

Israel's "Creeping Annexation" Policies – TABLES

Since its inception, the West Bank settlement enterprise has involved actions by settlers – including land seizures and construction – that violate Israeli law (all settlement construction is illegal under international law). Successive Israeli governments have consistently sought to bring unauthorized outposts and illegal settlement construction into good (or more secure) standing in the eyes of Israeli law. Such efforts hit an obstacle, however, when the 2005 Sasson Report, commissioned by then-Prime Minister Ariel Sharon, concluded that "There is no way to validate the establishment of an outpost on private Palestinian property, not even post factum. Such outposts must be evacuated, the sooner the better."

Rather than act on this finding, Israeli legislators and settlers spent years seeking ways around it. They seem to have achieved their goal, finally, on February 6, 2017, with the passage of the "Regulation Law" (sometimes called the "Settlement Regularization Law"), which gives Israel new legal avenues to seize private Palestinian land in order to retroactively legalize settlement construction. With the passage and implementation of the Regulation Law, Israel is now treating land ownership rights in the West Bank as a matter to be determined by Israeli domestic law – treatment that is tantamount to an assertion of sovereignty. As a matter of practice, this law in effect discards the rule of law in order to allow for the theft of property that even Israel recognizes to be privately owned by Palestinians (since 1967, most West Bank land that Israel does not recognize private Palestinian ownership of has already been seized by Israel).

The Regulation Law was immediately challenged in the High Court of Justice, and many predict the law will be overturned on constitutional grounds. Anticipating the High Court may strike down Regulation Law, key Israeli lawmakers, as well as Attorney General Avichai Mandelblit, are testing alternative legal strategies to justify the expropriation of privately owned Palestinian land in the occupied territories. All the while, the government of Israel is taking steps to retroactively legalize several outposts and settlement structures built on privately owned Palestinian land.

The table below tracks the Regulation Law from the time that it was introduced, and also documents key legal opinions that seek to create alternative avenues for Israel to expropriate private land in the West Bank, and how both the Regulation Law and these alternative legal theories are being effectuated on the ground.

Retroactively Legalizing Outposts and Settlement Structures

Knesset/Party Action	Executive/Ministerial Action	Judicial Action
<p>May 6, 2018: Following the Israeli Cabinet's vote to support the High Court override clause, Finance Minister and Kalanu Party leader Moshe Kahlon announced that he opposes the law and intimated that he will instruct his faction to vote against the bill should it be brought up in the Knesset.</p> <p>April 19, 2018: The Knesset's legal advisor, Eyal Yinon, issued a strong rejection of the notion that</p>	<p>May 24, 2018: The Israeli Defense Ministry released a legal opinion endorsing the government's plan to expropriate privately owned Palestinian land in the Ofra settlement in order to retroactively legalize illegal settlement structures built there. The opinion adopts the "market regulation" principle as a legal basis for Israel to expropriate privately owned Palestinian land in cases of settlements in which decades-old structures were built and/or purchased by Israelis "in good faith" (believing the Israeli government to be the</p>	<p>July 3, 2018: Tthe Israeli State Prosecutor's Office told the Jerusalem District Court that it has the right to retroactively legalize the Mitzpe Kramim outpost based on the "market regulation" principle. This is just the second time the government has used the "market regulation" principle to defend the seizure of privately owned Palestinian land in court, the first being in November 2017 when the State informed the High Court of Justice that it intended to expropriate private land near the Ofra settlement. Neither court</p>

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<p>the Knesset should be empowered to reinstate laws that the High Court strikes down. Yinon said,"I think that in principle it would be a mistake to pass a supersession clause, whether it specifically concerns illegal migrants, or whether it is framed in general terms, and that it would do more harm than good. Good legislation requires restraint and balance, and as soon as, in effect, you remove constitutional review, that is liable to deal a severe blow to the quality of legislation and to the balances that must be maintained in it."</p> <p>September 19, 2017: The Knesset legal team submitted a defense of the Regulation Law to the High Court of Justice. The brief makes two extraordinary arguments: First, the Knesset claims it has the right in certain cases to legislate over the West Bank (despite Palestinians not having the right to vote for the Knesset). Second, the brief argues that the law does not discriminate between Israelis and Palestinians - saying that the law gives Palestinians an opportunity to be compensated and also provides the same opportunity to pursue retroactive legalization for Palestinian structures built without permits in Area C of the West Bank (despite the fact that this is manifestly not the goal of the law).</p>	<p>rightful owner of the land). The legal opinion also calls for the Palestinian owners to be "fully compensated, if not more than that," and recommends that the principle should not apply to cases of unauthorized outposts. The Ofra situation is a test case for the "market regulation" principle, which has not yet been used (or tested in court) to justify expropriating Palestinian land for Israeli settlements.</p> <p>May 6, 2018: The Ministerial Committee on Legislation voted to support legislation put forward by Jewish Home members that will empower the Knesset to reinstate bills that are stuck down by the High Court - sending the bill to the Knesset. In the Jewish Home version of the bill, the Knesset can do so with a bare-bones majority vote of 61-of-120 MKs, a threshold so low that High Court Chief Justice called it a "danger to democracy and the court."</p> <p>May 4, 2018: The "Zandberg Report" is published by the government committee formed one year ago to develop new legal strategies for retroactively legalizing settlement structures and outposts built without government permission and on privately owned Palestinian land. The report offers a number of unprecedented legal arguments and recommendations (click for a more detailed explanation of the report's recommendations),</p>	<p>ruled on either case.</p> <p>June 3, 2018: The Israeli High Court of Justice heard oral arguments regarding the settlement "Regulation Law." In their defense, government lawyers admitted the law is flawed, but argued that it was nonetheless necessary and the Court would be . Deploying a litany of logical fallacies, the government lawyers insisted that international law cannot be allowed to limit the ability of the Israeli Knesset to pass laws. In response to the arguments, Chief Justice Hayut criticized the three attorneys who argued in defense of the law for having "openly avoided those issues" of international law. The petitioners argued that the law violates international law under which the Israeli Knesset cannot legislate over the Occupied Territory. As Yesh Din lawyer Michael Sfard put it, under international law Israel cannot "take land from Mousa [in order] to give it to Moshe."</p> <p>May 31, 2018: In ruling against a petition by Yesh Din to re-open the Amona outpost case, Israeli Chief Justice Esther Hayut issued a significant legal opinion in which she stated that the 2016 opinion written by (ret.) Justice Salim Joubran on the case does not constitute "a binding law" saying it "appears that the ruling contradicts previous rulings...and it contains both a novelty and a difficulty." In the 2016 opinion</p>

