



AL-HAQ

QUESTIONS AND ANSWERS:

# ISRAEL'S *DE FACTO* ANNEXATION OF PALESTINIAN TERRITORY





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# **Part I** | **International Law on Annexation**

## 1. WHAT IS ANNEXATION?

Annexation is the unilateral act of a State proclaiming its sovereignty over the territory of another.<sup>1</sup> Usually annexation involves the threat or use of force. In many cases a State will occupy the territory of another during the course of an international armed conflict, and subsequently in an act of annexation, assert its sovereignty over it.<sup>2</sup> Annexation is strictly prohibited under international law.

## 2. WHAT LAWS PROHIBIT ANNEXATION?

Article 2(4) of the 1945 United Nations Charter enshrines the prohibition on the acquisition of territory by force, stating that, “all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”<sup>3</sup> Principle 1 of the UN Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, which is legally binding as customary international law, further states that, “no territorial acquisition resulting from the threat or use of force shall be recognised as legal.”<sup>4</sup> Further Article 2(8) of the Draft Code of Offences Against the Peace and Security of Mankind (1954) considers “The annexation by the authorities of a State of territory belonging to another State, by means of acts contrary to international law”.<sup>5</sup>

Annexation is also prohibited as an act of aggression under international humanitarian law.<sup>6</sup> The UN General Assembly in 1967 adopted Resolution 3314, seeking to define aggression. The definition stipulates that: “Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.” The following acts are specified as constituting aggression: “The invasion or attack by the armed forces

1 See ICRC, *Annexation (prohibition of)*, available at <<https://casebook.icrc.org/glossary/annexation-prohibition>>.

2 *Ibid.*

3 See Charter of the United Nations, 26 June 1945, 892 UNTS 119 (UN Charter) Article 2(4).

4 UNGA Res. 2625 (XXV), 24 October 1970.

5 Article 2(8), Draft Code of Offences against the Peace and Security of Mankind 1954.

6 See Al-Haq, *Third States Must Act to Prevent Further Israeli Annexation of Occupied Palestinian Territory* (5 June 2020), available at: <<http://www.alhaq.org/advocacy/16937.html>>.

of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof.”<sup>7</sup>

### 3. WHAT IS MEANT BY *DE JURE* ANNEXATION?

*De jure* annexation occurs when the annexing State's intention to annex (or integrate, merge or incorporate territory) is formally declared and enacted into law.<sup>8</sup> In this regard, annexation is the ‘forcible seizure followed by unilateral assertion of title’.<sup>9</sup> Such was, for example, Iraq's declaration of a ‘comprehensive and eternal merger’ with Kuwait on 6 August 1990.<sup>10</sup> Here the UN Security Council broadly considered that annexation “under any form and whatever pretext has no legal validity”.<sup>11</sup> In Israel, steps towards *de jure* annexation occurred during the 20th Knesset, between March 31, 2015 – April 28, 2019, when sixty bills pertaining to annexation were proposed and eight of these bills progressed.<sup>12</sup> Israel's formal *de jure* annexation of the occupied West Bank planned for July 2020, was suspended on 13 August 2020, as announced in a joint statement of Israel's Prime Minister Benjamin Netanyahu, Sheikh Mohamed bin Zayed Al Nahyan, Crown Prince of Abu Dhabi and United States President Donald Trump.<sup>13</sup>

7 See ICJ, *The Road to Annexation: Israel's Maneuvers to Change the Status of the Occupied Palestinian Territory* (November 2019), pg. 22, available at: <<https://www.icj.org/wp-content/uploads/2019/11/Israel-Road-to-Annexion-Advocacy-Analysis-brief-2019-ENG.pdf>>.

8 Rainer Hoffman, ‘Annexation’, Max Planck Encyclopedia of Public International Law (February 2013), available at: <<http://opil.ouplaw.com.ezproxy.leidenuniv.nl:2048/view/10.1093/law:epil/9780199231690/law9780199231690-e1376>>

9 As put by Judge Lauterpacht in the ICJ in *Case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (Provisional Measures Order) of 13 September 1993, ICJ Reports 1993, 325, Dissenting Opinion, para. 82.

10 See UNSC Res 662 (1990), Iraq-Kuwait, UN Doc S/RES/662.

11 UN/SCRES/662 (1990) para. 2

12 See Yesh Din, *Annexation Legislation Database* (1 April 2019), available at: <<https://www.yesh-din.org/en/about-the-database/>>.

13 UN, *Secretary-General Welcomes Joint Statement Suspending Israel's Plans to Annex West Bank, Expresses Hope for Renewed Talks towards Two-State Solution* (13 August 2020), available at: <https://www.un.org/press/en/2020/sgsm20205.doc.htm>

## 4. WHAT IS MEANT BY *DE FACTO* ANNEXATION?

A *de facto* situation of annexation occurs through the adoption of a series of measures and actions on the ground that indicate the implied intention of the Occupying Power to permanently incorporate the occupied territory. In this regard, the application of the domestic law of the annexing State, short measures of direct incorporation will amount to *de facto* annexation.

The term '*de facto* annexation' is well understood as acts giving rise to annexation and is specifically referred to in the jurisprudence of the International Court of Justice (ICJ), United Nations War Crimes Commissions, UN Special Procedures, the European Parliament, and EU Fact Finding Missions.

The clearest recognition of the concept of '*de facto* annexation' arises in the Advisory Opinion of the ICJ in the Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory, wherein the Court concluded:

"Whilst the Court notes the assurance given by Israel that the construction of the wall does not amount to annexation and that the wall is of a temporary nature (see paragraph 116 above), it nevertheless cannot remain indifferent to certain fears expressed to it that the route of the wall will prejudice the future frontier between Israel and Palestine, and the fear that Israel may integrate the settlements and their means of access. The Court considers that the construction of the wall and its associated régime create a "*fait accompli*" on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to *de facto* annexation."<sup>14</sup>

Recognition of "*de facto* annexation" is echoed throughout the jurisprudence of the International Court of Justice, the primary Court charged with the task of interpretation of the Charter of the United Nations. For example, the Separate Opinion of Vice President Ammoun, in the Namibia (South West Africa Advisory Opinion) of the ICJ described South Africa's wilful misinterpretation of the

<sup>14</sup> Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion) [2004] ICJ Reports 136, 121 <[www.icj-cij.org/en/case/131](http://www.icj-cij.org/en/case/131)>

UN Charter to justify its “*de facto* annexation of the territory of Namibia”.<sup>15</sup> In the same case, the dissenting opinion of Judge Tanaka referred to the mass conferment of Union citizenship on the inhabitants of the territory following which: “The Respondent may find it difficult to defend itself against the charge of possessing the avowed intention of piece-meal incorporation amounting to *de facto* annexation”.<sup>16</sup>

Early references to *de facto* annexation appear in the findings of the United Nations War Crimes Commission on Crimes Committed in Ethiopia During the Italian-Abyssinian War, where the Commission pointed out “that before 1939 it was generally understood that the Italo-Abyssinian war had been concluded by the *debellatio* of Ethiopia... that the annexation of Ethiopia by Italy was recognised by most Governments *de jure* and by all the Governments *de facto*”.<sup>17</sup> Meanwhile a UN War Crimes Commission in 1946 was established to examine inter alia whether there was an annexation of Alsace Lorraine, whether in law or in fact.<sup>18</sup>

In 2018, Michael Lynk, Special Rapporteur for the Occupied Palestinian Territory has proposed a test for establishing when there is a *de facto* annexation of occupied territory has “crossed the tipping point into illegal annexation”. The patterns of behaviour include:

“Effective control: The state is in effective control of territory that it forcibly acquired from another state.

