed at checkpoints, resulting in risky, unattended roadside births, causing maternal and newborn deaths.

C. The Gaza Strip

In January 2006, Hamas won an election over Fatah for the Palestinian Legislative Council, in what was internationally [recognized](#) as a free and fair election. Immediately after the election Israel and members of the Middle East Quartet (the UN, EU, Russia, and the United States) imposed sanctions on Hamas leaders. With support and encouragement from Israel and the United States, in June 2007, Fatah forces attempted a coup d'état aimed at overturning Hamas rule in the Gaza Strip. Hamas successfully countered the coup. Israel and Egypt have blockaded the Gaza Strip since then. [Human Rights Watch](#) has documented serious human rights violations on the part of both Hamas and Fatah.

Although Israel unilaterally withdrew its settlers and military from the Gaza Strip in 2005, both the Israeli human rights organization [B'Tselem](#) and international authorities view the Gaza Strip as effectively under Israeli control. According to [Amnesty International](#),

Israel... control[s] all but one of the crossings into the Gaza [Strip], the airspace, territorial waters, telecommunications and the population registry which determines who is allowed to leave or enter Gaza. Therefore, Israel is still considered the occupying power and is responsible for the welfare of the inhabitants in the strip under international humanitarian law.

6. The Jordan Valley

Both Labor and Likud governments have promoted settlement in the Jordan Valley. Today about 7,500 Jews inhabit twenty-six settlements and five Nahal military bases in the area.

A week before the September 2019 Knesset elections, Prime Minister Benjamin Netanyahu announced that if he were re-elected, his government would annex all the settlements in the West Bank, beginning with the entire Jordan Valley, about 22% of the West Bank.²¹ During the campaign for the March 2020 Knesset elections, Benny Gantz, leader of the Blue and White Party, promised that he too would annex the Jordan Valley if his party led the next government and affirmed that he viewed the Jordan Valley as an “inseparable part of the State of Israel.”²²

²¹ *Jerusalem Post*, 11 September 2019, <https://www.jpost.com/Israel-News/Prime-Minister-Netanyahu-expected-to-announce-annexation-of-Jordan-Valley-601207>

²² *Haaretz*, 21 January 2020.

These announcements were largely electoral posturing. Announcing the official annexation of the territory would arouse great international opposition and pose the uncomfortable question of whether or not the Palestinian inhabitants of the area would receive the full rights of Israeli citizens, which Jews who live in all West Bank settlements have always had.

These election pledges were also unnecessary measures. According to B'Tselem, Israel effectively annexed the Jordan Valley in January 2006, when the IDF set up checkpoints throughout the valley and allowed only the 47,000 Palestinians whose identity cards specified that they lived in one of the twenty communities in the valley to enter the area.²³ That is to say, the Jordan Valley has long been off limits to the vast majority of the Palestinian inhabitants of the West Bank.

In the spring of 2020, the Netanyahu administration did announce plans to formally annex the Jordan Valley. Those plans were officially postponed for a year in order to facilitate the negotiations to normalize relations between Israel and the United Arab Emirates and Bahrain known as the [Abraham Accords](#). Nonetheless, *Haaretz* reported that the number of [settlement housing starts](#) reached historic levels in 2020, suggesting that the Netanyahu government continued to pursue de facto annexation of at least parts of the West Bank. Naftali Bennett, who became Prime Minister of Israel in June 2021, and his Yamina (Rightward) party [are committed](#) to annexation of at least all of Area C in the West Bank. But the diverse coalition government Bennett was compelled to form would collapse should he make a formal declaration of annexation.

7. Summary

The area of the Jordan Valley comprises about 22 percent of the West Bank. The “seam zone,” which is located east of the Green Line and west of the Separation Barrier, comprises a second “closed area” that only Israeli citizens and Jews residing abroad may enter freely. Like the Palestinian residents of the Jordan Valley, Palestinians who live near the seam zone are regularly granted permits to enter this area to work on their agricultural lands. However, they must enter through a specified gate (which soldiers often fail to unlock at the scheduled times) and may not remain overnight. Other Palestinians must navigate a complex bureaucratic process and apply in advance for permits to enter the seam zone. Therefore,

<https://www-haaretz-com.stanford.idm.oclc.org/israel-news/elections/.premium-gantz-calls-for-jordan-valley-annexation-hopes-trump-releases-peace-plan-soon-1.8432081>

²³ B'Tselem, “Israel has de facto annexed the Jordan Valley,” 13 February, 2006, https://www.btselem.org/settlements/20060213_annexation_of_the_jordan_valley

with no official declaration, Israel has effectively annexed over 30 percent of the West Bank in addition to the areas encompassing the 131 officially recognized settlements and inhabited by approximately 360,000 Jews and East Jerusalem with its Jewish population of roughly 300,000.

Here is a [link to a video](#) in which the Israeli human rights attorney Michael Sfard describes the current realities of the occupied Palestinian territories.

These realities confirm Gershom Gorenberg's assertion that "the purpose of settlement, since the day in July 1967 when the first Israeli settler climbed out of a jeep in the Syrian heights, had been to create facts that would determine the final status of the land, to sculpt the political reality before negotiations ever got underway."²⁴

8. Conclusion

Many Reconstructionist communities want to engage in conversations and educational events around the issue of Israel/Palestine but do not always know where to start. We hope that this document will provide a starting place for understanding the history of annexation regarding the West Bank, East Jerusalem, Gaza and the Golan Heights that dates back more than 50 years, and that the document will support conversations and educational events as we continue to move our movement to align with our core values of freedom, human rights and honesty. If you need support in thinking through how to apply this information to a program in your synagogue, school, or community, please contact us.

Members of the Advocacy and Policy Working Group, Joint Israel Commission, RJ/RRA (2020-2021)

Joel Beinin, beinin@stanford.edu

Marcy Boroff, marcy.boroff@gmail.com

Sarah Brammer-Shlay, sarah.brammer.shlay@gmail.com

Susan S. Lanser, lanser@brandeis.edu

Diana Ralph, dianar@magma.ca

²⁴ Gorenberg, *The Accidental Empire*, 364.