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<p>February 6, 2017: The Israeli Knesset passed the "Law for the Regulation of Settlement in Judea and Samaria, 5777-2017" by a vote of 60-52. This was the first time the Israeli Knesset passed a law to govern the legal status of land located outside of Israeli sovereign territory. The law paves the way for Israel to expropriate privately owned Palestinian land in order to retroactively legalize outposts and settlement structures, as well as agricultural development, established in violation of Israeli law. Under the law, Palestinian landowners will lose their "usage rights" and possession of the land but, technically, not their ownership of it. The "usage rights" will be re-assigned to settlers and the Palestinian land owners will be given a choice between acquiring usage rights (but not ownership) over a different plot of land or accepting 125% of the value of the land (determined by Israel). Peace Now estimates that the law stands to convert some 55 unauthorized outposts into official, authorized settlements, seizing some 8,000 dunams of privately owned Palestinian land in the process.</p>	<p>including: implementing the so-called "Market Regulation" principle; endorsing the expropriation of privately owned Palestinian land for "public use" based on the opinion of former Justice Salim Joubran which held settlers are a part of the "local population" of the West Bank; the establishment of new, authorized settlements; adopting a flexible understanding of the "adjacent areas" principle; several mechanism for building access roads to isolated outposts built on state land; ending the work of the IDF "Blue Line Team"; and more. If implemented, the recommendations will "legalize" the outright theft of land recognized by Israel as privately owned by Palestinians and will lay the groundwork for continued, additional expropriation of privately-owned land for settlement-related construction.</p> <p>April 4, 2018: After the High Court of Justice struck down a bill passed by the Knesset to jail and deport African asylum seekers, Justice Minister Ayelet Shaked (Jewish Home) and Education Minister Naftali Bennett (Jewish Home) propose legislation to amend Israel's Basic Law in order to give the Knesset the ability to reinstate laws that are struck down by the High Court of Justice, if the motion wins a 61-vote majority in the Knesset. The bill is specifically meant to deal with the issue of African asylum seekers, but the proposed</p>	<p>regarding Amona, Joubran suggested that Israeli settlers can be considered part of the "local population" of the West Bank, and therefore the IDF was obligated to provide for their needs, even at the expense of Palestinians. The Joubran opinion is currently being used by the Israeli government as legal basis to seize of privately owned Palestinian land in order to retroactively legalize settlement structures and outposts.</p> <p>April 15, 2018: At an academic conference, High Court Chief Justice Esther Hayut blasted proposed legislative proposals that would undermine the Supreme Court's ability to strike down unconstitutional laws. Hayut said, "As we seek to pride ourselves, justly, in front of our people and the world, of being the only democracy in the Middle East, we must remember that one of the necessary guarantees for that is maintaining an independent and professional judicial system"</p> <p>December 4, 2017: The High Court of Justice ordered the State of Israel to submit a second defense of the "Regulation Law" by February 25, 2018 and extended the injunction against the use of the law.</p> <p>December 2017: Based on the High Court's recently published opinion on the Amona outpost</p>