Exercises of sovereignty: The state has taken active measures that are consistent with permanency and a sovereign claim over parts or all of the territory or through prohibited changes to local legislation, including the application of its domestic laws to the territory, demographic transformation and/or population transfer, the prolonged duration of the occupation and/or the granting of citizenship.

15 Separate Opinion of Vice President Ammoun, [ re Advisory opinion of 21 June 1971 ]

*Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)* p. 88.

16 Dissenting Opinion of Judge Tanaka, [ re Judgment of 18 July 1966 ]

*Ethiopia v. South Africa* (Case Concerning South West Africa) p. 317

17 United Nations War Crimes Commission, Submission of Cases by Ethiopia, Commissions Jurisdiction over Crimes Committed in Ethiopia (10 February 1947) para. 5.

18 United Nations War Crimes Commission, Ninety Ninth Meeting, (13 March 1946) p. 6



Expressions of Intent: This would include statements by leading political leaders and/or state institutions indicating, or advocating for, the permanent annexation of parts or all of the occupied territory.

International Law and Direction: The state has refused to accept the application of international law, including the laws of occupation, to the territory and/or is failing to comply with the direction of the international community respecting the present and future status of the territory.”<sup>19</sup>

Regionally, the term “*de facto* annexation” has been employed in a European Parliament resolution on the visa regime imposed by the Russian Federation on Georgia where Russia exempted “residents of the secessionist Georgian regions of South Ossetia/Tskhinvali and Abkhazia from the visa regime imposed on Georgian citizens”.<sup>20</sup> This was considered by the European Parliament as a “challenge to the territorial integrity and sovereignty of Georgia” and plans that “would amount to *de facto* annexation” of indisputably Georgian territories.<sup>21</sup>

Similar terminology is found in a report by the EU Fact-Finding Mission describing the Russian Federation’s relationship with South Ossetia and with Abkhazia as a “creeping annexation”. Key indicators of Russia’s *de facto* annexation was the appointment by Russia of its “former civilian and military leaders to serve in key posts in Abkhazia and especially in South Ossetia”, in addition to the awarding of Russian passports and citizenship to residents of to residents of Abkhazia and South Ossetia.<sup>22</sup>

19 A/73/45717, Situation of human rights in the Palestinian territories occupied since 1967 (22 October 2018) para. 31, available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/A\\_73\\_45717.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/A_73_45717.pdf)

20 European Parliament resolution on the visa regime imposed by the Russian Federation on Georgia (18 January 2001), available at: < <https://www.europarl.europa.eu/sides/getDoc.do?reference=P5-TA-2001-0037&type=TA&language=EN&redirect> >

21 European Parliament resolution on the visa regime imposed by the Russian Federation on Georgia (18 January 2001), available at: < <https://www.europarl.europa.eu/sides/getDoc.do?reference=P5-TA-2001-0037&type=TA&language=EN&redirect> >

22 Application no. 38263/08, *Case of Georgia v. Russia (II)* (21 January 2021), paras. 156, 169.

## 5. CAN PARTS OF THE OCCUPIED PALESTINIAN TERRITORY BE CONSIDERED DE FACTO ANNEXED?

Yes, previously and specific to the trajectory of the Wall the International Court of Justice (ICJ) considered that the “construction of the wall and its associated régime create a “fait accompli” on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to *de facto* annexation”.<sup>23</sup>

In 2014, Richard Falk, UN Special Rapporteur for the Occupied Palestinian Territory in his final presentation to the UN Human Rights Council, concluded that parts of the occupied territory may be *de facto* annexed stating: “Through prolonged occupation, with practices and policies which appear to constitute apartheid and segregation, ongoing expansion of settlements, and continual construction of the wall arguably amounting to *de facto* annexation of parts of the occupied Palestinian territory, the denial by Israel of the right to self-determination of the Palestinian people is evident”.<sup>24</sup> More recently in October 2020, Michael Lynk, UN Special Rapporteur for the Occupied Palestinian Territory, definitively called on the international community to “counter all measures on the ground that amount to *de facto* annexation, which Israel advances in the plain sight of the international community, and which lead to serious breaches of the human rights of Palestinians on a daily basis”.<sup>25</sup>

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23 Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion) [2004] ICJ Reports 136, 121 <[www.icj-cij.org/en/case/131](http://www.icj-cij.org/en/case/131)> hereinafter Wall Advisory Opinion; In its written proceedings to the ICJ in the Wall Advisory Opinion, the Kingdom of Morocco urged, “In order to fully fulfil the request of providing an advisory opinion, the Court should rule that there is *de facto* illegal annexation of the Palestinian territories located between the wall and the Green Line, it will have to clarify for the benefit of the General Assembly the legal consequences resulting from this situation”. Participation of the Kingdom of Morocco to the procedure (written proceedings) before the International Court of Justice in the case: Legal consequences of the construction of a wall in the occupied Palestinian Territory -Request for an advisory opinion, p. 6, available at: <https://www.icj-cij.org/public/files/case-related/131/1585.pdf>

24 A/HRC/25/67, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk (13 January 2014), para 78, available at: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A-HRC-25-67.pdf>

25 A/75/532, Situation of human rights in the Palestinian territories occupied since 1967, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk (22 October 2020), para. 13, available at: <[https://www.ohchr.org/Documents/Countries/PS/A\\_75\\_532\\_AUV.pdf](https://www.ohchr.org/Documents/Countries/PS/A_75_532_AUV.pdf)>

## 6. IS ANNEXATION A CRIME?

Yes, the Rome Statute of the International Criminal Court includes the act of annexation as comprising the crime of aggression. For example, “any annexation by the use of force of the territory of another State or part thereof” may amount to an act of aggression, for which there is individual criminal responsibility under Article 8 *bis* 2(a) of the Rome Statute. The definition includes “the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations”.<sup>26</sup> The definition of annexation is quite broad and covers “any annexation”. Notably the Working Group on the Crime of Aggression, for the Preparatory Commission for the ICC, has distinguished between annexation or incorporation, the latter referring to the signing of the law or decree, or what might be termed *de jure* annexation, which suggests that the term “any annexation” includes both *de facto* and *de jure* annexation of territory.<sup>27</sup>

However the article is only applicable to States parties to the amendment, and while the State of Palestine has acceded to the amendment in December 2017, Israel is not yet a party, and therefore the amendment is not applicable at this stage. Article 121, of the Rome Statute, clearly articulates that: “In respect of a State Party which has not accepted the amendment, the Court shall not exercise its jurisdiction regarding a crime covered by the amendment when committed by that State Party’s nationals or on its territory”.<sup>28</sup>

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26 Article 8 bis (1), *Rome Statute of the International Criminal Court*.

