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Israel's New Government Is Exploiting Pandemic to Annex 30 Percent of West Bank

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Marjorie Cohn, Truthout

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Human Rights and Global Wrongs

After three indecisive elections, Prime Minister Benjamin Netanyahu and his opponent Benny Gantz agreed to form a unity government in light of the COVID-19 pandemic.

One of the central pillars of this new regime is the unlawful annexation of the Jordan Valley and illegal Jewish settlements in the occupied West Bank. The annexation has the full backing of U.S. President Donald Trump.

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“Using the time when the world has been busy confronting the COVID-19 pandemic to commit more war crimes is immoral and poses new challenges for the rule of law and human rights,” Raji Sourani, director of the Palestinian Centre for Human Rights (PCHR), told Truthout.

The annexation, slated to begin in July, will ostensibly include about 30 percent of the occupied West Bank, including the Jordan Valley, and Jewish settlements containing over 620,000 settlers.

Both the United Nations and the European Union cautioned Israel that annexation of parts of the occupied West Bank would be illegal. Nickolay Mladenov, UN special Middle East envoy, said such action “would constitute a serious violation of international law.” Josep Borrell, EU foreign policy chief, noted that EU countries don’t recognize Israel’s sovereignty over the Palestinian territory, adding it would “continue to closely monitor the situation and its broader implications, and will act accordingly.”

Moreover, the new deal requires that the U.S. government agree to Israel’s illegal annexation, making Trump complicit in the commission of Israel’s war crimes.

Israeli Settlements on Palestinian Land Are Illegal

As an occupying power, Israel has transferred more than 600,000 Israelis into settlements in the occupied West Bank, including occupied East Jerusalem. These actions are illegal. Article 49 of the Fourth Geneva Convention forbids an occupying power from transferring “parts of its own civilian population into the territories it occupies.”

The International Court of Justice stated in a 2004 advisory opinion that the Israeli “settlements have been established in breach of international law.” The Court agreed with the United Nations Security Council that Israel’s establishment of settlements in occupied Palestinian territory constitutes a “flagrant violation” of the Fourth Geneva Convention.

Since 1967, Israel has maintained an illegal military occupation of the West Bank, including East Jerusalem. Israel claims it acted in self-defense when it attacked Egypt, Syria, and Jordan in the Six-Day War and seized the Palestinian territories.

But Egypt, Syria and Jordan were neither poised to attack nor did they ultimately attack Israel. The initial assault was conducted by Israel in order to annihilate the Egyptian army and seize the West Bank.

Furthermore, it is well-established that territory cannot be lawfully acquired by war. Accordingly, in 1967, Security Council Resolution 242 enshrined “the inadmissibility of the acquisition of territory by war.” In 2016, the Council reiterated that language in Resolution 2334, which condemned Israel for building settlements in the occupied Palestinian territories, including East Jerusalem. Resolution 2334 states that Israel’s creation of settlements on Palestinian land “has no legal validity and constitutes a flagrant violation under international law.”

Moreover, Israel’s establishment of settlements in Palestinian territory constitutes a war crime. The International Criminal Court’s Rome Statute classifies an occupying power’s direct or indirect transfer “of parts of its own civilian population into the territory it occupies” as a war crime.

Trump Is Aiding and Abetting Israel’s War Crimes

Trump is aiding and abetting Israel’s war crimes of annexation of Palestinian lands. In January, his administration unveiled its “Deal of the Century,” supposedly aimed at achieving peace between Israel and the Palestinians. But the so-called deal, which Palestinian Authority President Mahmoud Abbas called the “slap of the century,” grants Israel’s wish list and promises to facilitate Israel’s repression of the Palestinians.

The Trump deal, fully supported by both Netanyahu and Gantz, formalizes the “Netanyahu doctrine,” which “is based on the gradual and complete defeat of the Palestinian national movement and the subsequent achievement of ‘Greater Israel’ through permanent occupation and annexation of land,” Yaser Alashqar wrote at Mondoweiss.

B’Tselem, the Israeli human rights organization, warns that Trump’s plan will lead to the permanent denial of Palestinians’ political rights and eternalize conditions similar to those of “the Bantustans of South Africa’s Apartheid regime.”

The Rome Statute provides for prosecution of an individual who “aids, abets or otherwise assists” in the commission or attempted commission of a crime “including providing the means for its commission.” By issuing his “deal of the century” advocating that Israel annex Palestinian territory, and ratifying Israel’s illegal annexation, Trump is assisting — and thus aiding and abetting — Israel’s war crimes.

Trump’s approval is key to Israel’s ability to commit the war crime of annexation with impunity. The U.S. government bankrolls Israel’s illegal occupation to the tune of \$3.8 billion annually. In fact, the Netanyahu-Gantz unity deal requires that Trump assent to its terms, which is all but certain.

Geneva Convention Requires Occupier Israel to Protect Occupied Palestinians, Especially During Pandemic

Israel is the occupying power and thus has a legal duty to protect, not facilitate the oppression of, the occupied Palestinians.

As the World Health Organization stated, “Israel, as occupying power, retains the primary responsibility to respect, protect and fulfill the right to the highest attainable standard of physical and mental health in the occupied Palestinian territory, comprising the West Bank, including East Jerusalem, and the Gaza Strip.”

Indeed, the Fourth Geneva Convention establishes Israel’s duty to provide “medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics.”

Yet by April 24, there were more than 300 confirmed cases of COVID-19 in the occupied Palestinian territories, and the Israeli settlers, with government backing, have only increased their violent attacks on Palestinians throughout the West Bank.

PCHR issues weekly reports on Israel’s human rights violations in the occupied Palestinian territories. Its April 23-29, 2020 edition documents in detail Israel’s interference with Palestinian efforts to combat the coronavirus.

Pandering to His Evangelical Base, Trump Will Likely Greenlight Israel's Annexation

As he campaigns for the November presidential election, Trump is likely to support annexation in an appeal to his Evangelical base. "Coronavirus or not ... this much is clear: Trump will greenlight the annexation to secure his Evangelical base going into the election," Israel lobbyist Martin Indyk tweeted.

Even liberal Zionist organizations oppose Israel's annexation plan. The Israel lobby group J Street favors placing conditions on some of the billions of dollars the United States provides to Israel if it proceeds with annexation.

"Annexation ... will turn Israel into an international pariah that perpetuates the occupation and the conflict with the Palestinians, and that thumbs its nose at international law and the international community," Ori Nir of Americans for Peace Now said. "Annexation will send a message to the citizens of Israel, the Palestinians and the entire world that Israel favors continuing its bloody conflict with the Palestinians and an apartheid-like reality in the West Bank over democracy and peace."

In a letter to Gantz, 220 former high-ranking Israeli security officers, including an ex-military chief, sounded the alarm. "Unilateral annexation has the potential to ignite a serious conflagration," they wrote. "Any partial annexation is likely to set in motion a chain reaction over which Israel will have no control, leading to the collapse of the Palestinian security agencies and of the Palestinian Authority. This, in turn, would require Israel to take full control over the entire West Bank."

There is opposition in Congress to Israel's annexation of the West Bank. On December 6, 2019, in a bipartisan vote, the House of Representatives passed H.R. 326, which discourages "steps by either side that would put a peaceful end to the conflict further out of reach, including unilateral annexation of territory."

On April 8, 11 Democratic Congress members released a statement invoking H.R. 326 and opposing Israel's planned annexation. "Amidst the current global health pandemic and financial crisis," they urged the new Israeli government "not to create an additional crisis,

by agreeing to move forward with unilateral annexation, the effects of which could yield additional catastrophic consequences for all parties in the region and beyond.”