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	<p>legislation would broadly empower the Knesset to reinstate laws that the High Court deems are unconstitutional - possibly including the "Regulation Law," which is widely expected to be struck down by the High Court. A senior judicial official said, "inserting a notwithstanding clause with a 61 MK majority is nothing less than assassinating the independence, power and jurisdiction of the High Court. It has always been the court's opinion that a majority of at least 75 MKs will be necessary to overcome the High Court striking a law down. Sixty-one MKs in favor, however, is an readily available coalition majority and will make all High Court rulings on striking down legislation not worth the paper they were printed on and immediately bypassed by new legislation."</p> <p>February 20, 2018: The State of Israel urged the High Court of Justice to delay the demolition of 15 structures in the Netiv Ha'avot outpost, which were proven to have been built on privately owned Palestinian land. In part, the delay will allow the government to pursue the retroactive legalization of 7 of the 15 structures that are only partly built on privately owned Palestinian land. The petition proposed demolishing only the portion of each structure that is located on private Palestinian land and issuing building permits for the rest. The settlers who live in the</p>	<p>case (regarding the relocation of Amona settlers to another West Bank site), the Israeli NGO Yesh Din submitted a petition to the High Court of Justice requesting a new hearing. Though the Court had already closed the case, a newly published argument appears to show the Court accepting, for the first time, the argument that Israel can seize Palestinian private lands for the exclusive use of Israeli settlers.</p> <p>November 22, 2017: Attorney General Avichai Mandelblit submitted his arguments against the "Regulation Law" to the High Court of Justice, saying the law is unconstitutional and should be repealed. Mandelblit's dissent was only partial; while he objected to the legal mechanism set forth in the Regulation Law, he also endorsed Israel's power to regulate property disputes in the West Bank where settlers acted in good faith, power he asserted under Government Property Order, Article 5.</p> <p>November 21, 2017: Claiming to have sign-off from Attorney General Avichai Mandelblit, the State of Israel submitted an updated brief to the High Court of Justice stating its intention to expropriate privately owned Palestinian land inside the municipal boundary of the Ofra</p>

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	<p>Netiv Ha'avot outpost are also pushing the government to legalize the entire outpost in light of the Regulation Law and recent legal opinions that open the door to that possibility.</p> <p>February 15, 2018: Despite criticism from the High Court of Justice, the Prime Minister's office finalized the appointment of longtime settler leader Pinchas Wallerstein to head the government team tasked with leading the process of retroactively legalizing illegal outposts across the West Bank.</p> <p>January 17, 2018: A leaked recording of Deputy Defense Minister Eli Ben Dahan (Jewish Home) revealed that the government team tasked with implementing the Regulation Law had begun documenting the legal status of 70 outposts, in preparation for seeking their retroactive legalization.</p> <p>December 18, 2017: Justice Minister Ayelet Shaked said in an interview: "The Attorney General [Avichai Mandelblit], according to his position, is suggesting alternative administrative solutions to regulation (or illegal outposts) by means other than legislation, and it would be wrong to condemn him only on the basis of his</p>	<p>settlement, in order to pursue the retroactive legalization of the Ofra sewage plant. The petition was updated after Mandelblit unveiled his "market regulation" defense of Israel's power to expropriate privately owned Palestinian land in order to retroactively legalize outposts and settlement structures built in "good faith." The Israeli government claims that in the case of Ofra, the land had been expropriated accidentally. Previously, the State had admitted the plant was built on privately owned Palestinian land and proposed amending the Ofra Master Plan so that the privately owned Palestinian land was not included in the settlement. The new petition asks for the land to be expropriated, citing Article 5 of the Government Property Order.</p> <p>November 15, 2017: Attorney General Avichai Mandelblit submitted a legal opinion to the High Court of Justice supporting the expropriation of privately owned Palestinian land near the Haresha outpost. Mandelblit had publicly opposed the expropriation in February 2017, but changed his stance after the October 2017 publication of a year-old opinion by Supreme Court Justice Salim Joubran, which held that settlers are a part of the "local population" of the West Bank. In his new opinion, Mandelblit argued</p>

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	<p>objection to the bill [the Regulation Bill], because with the exception of this bill he is walking hand in hand with the government in implementing its policies.”</p> <p>October 22, 2017: A Haaretz report revealed that Justice Minister Ayelet Shaked has been personally handling all government responses submitted to the High Court of Justice regarding outposts and/or settlements (these cases were previously dealt with by the Defense Ministry). Soon after she assumed office in October 2015, Shaked hired lawyer Amir Fisher - who represents the radical settler group Regavim - as an external consultant to review and rewrite government positions before they are submitted to the Court.</p> <p>August 17, 2017: The State of Israel submitted a 156-page defense of the “Regulation Law” to the High Court of Justice. In it, Harel Arnon, the private attorney hired by the state to represent its interests in light of the Attorney General’s refusal to defend the law, argued that the law actually benefits Palestinians by compensating them for their land, and that the law is in the national interest of Israel. The brief argues, “the Regulation Law balances the obligation of the government towards thousands of citizens who</p>	<p>that Joubran’s ruling removed the only legal barrier to expropriating land near the Haresha outpost since land can be expropriated for "public use" even if it exclusively benefits Israeli settlers. Mandelblit's opinion paves the way for Israel to expropriate privately owned Palestinian land for an access road leading to the Haresha outpost, which in turn enables Israel to begin the process of retroactively legalizing the entire outpost. Anti-settlement watchdog Dror Etkes (founder of Kerem Navot) estimates that the precedent Mandelblit set with his opinion in the Haresha case might lead to the retroactive legalization of more than 60 additional outposts.</p> <p>October 2017: The High Court of Justice published a year-old legal opinion argued by Justice Salim Joubran regarding the Amona outpost case, in which he established a legal precedent holding that Israelis settlers are part of the "local population" of the West Bank and that Israeli military commanders have a duty to care for their needs. Justice Joubran cited a ruling by former Supreme Court President Aharon Barak that held that Israeli settlers are entitled to life, dignity, property and the rest of the rights enjoyed by Israeli citizens. In his ruling, Joubran also emphasized that the need to protect the</p>