27 PCNICC/2002/WGCA/L.1/Add.1, Preparatory Commission for the International Criminal Court, Historical review of developments relating to aggression (18 January 2002) 65, available at: <<https://www.legal-tools.org/doc/19ee1a/pdf>>

28 Rome Statute of the International Criminal Court, Amendments to the Rome Statute of the International Criminal Court, (Kampala, 11 June 2010) Adoption of Amendments on the Crime of Aggression.

## 7. WHAT HAPPENS IF A BELLIGERENT OCCUPANT ATTEMPTS TO EXTEND ITS SOVEREIGNTY OVER OCCUPIED TERRITORY?

In the event that a belligerent occupant attempts to annex territory that it occupies, Article 47 of the Fourth Geneva Convention of 1949, governing the Occupying Power's administration of occupied territory, does not recognize any changes introduced in the occupied territory, resulting from that annexation. It states that: "Protected persons who are in occupied territory shall not be deprived... of the benefits of the present Convention by any change introduced, as the result of the occupation... nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory."

The 1958 Commentary to the Fourth Geneva Convention explains that "occupation as a result of war... cannot imply any right whatsoever to dispose of territory" and that "the Occupying Power cannot therefore annex the occupied territory."<sup>29</sup> The Commentary further stresses that, "an Occupying Power continues to be bound to apply the Convention as a whole even when, in disregard of the rules of international law, it claims during a conflict to have annexed all or part of an occupied territory."<sup>30</sup> Article 4 of Protocol I to the Geneva Conventions also states that, "neither the occupation of a territory nor the application of the Conventions and this Protocol shall affect the legal status of the territory in question."<sup>31</sup>

At Nuremberg, for example, the Military Tribunal considered that "any purported annexation of territories of a foreign nation, occurring during the time of war and while opposing armies were still in the field, we hold to be invalid and ineffective. Such territory never became a part of the Reich but merely remained under German military control by virtue of belligerent occupancy."<sup>32</sup>

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29 *Ibid.*

30 *Ibid.*, pg. 276.

31 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977.

32 Trials of War Criminals Before the Nuremberg Tribunals, Volume V, The Rusha Case, (October 1946 – April 1949) p. 154, available at: [https://www.loc.gov/rr/frd/Military\\_Law/pdf/NT\\_war-criminals\\_Vol-V.pdf](https://www.loc.gov/rr/frd/Military_Law/pdf/NT_war-criminals_Vol-V.pdf)



## 8. WHAT IS THE RELATIONSHIP THEN BETWEEN BELLIGERENT OCCUPATION AND *DE FACTO* ANNEXATION?

A main pillar of the law of belligerent occupation is embedded in the idea that occupation is by its nature temporary and does not affect the sovereignty of the occupied State.<sup>33</sup> Occupation law applies as a matter of fact when the conditions of military presence and substitution of governing authority are met. In this vein, Article 42 of the Regulations annexed to the 1907 Hague Convention establishes that there is a belligerent occupation when the following conditions factually occur: "Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised."<sup>34</sup> Therefore, regardless of the Occupying Power's formal declarations of sovereignty *de jure* or the assertion of sovereignty *de facto*, the laws of occupation continue in force in the occupied territory and continue to bind the Occupying Power. Notably the Hague Regulations have crystallized into customary international law and are therefore binding on all states.<sup>35</sup>

## 9. CAN *DE FACTO* ANNEXATION LEAD TO THE COLLAPSE OF THE OCCUPIED STATE?

Although any unilateral annexation of occupied territory by an Occupying Power is illegal, military victory of the Occupying Power may bring about a disintegration of its opponent through *debellatio*, which marks the end of an armed conflict.<sup>36</sup> In *debellatio*, one side either conquers or cripples the other, bringing about the destruction of the State.<sup>37</sup> However since the adoption of the UN Charter the doctrine of *debellatio* has fallen into disuse and the collective rights of the occupied people to self-determination and permanent sovereignty survive as *jus*