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	<p>have relied in good faith on government action and a minor infringement of property rights, with increased compensation to the [Palestinian] landowners.”</p> <p>August 7, 2017: Attorney General Avichai Mandelblit asked the High Court of Justice to issue an injunction against the use of the Regulation Law while the law is being reviewed in Court. The Court issued the injunction a week later.</p> <p>May 22, 2017: While the High Court adjudicates the legality of the Regulation Law, the Israeli Cabinet announced its intent to form a new committee to implement the law over the next three years. The committee membership will include representatives from the Prime Minister's office, the Defense Ministry, and the Civil Administration.</p> <p>April 4, 2017: In response to a petition citing the Regulation Law, the Israeli Civil Administration announced that it had rescinded demolition orders against four structures in the Psagot settlement, which were determined to have been built on land privately owned by Palestinians. This is the first instance of the Civil Administration</p>	<p>settlers cannot blur the special status Palestinians are given under international law (under Geneva IV Palestinians in occupied territories are considered a “protected persons” entitled to special legal protections), and that the military commander must not favor the rights of settlers over the rights of the occupied.</p> <p>August 17, 2017: Precipitated by two petitions against the Regulation Law, the Israeli High Court of Justice issued a three-month injunction [subsequently extended] against the use of the “Regulation Law” until the Court rules on the law’s validity. The injunction also protects unauthorized outposts and settlement units that were built in “good faith” from demolition during the time the law is being considered by the court.</p> <p>July 18, 2017: The High Court of Justice ruled that settlers and Palestinian landowners should enter into negotiations to decide on a monetary figure that could resolve a land dispute in the Jordan Valley. The peculiar ruling – which implies a (false) legal symmetry between the claims of the Palestinians and the settlers – was in response to a 2013 petition filed by Palestinian landowners whose land was seized by the Israeli military and then given to settlers. The petition sought to have</p>

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	<p>implementing the Regulation Law.</p> <p>March 1, 2017: Israeli Attorney General Avichai Mandelblit officially notified the High Court of Justice that he would not defend the "Regulation Law" against challenges in the Court. Mandelblit had previously made clear both his sympathy for efforts to find a legal avenue to help "innocent settlers who have found themselves in a situation not in their favor," and his view that "The arrangement established in the law is sweeping, injurious and gives absolute priority to the rights and interests of the settler over the property rights of the land owners in the area...The law will also cause severe discrimination of the Palestinian population in the region, and therefore the law does not meet the test of proportionality."</p> <p>February 2017: A Haaretz report revealed that Attorney General Avichai Mandelblit approved an alternative legal route for carrying out the retroactive legalization of settler structures built on privately owned Palestinian land during a meeting in February 2017. Also in attendance at the meeting were four deputy attorney generals, the state prosecutor, the head of the High Court of Justice petitions department, and the legal</p>	<p>the settlers evicted and the land returned to its rightful owners.</p> <p>February 7, 2017: The High Court ruled that the State must evacuate and demolish 17 structures in the West Tapuah outpost that were built on privately owned Palestinian land. The ruling allowed 18 structures built on "state land" in the outpost to remain, seemingly an endorsement of the State's plan to retroactively legalize the outpost based upon the newly acquired authority recently granted to the government by the settlement "Regulation Law," which the Knesset passed into law just one day prior to the Court's ruling. Yesh Din, who filed the original petition with the High Court to have the West Tapuah outpost razed completely, responded the ruling: "We regret that the High Court allows the continued existence of the outpost, the existence of which constantly impinges on the human rights of the Palestinian residents of the neighboring village. The ruling shows that government policy, foremost the Regulation Bill which passed yesterday, is a policy of theft which withholds even the most basic rights from Palestinians."</p>

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	<p>adviser on the West Bank settlements. According to the minutes of the meeting obtained by Haaretz, Mandelblit's proposed solution calls for using Article 5 of the 1967 Government Property Order regarding "market regulation," saying that in limited cases where there was an honest mistake - a buyer who assumed in good faith that the sale of land was lawful but in fact was purchased from a party who was not the rightful owner - the well-intentioned buyer can prevent the return of property to the rightful owner and compensate the actual land owner monetarily for the land that was stolen by mistake. Mandelblit argued his proposal is narrower in scope than the Regulation Law, in that it could only be used on a case-by-case basis, where there was demonstrable good faith on the part of the settlers.</p>	

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Key Resources

- "The Grand Robbery: Another Step Toward Annexation" ([Peace Now](#))
- "Creeping Annexation: Changes in the Interpretation of the Laws Regarding Occupation" ([Peace Now](#))
- "The Israeli Knesset Passes the Settlement Regularization Law" ([Lawfare](#))
- "Israel's Settlement Regulation Bill Violates International Law" ([Just Security](#))
- "The Responses of the Government of Israel and the Attorney General in the Settlements Regularization Law Case" ([Adalah](#))
- "New report on illegal outposts fuels West Bank annexation concerns" ([Times of Israel](#))
- Pending Jerusalem Legislative Initiatives: Strategic Shifts in Current Status & Potential Political Future of Jerusalem" ([Terrestrial Jerusalem](#))
- "How Israel's Government is Aiming to Outweigh the Supreme Court" ([Haaretz](#))
- "Attempts to bypass' Israel's High Court will create a 'tyranny of the majority' " ([+972 Mag](#))
- "Battle erupts over over Israeli High Court's independence" ([Al-Monitor](#))
- "The Israeli government is arguing annexation is good for Palestinians" ([+972 Mag](#))

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Domestic pressure for Israel to annex settlements and surrounding lands in the West Bank immediately increased at the outset of the Trump-Netanyahu era, and continues to rise. The prospects that such pressure might bear fruit increased early into Trump's second year in office, when U.S. Ambassador David Friedman implied the U.S. would not interfere if such annexation were to occur. In the past, Netanyahu often cited U.S. pressure as his reason for blocking annexation bills from coming to a vote in the Cabinet; today, there is a growing sense of inevitability with respect to Netanyahu's eventual acquiescence to right-wing annexation advocates.

The table below lists the major annexation bills that are currently advancing.

Unilateral Annexation of Areas in the West Bank		
Knesset/Party Action	Executive/Ministerial Action	Judicial Action
<p>June 13, 2018: The Knesset is moving a bill that would transfer the responsibility of "managing" rural land in Area C of the occupied West Bank to the Settlement Division of the World Zionist Organization (WZO), a body dedicated to the establishment and development of settlements, whose activities have been dogged by fraud and illegalities for decades. The bill was introduced by MKs Bezael Smotrich (Jewish Home), Yoav Kisch (Likud), and David Bitan (Likud), and it passed through the first of three Knesset readings on June 13th. Reportedly, the bill will be put on hold for two weeks so the government has time to examine the possibility of achieving the same result through a Cabinet decision, avoiding the politics and pushback that might come in Knesset debate. Under international law Israel, as an occupying power, cannot grant non-governmental organizations the authority to manage lands outside of its borders.</p> <p>June 7, 2018: MK Bezael Smotrich (Jewish Home) announced that he has submitted a new bill to</p>	<p>June 6, 2018: Israeli Foreign Minister Tzipi Hotovely asked the travel site TripAdvisor to designate "Israel" as the location of hotels that are located in Area C settlements (the site currently lists the location, accurately, as "Palestinian Territories"). In a letter to the CEO, Hotovely argued that "There must be no politicization of sites in Judea and Samaria that fall under Israeli control." TripAdvisor declined the suggestion, replying that the site "complies with international tourism industry standards."</p> <p>March 4-6, 2018: During the annual AIPAC Policy Conference in Washington, DC, settler leaders and Israeli lawmakers publicly promoted the idea of annexation of settlements.</p> <p>February 16, 2018: A settler-aligned media outlet, Arutz Sheva, reported that the Ministerial Committee on Legislation is set to vote on a bill, introduced by MK Sharren Haskel (Likud), that would annex the Jordan Valley.</p>	

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<p>dismantle the Israeli Civil Administration, the governing body of the West Bank (operating under the Israeli Defense Ministry). The report on Smotrich's new bill does not mention anything regarding the future of the Palestinians, who lives are governed, in virtually every aspect, by the Civil Administration.</p> <p>June 3, 2018: The Knesset's Foreign Affairs & Defense Subcommittee on Judea and Samaria – held an hearing entitled, "the Palestinian Authority's strategic takeover of Area C." Area C constitutes 60% of the occupied West Bank over which the Oslo Accords granted Israel - on an interim basis - full civil and security control. During the hearing the Defense Ministry's settlement affairs secretary, Kobu Eliraz, told Knesset members that the Defense Ministry is "familiar" with the Palestinian Authority's alleged efforts to take over Area C and is "pursuing operative, legal and administrative measures to stop it. We have an orderly work plan in place that includes clear objectives." Eliraz also noted that the Defense Ministry has stopped nearly all "illegal" funding from the European Union for Palestinian communities in Area C. The facts well-documented facts regarding construction, demolition, displacement, and settlement growth show clearly that it is, in fact, Israel who is implementing an unapologetic and undisguised takeover of Area C. The Knesset hearing is part of the</p>	<p>February 12, 2018: At a Likud faction meeting, Netanyahu reportedly told Party leaders that the United States has been engaged in discussions about the "Annexation/Sovereignty Bill." Following a White House denial ("Reports that the United States discussed with Israel an annexation plan for the West Bank are false") Netanyahu was quickly forced to retract his claim, issuing a carefully worded statement saying that that Israel has "updated the Americans on the (annexation) initiatives being raised in the Knesset, and the Americans expressed their unequivocal position that they are committed to advancing President Trump's peace plan."</p> <p>February 12, 2018: Israeli President Reuven Rivlin (Likud) stated, "As Reuven Rivlin, I was born into the belief that the land of Israel is entirely ours...I am in favor of extending sovereignty, on the condition of equal rights for all of the residents of the area."</p> <p>February 8, 2018: Prime Minister Netanyahu intervened to block the Ministerial Committee for Legislation from voting on the "Annexation/ Sovereignty Bill," citing pressure from the United States.</p>	