33 Yoram Dinstein, *The International Law of Belligerent Occupation* (2009), pg. 49.

34 Article 42, Hague Regulations, 1907.

35 Yoram Dinstein, *The International Law of Belligerent Occupation* (2009), pg. 5

36 Yoram Dinstein, *The International Law of Belligerent Occupation* (2009), pg. 2.

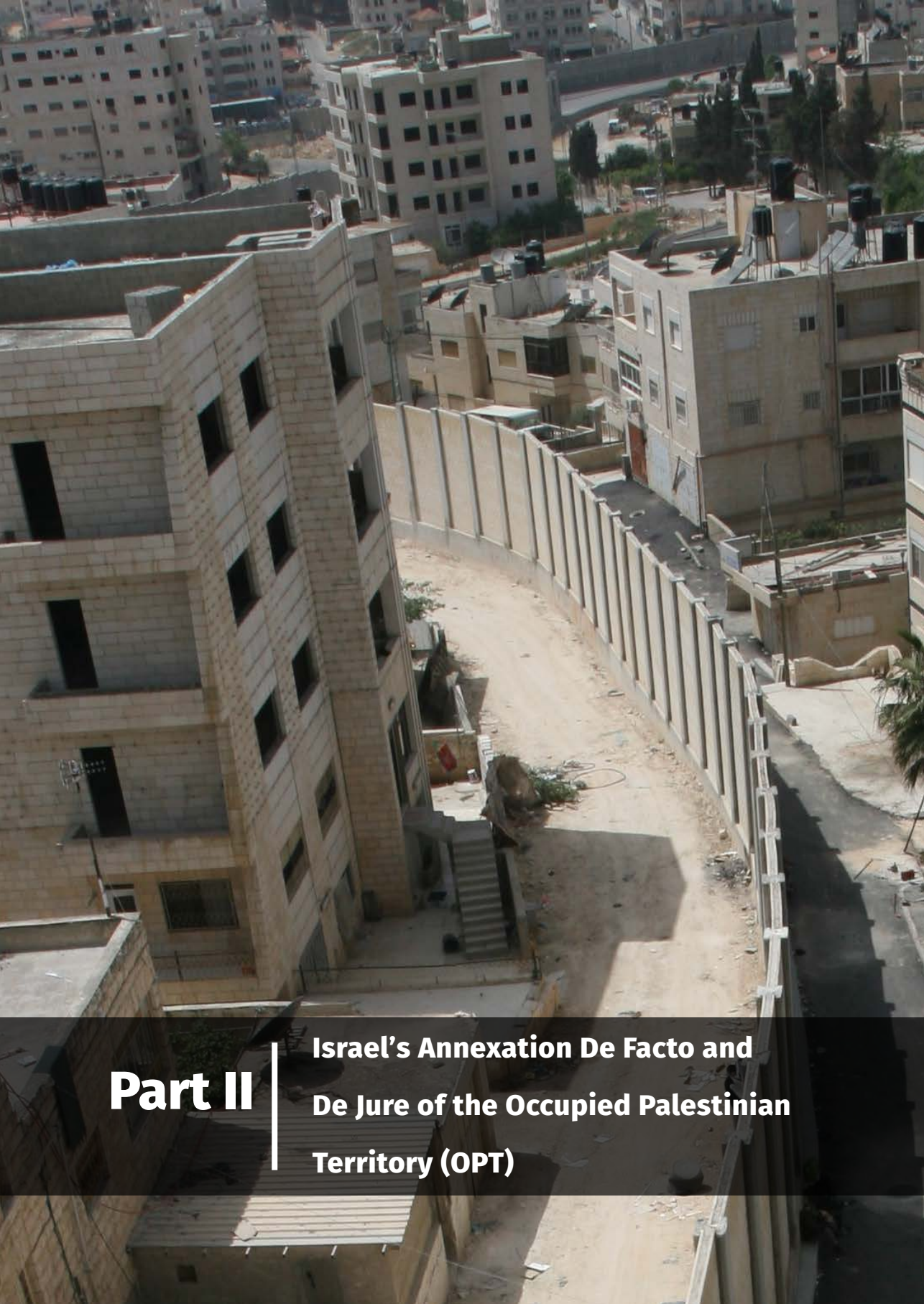
37 Susan Power Abstract, Al Haq, International Conference: *The Threshold from Occupation to Annexation* (3-4 October 2018), available at: <[alhaq.org/cached\\_uploads/download/alhaq\\_files/images/stories/PDF/Conference\\_Abstracts%20and%20Biographies%20of%20Speakers\\_FINAL\\_English.pdf](http://alhaq.org/cached_uploads/download/alhaq_files/images/stories/PDF/Conference_Abstracts%20and%20Biographies%20of%20Speakers_FINAL_English.pdf)>.

*cogens* norms at the apex of the hierarchy of sources international law, applying *erga omnes* between all States, from which there is no derogation.<sup>38</sup> Accordingly, even in the event that the Occupying Power acquires the lands and annexes the occupied State to the point of reducing the occupied territory to a failed State, no rights accrue for the Occupying Power and the occupied people still retain their inalienable rights of self-determination and permanent sovereignty over lands and natural resources.

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38 See, Susan Power, "The 2003-2004 Occupation of Iraq: Between Social Transformation and Transformative Belligerent Occupation" *Journal of Conflict and Security Law* (2014).





## **Part II**

# **Israel's Annexation De Facto and De Jure of the Occupied Palestinian Territory (OPT)**



## 10. WHAT IS ZIONISM AND HOW DOES THE ZIONIST IDEOLOGY DRIVE ANNEXATION?

Zionism is a settler colonial movement that aims to realize a vision for Jewish nationalism and establish a Jewish state in Palestine. The settler-colonial project began when Zionists first settled Palestine in 1882 and was institutionalized in 1948 with the Nakba and the establishment of Israel as a Jewish state.<sup>39</sup> Until this day, Zionist ideology is realized through Israel's continued expansion into Palestinian land in the Occupied Palestinian Territory, i.e. the West Bank, including East Jerusalem and the Gaza Strip.<sup>40</sup>

## 11. WHAT IS THE NATION STATE LAW AND WHY IS IT RELEVANT TO ANNEXATION?

The 2018 Nation State Law is part of Israel's Basic Law, which has a semi-constitutional status. Notably, the Nation-State Law, guarantees the ethnic-religious character of Israel as exclusively Jewish outlining that "the State of Israel is the nation state of the Jewish People, in which it realizes its natural, cultural, religious and historical right to self-determination".<sup>41</sup> In particular, Article 7 of the 2018 Nation State Law provides that "the State [Israel] views the development of Jewish settlement as a national value" and commits to "act to encourage and promote its establishment and strengthening".

The act of settlement and the transfer in of the nationals of an Occupying Power into occupied territory is prohibited under Article 49 of the Fourth Geneva Convention. Further, United Nations Security Council resolution 2334 has reaffirmed that "the establishment by Israel of settlements has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace".<sup>42</sup>

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39 See IMEU, *When Did the Palestinian Conflict Begin?* (9 November 2005), available at: <<https://imeu.org/article/when-did-the-palestinian-israeli-conflict-begin>>.

40 *Ibid.*

41 See Adalah, *Israel's Nation-State Law* (2 August 2018), available at: <<https://www.adalah.org/en/content/view/9569>>.

42 UNSC/RES/2334 (2016).

## 12. HAS ISRAEL *DE JURE* ANNEXED TERRITORY HELD UNDER MILITARY OCCUPATION?

Yes, in 1980, Israel's previously established *de facto* annexation of East Jerusalem became *de jure* when the Israeli Knesset adopted the "Basic Law: Jerusalem", which states that "Jerusalem, complete and united" is "the capital of Israel."<sup>43</sup> In response, the UN Security Council adopted Resolution 478 declaring that "all legislative and administrative measures and actions taken by Israel, the Occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent 'basic law' on Jerusalem, are null and void and must be rescinded forthwith."<sup>44</sup>

A second example of *de jure* annexation is Israel's unilateral annexation of the occupied Syrian Golan in 1981. In 2019, the US became the only country to recognize this annexation. Although it has not recognized Israel's annexations as lawful, the international community's failure to take steps to reverse or address Israel's annexation, has resulted in the continued displacement and dispossession of Palestinians and Syrians and the transfer in of Israeli settlers who unlawfully colonize their occupied lands with impunity.

## 13. WHAT AREAS OF THE OCCUPIED PALESTINIAN TERRITORY HAVE BEEN ANNEXED *DE FACTO*?

*De facto* annexation is widespread across the West Bank and has been occurring for over 50 years.

Shortly after its occupation of the West Bank and Gaza Strip in 1967, Israel took concrete steps that resulted in the *de facto* annexation of East Jerusalem, including the removal of a crossing point between East and West Jerusalem (Mandelbaum Gate), approving laws to create a legal framework for annexation, the extension of West Jerusalem Municipality's jurisdiction to include East Jerusalem, and the application of Israeli laws to the city.<sup>45</sup> As mayor of Jerusalem at the time,

43 Basic Law: Jerusalem, Capital of Israel, 34 LAWS OF THE STATE OF ISRAEL 209 (1980).

44 See UNSC Res S/RES/478 (20 August 1980), available at: < <https://digitallibrary.un.org/record/25618?ln=en>>.

45 Shawan Jabarin, *The Occupied Palestinian Territory and international humanitarian law: a response to Peter Maurer* (2014), pg. 419, available at <<https://international-review.icrc.org/sites/default/files/irrc-890-jabarin.pdf>>.

Meron Benvenisti explained the expanded municipal boundary was intended to incorporate “a maximum of vacant space with a minimum of Arabs.”<sup>46</sup> The measures were condemned under UN Security Council Resolution 267 (1969) which “censures in the strongest terms all measures taken to change the status of the City of Jerusalem” and “confirms that all legislative and administrative measures and actions taken by Israel which purport to alter the status of Jerusalem, including expropriation of land and properties thereon, are invalid and cannot change that status”.<sup>47</sup>

The most striking examples of *de facto* annexation are the establishment and expansion of Israeli settlements, confiscation of Palestinian land, and the construction of the Annexation Wall within the occupied territory. As previously mentioned, the Wall Advisory Opinion in 2004 concluded that the wall violated several human rights norms and warned that construction of the wall “would be tantamount to *de facto* annexation,”<sup>48</sup>

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46 *Ibid.*

47 UN/SCRES/267 (1969) para 3-4.

48 International Court of Justice, Advisory Opinion., *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (9 July 2004) para 121.

## 14. WHAT ARE THE EXAMPLES OF ISRAEL'S ACTS OF *DE FACTO* ANNEXATION OF THE OCCUPIED PALESTINIAN TERRITORY?

Since 1967, the Knesset has increasingly extended its sovereign authority over the West Bank, through legislative acts, in breach of its limited administrative authority as a belligerent occupant, and amounting to *de facto* annexation.<sup>49</sup> The following non-exhaustive legislative examples include:

- The jurisdiction of Israeli courts over the conduct of Israelis that takes place in the OPT Palestinian;<sup>50</sup>
- The adoption of the Administrative Affairs Court Law, establishing a domestic Israeli court to hear petitions of Palestinians in the West Bank, over issues including planning and construction;
- The application of the Basic Law: Human Dignity and Liberty *in personam* to Israeli settlers;<sup>51</sup>
- Laws enabling settlers to vote in Israeli Parliament (the Knesset) elections;<sup>52</sup>
- Provisions on detention applicable to Israeli citizens, both in the OPT and in Israel under the Criminal Procedure Law;<sup>53</sup>
- The adoption of the Higher Education Law bringing academic institutions under the accreditation of the Council of Higher Education in Israel;<sup>54</sup>

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49 *Ibid.*

50 See Law for Amending and Extending the Validity of Emergency Regulations (Judea and Samaria – Jurisdiction in Offenses and Legal Aid) 2007, art 2(a) and (c) accessed July 2020.

51 HCJ 1661/05, *Gaza Beach Regional Council et al v. Knesset of Israel et al.*, 59 (2) PD 481 (2005) [80]: ‘the Basic Law provides rights to every Israeli settler in the evacuated area. This application is personal. It derives from Israel’s control over the evacuated area. It reflects the perception that Israelis situated outside the state but in territory under its control by way of belligerent occupation are governed by the state’s Basic Laws regarding human rights.’

52 Knesset Elections Law (Amendment No 2) 1970, art 147

53 The Criminal Procedure Law (Enforcement Powers – Detentions) 5756-1996, and in the Criminal Procedure Law (Detainee Suspected of Security Offenses) (Temporary Order) 5766-2006.

54 Haaretz, “Israel’s Creeping Annexation: Knesset Votes to Extend Israeli Law to Academic Institutions in the West Bank” (12 February 2018), available at: <https://www.haaretz.com/israel-news/israel-votes-to-expand-israeli-law-to-academic-institutions-in-w-bank-1.5810994>



- Israel's designation of 'almost all settlement industrial zones' in the West Bank, including East Jerusalem as 'national priority areas';<sup>55</sup>
- The application of investment incentives under the Law of Encouragement of Capital Investment to certain industrial areas in the West Bank;<sup>56</sup>
- Israel's semi-constitutional Nation State Law which finds that "the state views the development of Jewish settlements as a national value and will act to encourage and promote its establishment and consolidation."<sup>57</sup>

The following non-exhaustive examples include violations of international humanitarian law amounting to war crimes and crimes against humanity by Israel as Occupying Power which together may be considered as establishing a pattern of permanent measures amounting to *de facto* annexation:

- The appropriation of Palestinian land and establishment of over 250 settlements and outposts across the OPT;
- Altering the demography of the OPT through the direct and indirect forcible transfer of the Palestinian population, including through the creation of coercive environments<sup>58</sup> and the transfer in of over 650,000 Israeli nationals for colonisation;<sup>59</sup>
- The appropriation of Palestinian lands and their administration as nature reserves and tourist areas in Area C by Israel's Nature and Parks

55 Thus benefiting from reductions in the price of land, subsidies for the development of infrastructure and beneficial tax rates for both individuals and businesses.

56 OECD, 'Accession of Israel to the OECD: Review of international investment policies', 12 . Foreign-owned enterprises may be established in those areas and are eligible for applying for grants under that law.

57 Article 7, Basic Law: Israel as the Nation State of the Jewish People

58 Diakonia, "International law and forcible transfer in the occupied Palestinian territory" (2014) <<https://www.diakonia.se/globalassets/documents/ihl/ihl-resources-center/fact-sheets/international-law-and-forcible-transfer-in-the-occupied-palestinian-territory.pdf>>

59 OHCHR, "Israeli settlements: UN expert condemns US decision to "jettison international law" (19 November 2019), available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25319&LangID=E>; OCHA, "Humanitarian Impact of Settlements", available at: <<https://www.ochaopt.org/theme/humanitarian-impact-of-settlements>>

Authority, and signposted as part of 'Israel';<sup>60</sup>

- The construction of a 708 kilometres long wall appropriating approximately 9.4 per cent to fragment the territory and cutting off settlements to geographically incorporate them into Israel;<sup>61</sup>
- The construction of a permanent system of settler only by-pass roads connecting settlements to Israel and off limits to the Palestinian population;<sup>62</sup>
- The appropriation and pillage of Palestinian natural resources including, stone, water, oil, gas, Dead Sea minerals, and agricultural products, primarily by Israeli and international corporations, and for the benefit of the settler and Israeli economy<sup>63</sup>;
- Monetary integration through the use of the Israeli shekel in the OPT.