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<p>effort to normalize Israeli annexation of Area C.</p> <p>May 27, 2018: MK Eitan Cabel (Labor, the largest faction in the Zionist Union coalition) published an op-ed in the Hebrew edition of Haaretz arguing that Israel should define and then apply Israeli law to the "settlement blocs," which he defines to include Ma'ale Adumim, the Etzion Bloc, the Jordan Valley, Ariel, Karnei Shomron, and more. Cabel promised to release and campaign for the full plan (presumably with more details) sometime soon.</p> <p>March 27, 2018: In an interview with the Arutz Sheva news outlet regarding data published by the Israeli Civil Administration that shows Palestinians outnumber Jews between the Mediterranean Sea and Jordan Valley, Deputy Defense Minister and MK Rabbi Eli Ben-Dahan (Jewish Home) said "We have to focus on the main issue. We are in Judea and Samaria because this is our land, and we are here so that we will never leave it. Sovereignty must be applied in Judea and Samaria as soon as possible." Ben-Dahan went on to suggest that "Even if we apply Israeli law in Judea and Samaria, full civil rights are not just given, and certainly not on the first day. We will have to wait several years as is customary in every country."</p>	<p>January 9, 2018: Finance Minister Moshe Kahlon (Kulanu) told his fellow Cabinet members - to their surprise - that "it's time to annex the settlement blocs." Kahlon's support for unilateral annexation is notable because Kulanu is the most left-wing party in the current governing coalition, and Kahlon is viewed as a centrist in Israeli political terms. Kahlon has also in the past been a proponent of a negotiated two-state solution in which Israel would annex the settlement blocs, but evacuate elsewhere.</p> <p>October 29, 2017: After raising expectations that the "Greater Jerusalem Bill" will be advanced, Prime Minister Netanyahu declined to have the Ministerial Committee for Legislation vote on the bill, citing the need to coordinate the measure with the United States. The media speculated about Saudi Arabia playing a role in Netanyahu's sudden reversal, which might have prompted an unnamed U.S. official to tell the press: "It's fair to say that the U.S. is discouraging actions that it believes will unduly distract the principals from focusing on the advancement of peace negotiations. The Jerusalem expansion bill was considered by the administration to be one of those actions."</p>	

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<p>February 5, 2018: The Israel Land Caucus held a conference to draw support for the "Annexation/Sovereignty Bill," which was drafted by MK Yoav Kisch (Likud) and referenced a recent a Likud Central Committee resolution.</p> <p>January 28, 2018: Based on the recently passed Likud Central Committee resolution (below), MK Yoav Kisch (Likud) unveiled a new settlement "Annexation Bill" which would apply Israeli law to "settlement areas in Judea and Samaria." The bill reads, "In the 70th year of the rebirth of the State of Israel and after the 50th anniversary of the return of the Jewish people to its historic homeland in Judea and Samaria (West Bank)...we move to designate the status of these territories as an inseparable part of the sovereign State of Israel." The Likud Party also launched a new online campaign, "Unifying Behind Sovereignty," to pressure lawmakers to support the bill.</p> <p>January 18, 2018: MK Sharren Haskel (Likud) announced a new bill to annex Israeli settlements in the Jordan Valley. The bill was soon after submitted to the Ministerial Committee on Legislation, seeking government support for the initiative.</p>	<p>October 3, 2017: Prime Minister Netanyahu announced his support for the "Greater Jerusalem Bill" while visiting the Ma'ale Adumim settlement with a delegation of Likud Party leaders.</p> <p>August 29, 2017: At an event in the Barkan settlement marking 50 years since Israel took control of the West Bank, Prime Minister Netanyahu said, "We are here to stay, forever. There will be no more uprooting of of settlements in the land of Israel...we will not fold. We are guarding Samaria against those who want to uproot us. We will deepen our roots, build, strengthen, and settle."</p> <p>June 28, 2017: At a cornerstone-laying ceremony for a new medical school in the Ariel settlement, Prime Minister Netanyahu declared: "Ariel will always be part of the State of Israel...we love the city of Ariel and will continue to build it." The Ariel University medical school is dedicated to American tycoon Sheldon Adelson, who donated USD \$20 million to the project.</p> <p>March 14, 2017: Prime Minister Netanyahu again delayed the Ministerial Committee for Legislation's consideration of the Ma'ale Adumim/</p>	