## 15. WHAT IS THE RELATION BETWEEN APARTHEID AND ANNEXATION?

It should be noted that statements from public officials that annexation would end the belligerent occupation and create an apartheid are misleading, as it suggests that apartheid is only created by or after annexation. In reality, an apartheid regime has existed and has been institutionalized in Palestine for decades. Israel's institutionalized discrimination against Palestinians, both inside and outside the Green Line, is entrenched in Israeli law and has been for the past seven decades; further annexation is simply a manifestation of a pre-existing regime of apartheid.<sup>64</sup>

60 Al-Haq, Establishing Guidelines to Determine whether the Legal Status of 'Area C' in the Occupied Palestinian Territory represents Annexed Territory under International Law (2020) 63.

61 Giulia Pinzauti, 'Aspetti problematici della legittimità del "muro" in Palestina: il caso Beit Sourik' (2005) 88 *Rivista di diritto internazionale* 441, section 4.

62 Harriet Sherwood, "Protest closes Israel's 'apartheid road' through West Bank" (23 January 2019)

63 UNCTAD, "The Economic Costs of the Israeli Occupation for the Palestinian People: The Unrealized Oil and Natural Gas Potential" (22 August 2019).

64 Palestine Podcast #41: Yara Hawari & Rania Muhareb on '*Israeli Annexation: Precedents, Ramifications, and Resistance*' (6 June 2020), available at: <<https://www.ipsc.ie/podcast/palestine-podcast-41-yara-harawi-rania-muhareb-on-israeli-annexation-precedents-ramifications-and-resistance>>.

## 16. HOW DOES ANNEXATION IMPACT HUMAN RIGHTS?

The fragmentation of Palestinian territories and the separation of Palestinian communities from one another detrimentally impacts healthcare, in violation of Article 12(1) of the ICESCR on the right to the enjoyment of the highest attainable standard of physical and mental health.<sup>65</sup> Overall, limitations on Palestinian freedom of movement, and access to land, services, and livelihoods, also threatens to exacerbate the unemployment crisis and curtail economic activity.<sup>66</sup>

Throughout 2019, Al-Haq documented a sharp increase in house demolitions and forcible transfer in Area C as Israel prepared to implement the so-called “Peace to Prosperity Plan” and for a *de jure* annexation of large tracts of Area C in July 2020.<sup>67</sup> Of the 362 public and private structures demolished across the entire West Bank, 36 percent of the documented demolitions were homes located near illegal Israeli settlements, the annexation wall, planned settlement areas, or land under the threat of confiscation.<sup>68</sup> As a result, 669 Palestinians, including 271 children, were displaced.

As the COVID-19 pandemic shut Palestine off from the world, Israel escalated house demolitions. In 2020, the Israeli Occupying Forces demolished a total of 535 private and public structures, making it twice the annual number of demolitions of any year in the previous ten years.<sup>69</sup> This reflected the shift in Israel’s colonisation plans, greenlighted by US President Donald Trump’s, and continued at pace ever since.

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65 *Ibid.*

66 *Ibid.*

67 See Al Haq, *Field Report on Human Rights Violations in 2019* (4 February 2020), available at: <<http://www.alhaq.org/monitoring-documentation/16346.html>>.

68 *Ibid.*

69 During that period, the annual average of demolitions was close to 325 structures. In 2020, the number of demolitions was higher by an average of 210 additional structures. “Al-Haq Field Report on Human Rights Violations in 2020” (2 March 2021)

6, available at: [https://www.alhaq.org/cached\\_uploads/download/2021/03/02/2020-al-haq-annual-report-en-1614669977.pdf](https://www.alhaq.org/cached_uploads/download/2021/03/02/2020-al-haq-annual-report-en-1614669977.pdf)

## 17. HOW DOES ANNEXATION AFFECT PALESTINIAN CITIZENSHIP AND RESIDENCY RIGHTS?

After Israel *de facto* annexed East Jerusalem in 1967, Palestinians living there were classified as permanent residents—a status that did not confer the citizenship rights or guarantee permanent residence, and effectively rendered them stateless.<sup>70</sup> Similarly prior to the planned *de jure* annexation of the Jordan Valley in July 2020, Israel made clear, that Palestinians would not be granted Israeli citizenship, saying for example that those in the Jordan Valley would remain “Palestinian subjects”.<sup>71</sup>

Permanent residency status, as in the case of East Jerusalem, can be revoked at any time. Since 1967, Israel has expanded the criteria for revoking the residency status of Palestinians in East Jerusalem, leading to the revocation of the residency rights of more than 14,500 Palestinians to date.<sup>72</sup> Initially, between 1967 and 1995, Palestinians lost their residency status by “living outside Israel” and East Jerusalem for seven years or by receiving residency status or citizenship in another country.<sup>73</sup> This policy broadened in 1995 when Israel began revoking the residency status of Palestinians who moved their “center of life” outside East Jerusalem or Israel,<sup>74</sup> even if they did not meet the above criteria. This policy of forcible transfer is still in effect today.<sup>75</sup> Finally, starting in 2006 until today, Israel began “punitive revoking the residency status of Palestinians on the basis of a ‘breach of allegiance,’” a violation of international humanitarian law and international human rights law.<sup>76</sup> In this way, Israel annexes the Palestinian territory while removing its indigenous peoples.

70 The Status of Jerusalem, pg. 21, available at: <<https://www.un.org/unispal/wp-content/uploads/2016/07/The-Status-of-Jerusalem-English-199708.pdf>>.

71 *Ibid*; Tom Bateman, *Israel annexation: New border plans leave Palestinians in despair* (25 June 2020), available at: <<https://www.bbc.com/news/world-middle-east-53139808>>.

72 See Al Haq, *Residency Revocation: Israel's Forcible Transfer of Palestinians from Jerusalem* (3 July 2017), available at: <<http://www.alhaq.org/advocacy/6331.html>>.

73 *Ibid*.

74 Residing in the West Bank or Gaza is considered as residing abroad and results in revocation of one's residency status. *Ibid*.

75 *Ibid*.