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<p><u>January 2, 2018</u>: The Knesset passed an amendment to the "Basic Law: Jerusalem, Capital of Israel" which - among many harmful effects - will make it easier for the Knesset to pass legislation to change Jerusalem's municipal borders to de facto annex settlements, and/or cut out Palestinian neighborhoods.</p> <p><u>January 1, 2018</u>: The Likud Central Committee voted to adopt a resolution calling for the annexation of settlements and unlimited construction in them. While Prime Minister Netanyahu did not directly comment on the resolution, it was widely understood that it was passed with his consent and is part of a growing push to have Netanyahu advance the "Greater Jerusalem" Bill.</p> <p><u>November 8, 2017</u>: The Knesset held a special discussion initiated by MK Yoel Hasson (Zionist Union) on the "Greater Jerusalem Bill." The bill's author, author, Minister of Jerusalem Affairs, Ze'ev Elkin (Likud), argued that the bill would solve "the demographic threat to Jewish Jerusalem" by adding Israel settlers to the Municipality while cutting out Palestinian neighborhoods. Right-wing Knesset Members were critical of the portion of the bill related to</p>	<p>E-1 annexation bill, reportedly in order to avoid friction during a trip by Jason Greenblatt, the special envoy of the Trump Administration. The Jewish Home Party leaders reportedly agreed to the delay.</p> <p><u>January 22, 2017</u>: Citing a recent conversation with (then) President-Elect Donald Trump, the Israeli Cabinet delayed officially submitting the Ma'ale Adumim/E-1 annexation bill to the Ministerial Committee for Legislation (the body of Cabinet Members who vote on whether or not to give government-backing to proposed legislation in the Knesset) until after President Trump and Prime Minister Netanyahu meet. A source in the Cabinet meeting told the Times of Israel that Prime Minister Netanyahu said, "I support Israeli sovereignty over Ma'ale Adumim...There is no question about Ma'ale Adumim, and in any future accord it will be under Israeli sovereignty. But right now, at the request of the U.S. administration, we were asked not to surprise them but to formulate a joint policy."</p>	

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<p>Palestinian neighborhoods, fearing that it implied a softening of Israeli claims to all of East Jerusalem, undermined their call for Jerusalem to be the eternal, united capital of Israel, and could lead towards the partition of the city in the future.</p> <p>September 11, 2017: MK Bezalel Smotrich (Jewish Home - National Union faction) unveils his annexation plan, titled "Israel's decisive plan for a Jewish state and an end to the conflict." The plan - which Smotrich dubbed "victory by settlement" - calls for Israel to annex the entire West Bank and provide financial incentives to Palestinians to emigrate. Palestinians who stay in Israel would have to swear allegiance to the state and would not be able to vote in national elections. The Jerusalem Post reports that Naftali Bennet and Ayelet Shaked - two senior leaders of the Jewish Home party - do not support Smotrich's plan, and that Smotrich's National Union faction might choose to run as their own party in the next election.</p> <p>October 30, 2017: After Netanyahu abruptly delayed the advancement of the "Greater Jerusalem Bill," citing U.S. pressure, Transportation Minister Yisrael Katz (Likud) told</p>		

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<p>the press, "The Americans have known about the law for months. I spoke about it in depth with [Trump envoy Jason] Greenblatt and [US Ambassador to Israel David] Friedman, and they never expressed any opposition...I've decided to remove the clause applying [Israeli] sovereignty [to the 19 towns which will be annexed to Jerusalem] from the law, to make it feasible politically to pass the bill."</p> <p>October 16, 2017: The newly-elected head of Israel's ostensibly center-Left Labor Party, Avi Gabbay, shocked the Israeli political landscape with his comments on several matters, including settlements, in a series of interviews. Gabbay told Israel's Channel 2, "If you make a peace deal, solutions can be found that do not necessitate evacuation [of settlements]."</p> <p>July 10, 2017: MK Yoav Kisch (Likud) unveiled "The Bill for the 'Jerusalem and Its Daughters' Law" [P/20/4386] (called the "Greater Jerusalem Bill"), which seeks to add 19 settlements into the Jerusalem Municipality, and simultaneously excise from the municipality those Palestinian neighborhoods of Jerusalem that are located east of the separation barrier. This would be, in effect, the de facto annexation of 19 West Bank</p>		

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<p>settlements by Israel. In the bill's official explanation, the authors write "the bill stipulates that the residents of Jerusalem's surroundings...will become part of Jerusalem. This way, Jerusalem will add a population which will preserve the demographic balance..." Intelligence Minister Yisrael Katz (Likud), said, "The most important goal is to strengthen the Jewish majority in Jerusalem."</p> <p>March 2, 2017: The Times of Israel reported that leaders of the Jewish Home party (including Education Minister Naftali Bennett) intend to renew their push for the annexation of the settlement of Ma'ale Adumim and the adjacent area (where the long-planned E-1 settlement is to be located), after it was postponed by the Israeli Cabinet last month.</p> <p>January 1, 2017: Education Minister Naftali Bennett (Jewish Home) announced his expectation that a bill to annex the Ma'ale Adumim settlement (including the E-1 area, which is within the Ma'ale Adumim municipal boundaries) will receive government backing and be introduced in the Knesset by the end of the month, following the inauguration of U.S.</p>		