76 Revoking residency “leads to forcible transfer, a war crime under the Rome Statute of the International Criminal Court and a grave breach of the Fourth Geneva Convention. As the revocation forms part of a widespread and systematic policy to transfer the protected Palestinian population, it may also amount to a crime against humanity.” *Ibid*.

## 18. HOW HAS THE INTERNATIONAL COMMUNITY RESPONDED TO *DE FACTO* ANNEXATION?

### United Nations General Assembly

The United Nations General Assembly (UNGA), in a resolution adopted during an emergency special session in 2003 on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, reiterated “its opposition to settlement activities in the Occupied Territories and to any activities involving the confiscation of land, disruption of the livelihood of protected persons and the *de facto* annexation of land”.<sup>77</sup>

The preambles to the 2005, 2006 and 2007 UNGA resolutions on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, reiterated “opposition to settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and to any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the *de facto* annexation of land”.<sup>78</sup>

In 2007, para. 13 of UNGA resolution on the peaceful settlement of the question of Palestine: “Calls upon Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, and to cease all of its measures that are contrary to international law and unilateral actions in the Occupied Palestinian Territory, including East Jerusalem, that are aimed at altering the character and status of the Territory, including via the *de facto* annexation of land, and thus at prejudging the final outcome of peace negotiations”.<sup>79</sup>

### United Nations Human Rights Council

In a resolution adopted in 2006 on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, the UN

77 UN General Assembly, Res ES-10/13, 21 October 2003, preamble, voting record: 144-4-12-31.

78 UN General Assembly, Res. 60/106, 8 December 2005, preamble, voting record: 153-7-10-21; UN General Assembly, 68/118, 14 December 2006, preamble, voting record, 162-8-10-12; UN General Assembly, Res. 62/108, 17 December 2007, preamble, voting record, 165-7-5-15.

79 UN General Assembly Res 62/83, 10 December 2007, para. 13, voting record, 161-7-5-19.



Human Rights Council (HRC) expressed its concern that “The expansion of Israeli settlements and the construction of new ones on the occupied Palestinian territory rendered inaccessible behind the wall, which create a *fait accompli* on the ground that could well be permanent, in which case, it would be tantamount to *de facto* annexation”.<sup>80</sup> This concern is repeated annually in the preambular provisions of the HRC resolutions on the OPT, including East Jerusalem, and the occupied Syrian Golan.<sup>81</sup>

On 11 April 2014, HRC Resolution 25/28 deplored the “settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan...and the *de facto* annexation of land”. In particular, Article 7(c) of the Resolution provides that: “The expansion of Israeli settlements and the construction of new ones on the occupied Palestinian territory rendered inaccessible behind the wall, which create a *fait accompli* on the ground that could well be permanent, in which case it would be tantamount to *de facto* annexation”.<sup>82</sup>

## Third States

In its written proceedings to the ICJ in the Wall Advisory Opinion, the Kingdom of Morocco urged, “In order to fully fulfil the request of providing an advisory opinion, the Court should rule that there is *de facto* illegal annexation of the Palestinian territories located between the wall and the Green Line, it will have to clarify for the benefit of the General Assembly the legal consequences resulting from this situation”.<sup>83</sup>

In 2010, in a statement before the UN General Assembly on the Palestinian question, the ambassador and permanent representative of Cuba stated: Despite the moratorium decreed by the government of Israel, settlement activities continue, in particular in the West Bank. These activities are aimed at modifying

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<sup>80</sup> UN Human Rights Council Resolution 2/4, 27 November 2006, 2(e), voting record, 45-1-1.

<sup>81</sup> UN Human Rights Council Resolution, 40/23. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem; UN Human Rights Council Resolution, 40/24. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, available at: <https://undocs.org/A/74/53>

<sup>82</sup> A/HRC/RES/25/28, Resolution adopted by the Human Rights Council 25/28 on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (11 April 2014)

<sup>83</sup> Participation of the Kingdom of Morocco to the procedure (written proceedings) before the International Court of Justice in the case: Legal consequences of the construction of a wall in the occupied Palestinian Territory -Request for an advisory opinion, p. 6, available at: <https://www.icj-cij.org/public/files/case-related/131/1585.pdf>

the demographic composition, character and nature of the Palestinian lands, annexing them *de facto* by means of confiscating large areas [of territory].<sup>84</sup>

The State of Palestine has interceded before the United Nations on numerous occasions seeking action by the international community to stop the *de facto* annexation of territory. More recently, in July 2020, Dr. Riyad Mansour, reiterated “that whether annexation is implemented partially or totally, gradually or in one fell swoop, *de facto* or *de jure*, the international community must stay alert and take serious, tangible action, in respect of international law and relevant UN resolutions, including Security Council resolution 2334 (2016)”.<sup>85</sup>

The international community has accepted and helped to facilitate *de facto* annexation through institutionalized impunity for Israel’s violations of international law.<sup>86</sup> Condemnation of Israel’s *de jure* annexation in Jerusalem and in the Golan Heights was not followed by any meaningful concrete measures taken by the international community.<sup>87</sup> While EU States have acknowledged that annexation violates international law, and although 1,080 European parliamentarians representing 25 EU States denounced Israel’s July 2020 plans to *de jure* annex the Jordan Valley, there has been silence on Israel’s creeping *de facto* annexation.<sup>88</sup> As Israel continues with evictions in Sheikh Jarrah and demolitions in Humsa al Fawqa, the EU maintains its focus on advancing a two state solution, in a territory reduced to Bantustans and ethnically cleansed of its indigenous Palestinian population.<sup>89</sup>

84 Cuba, Statement by the Ambassador and Permanent Representative of Cuba before the UN General Asselbly in Item 37: The Palestinian Question (29 November 2010), p.2.

85 See, 24 July 2020 – Escalating Israeli violations in Occupied Palestine, Permanent Observer Mission of the State of Palestine to the United Nations, New York, available at: <https://palestineun.org/author/reem/>

86 No recommendations from any UN Commissions of Inquiry or Fact Finding Missions on Palestine have been implemented. In particular, the U.S. has facilitated Israel’s creeping annexation for decades through military support and its veto power in the UN Security Council. The Trump administration is currently enabling Israel’s settler colonial goals through its “deal of century” and moving the U.S. embassy to Jerusalem.

87 After Israel’s illegal annexation of East Jerusalem in 1980, the Security Council adopted resolution 478, stating that Israel’s measures are null and void, did not recognize Israel’s Basic Law, and called on States to withdraw their missions from Jerusalem. However, the Security Council failed to adopt effective measures towards that end. The same was true for Israel’s annexation of the Golan Heights. See Al Haq, *Third States Must Act to Prevent Further Israeli Annexation of Occupied Palestinian Territory* (5 June 2020), available at: <http://www.alhaq.org/advocacy/16937.html>

88 See Al Jazeera, *European MPs condemn Israel’s annexation move* (24 June 2020), available at: <https://www.aljazeera.com/news/2020/06/european-mps-condemn-israel-annexation-move-200624070805730.html>.

89 See +972 Webinar: Annexation - What happens (or doesn’t) on July 1 (1 July 2020), available at: <https://www.youtube.com/watch?v=XKm1ek-T0g&feature=youtu.be>.



**Part III**

**Recommendations**

The international community must fulfil its responsibility to not recognise as lawful, the internationally wrongful acts of annexation by third States, such as Israel. Given that the prohibition on annexation is a violation of *jus cogens*,<sup>90</sup> it gives rise to *erga omnes* obligations<sup>91</sup> on all States not to recognize the illegal situation, not to render aid or assistance in its maintenance, and to cooperate to bring the illegal situation to an end.<sup>92</sup>

- Clearly denounce Israel's *de facto* annexation and apartheid of Palestinian territory as internationally wrongful acts,
- Recognition of the State of Palestine;
- Introduce domestic legislation to prohibit the import of illegal settlement goods and services;<sup>93</sup>
- To fully support the annual update, including by contributing funding to ensure the continued viability of the UN Database on Businesses Active in the Illegal Settlements and to use the UN Database as a tool to aid in public procurement;<sup>94</sup>
- Ensure that businesses conduct enhanced human rights due diligence, to prevent business, non-profits, and other institutions from contributing to the maintenance of the illegal settlement enterprise and contributing to human rights harms;
- To cease all military aid and two-way arms trade with Israel;
- Adopt economic sanctions and countermeasures to ensure annexation

90 *Jus cogens* is a fundamental principle of international law accepted by the international community and from which no derogation is permitted.

91 *Erga omnes* obligations are obligations that every state has toward the entire international community as a whole.

92 See Al-Haq, *Third States Must Act to Prevent Further Israeli Annexation of Occupied Palestinian Territory* (5 June 2020), available at: <<http://www.alhaq.org/advocacy/16937.html>> citing (Articles 40-41, *Draft Articles on State Responsibility of States for Internationally Wrongful Acts*, 2001).

93 *Ibid*; see Al-Haq, *Third States Must Act to Prevent Further Israeli Annexation of Occupied Palestinian Territory* (5 June 2020), available at: <<http://www.alhaq.org/advocacy/16937.html>> citing (Articles 40-41, *Draft Articles on State Responsibility of States for Internationally Wrongful Acts*, 2001).

94 See Office of the High Commissioner of Human Rights, *UN rights office issues report on business activities related to settlements in the Occupied Palestinian Territory* (12 February 2020), available at: <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25542&LangID=E>>.

is deterred,<sup>95</sup> similar to the EU sanctions imposed in response to Russia's annexation of Crimea and Sevastopol;<sup>96</sup>

- For the EU, as Israel's largest trading partner, to review and cease existing trade and cooperation agreements with Israel, including Horizon 2021 - 2026;<sup>97</sup>
- Withdrawal of diplomatic relations with Israel.<sup>98</sup>
- For the UN to reconstitute the Special Committee on Apartheid and the UN Centre Against Apartheid;
- To fully cooperate with the investigation of the International Criminal Court in the Situation in the State of Palestine.

Finally, the international community must recognize its responsibility to cooperate to bring the illegal situation of a prolonged and evidently permanent belligerent occupation, military siege of Gaza, institutionalised regime of apartheid, and *de facto* annexation, to an end.

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95 See Office of the High Commissioner of Human Rights, *Israeli annexation plans would lead to "cascade of bad human rights consequences", says UN expert* (1 May 2020), available at: <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25857&LangID=E>>.

96 See Al-Haq, *Al-Haq Condemns as Illegal Prime Minister Netanyahu's Stated Plans to Annex West Bank Settlements and Calls on Third States to Apply Economic Sanctions on Israel* (10 September 2019), available at: <<http://www.alhaq.org/advocacy/15096.html>>.

97 See Cairo Institute for Human Rights Studies, *Palestine: Israel's Illegal Annexation of Occupied Palestinian Territory Must Be Countered by International Community* (20 May 2020), available at: < [https://cihrs.org/palestine-israels-illegal-annexation-of-occupied-palestinian-territory-must-be-countered-by-international-community/?lang=en&ct=t\(EMAIL\\_CAMPAIGN\\_COPY\\_05\)](https://cihrs.org/palestine-israels-illegal-annexation-of-occupied-palestinian-territory-must-be-countered-by-international-community/?lang=en&ct=t(EMAIL_CAMPAIGN_COPY_05))>.

98 See Cairo Institute for Human Rights Studies, *Palestine: Israel's Illegal Annexation of Occupied Palestinian Territory Must Be Countered by International Community* (20 May 2020), available at: < [https://cihrs.org/palestine-israels-illegal-annexation-of-occupied-palestinian-territory-must-be-countered-by-international-community/?lang=en&ct=t\(EMAIL\\_CAMPAIGN\\_COPY\\_05\)](https://cihrs.org/palestine-israels-illegal-annexation-of-occupied-palestinian-territory-must-be-countered-by-international-community/?lang=en&ct=t(EMAIL_CAMPAIGN_COPY_05))>.



# NOTES



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AL - HAQ

#### About AL-HAQ

Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah in the Occupied Palestinian Territory (OPT). Established in 1979 to protect and promote human rights and the rule of law in the OPT, the organisation has special consultative status with the United Nations Economic and Social Council.

Al-Haq documents violations of the individual and collective rights of Palestinians in the OPT, irrespective of the identity of the perpetrator, and seeks to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable. Al-Haq conducts research; prepares reports, studies and interventions on the breaches of international human rights and humanitarian law in the OPT; and undertakes advocacy before local, regional and international bodies. Al-Haq also cooperates with Palestinian civil society organisations and governmental institutions in order to ensure that international human rights standards are reflected in Palestinian law and policies. Al-Haq has a specialised international law library for the use of its staff and the local community.

Al-Haq is the West Bank affiliate of the International Commission of Jurists- Geneva, and is a member of the Euro-Mediterranean Human Rights Network (EMHRN), the World Organisation Against Torture (OMCT), the International Federation for Human Rights (FIDH), Habitat International Coalition (HIC), ESCR-Net – The International Network for Economic, Social and Cultural Rights, the Palestinian Human Rights Organizations Council (PHROC), and the Palestinian NGO Network (PNGO). In 2018, Al-Haq was a co-recipient of the French Republic Human Rights Award, whereas in 2019, Al-Haq was the recipient of the Human Rights and Business Award.