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President Donald Trump. The bill was written by MKs Bezalel Smotrich (Bayit Yehudi) and Yoav Kisch (Likud).		
<p>Key Resources</p> <ul style="list-style-type: none"> • "From Creeping to Leaping: Annexation in the Trump-Netanyahu Era" (Ori Nir & Debra Shushan, Americans for Peace Now) • "Annexation Moves Intensify: Greater Jerusalem Bills Hits Ministerial Committee on Legislation on Sunday" (Ir Amim) • "Escalation in Israel's Settlement Policy: The Creation of De-Facto Annexation" (Peace Now) • "One Giant Likud Leap Toward Apartheid" (Peace Now) • "Israel's Annexation Crusade in Jerusalem: The Role of Ma'ale Adumim and the E1 Corridor" (Al-Shabaka) • "Killing the Two-State Solution Through the Suspension of Disbelief" (Lara Friedman) • "Creeping Annexation" (J Street) • "Settlement Bloc(kage)s on the Road to Peace" (Americans for Peace Now) • "Will Israel Annex the Jordan Valley?" (Al-Monitor) 		

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For 50 years, the State of Israel’s official position with respect to the West Bank is that it is outside of the borders of sovereign Israel, held by Israel under a temporary military occupation - a position that conforms (at least in theory) with international law of belligerent occupation. The lives of Palestinians living in the West Bank, consequently, are governed by military law and regulations, under the authority of the Israeli Army and its “Civil Administration.”

At the same time, the Israeli government has placed Israeli settlers living in the West Bank under Israel’s domestic justice system, where they enjoy the same rights, protections, and benefits as Israeli citizens living inside sovereign Israel. In addition, the Israeli military, in its capacity as the de facto sovereign over the territory of the West Bank, has routinely issued orders taking new Israeli domestic laws and extending their application into settlements and over settlers. Taken together, these practices amount to a de facto extension of Israeli sovereignty into the West Bank, through the extra-territorial application of Israeli law on settlers and settlements.

In the Trump-Netanyahu era, pro-settlement, anti-two state lawmakers are seizing the opportunity to take this practice of de facto annexation further, reviving efforts to effect the annexation of much of the West Bank by institutionalizing the application of Israeli domestic law (and therefore Israeli sovereignty) over areas of Israeli settlement.

This table documents their efforts. [NOTE: This table draws from a number of Israeli sources, including Arutz Sheva, a media outlet that is closely associated with the settlers.]

Systematically Applying Israeli Domestic Law in the West Bank

Knesset/Party Action	Executive/Ministerial Action	Judicial Action
<p>July 16, 2018: The Knesset voted 56-48 to pass a law that strips Palestinians of their direct avenue to the High Court of Justice (which, since 1967, has been the court of first jurisdiction for cases related to Palestinians living in the West Bank, reflecting the extraordinariness of Israeli judges issuing, in effect, extra-territorial legal rulings.). The new law compels Palestinians living in the West Bank to file petitions with the Jerusalem District Court (located within Israel’s sovereign borders). The High Court of Justice will only hear Palestinians’ cases on appeal from the district court, adding more time and higher costs to any potential appellant.</p>	<p>February 25, 2018: The Ministerial Committee for Legislation voted to support a bill that would strip the High Court of Justice of its jurisdiction over certain West Bank petitions and transfer that jurisdiction to the Jerusalem District Court. Under the proposed law, Palestinians living in the West Bank seeking legal recourse in disputes with settlers or the Israeli military – including with respect to travel permits, building permits, land ownership, and freedom of information – would be forced to go to the Jerusalem District Court. In effect, the proposal normalizes and institutionalizes the application of Israel’s domestic legal system on the West Bank. Only after a ruling by the Jerusalem District Court</p>	<p>May 16, 2018: IDF Commander Nadav Padan issued a military order applying to settlements a new set of rules and regulations for the upcoming municipal elections. These rules and regulations are contained in a bill that is under consideration, but has not yet been passed, by the Knesset (regarding candidate eligibility, polling place regulations, and voter registration issues).The IDF Commander’s preemptive order is a novel new tactic by which the Israeli government is affecting the de facto annexation of areas in the West Bank by applying Israeli domestic law there. As the Haaretz report notes, it typically takes months if not years for the IDF Commander to issue military orders that apply Israeli laws to the settlements after they are passed by the Knesset.</p>
<p>June 25, 2018: The Knesset Constitution, Law, and</p>		

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<p>Justice Committee considered a bill, introduced by Justice Minister Ayelet Shaked (Jewish Home), that would empower Cabinet Ministers to select their own ministerial legal advisors. Historically non-political positions, the ministerial legal advisors, referred to as "gatekeepers," work to ensure that ministerial activities are taken up and implemented in accordance with Israeli law. Under current Israeli law, legal advisors are appointed through a public tender process that ministers cannot influence. Under Shaked's bill, each ministry would create a selection committee to fill the position. The members of the selection committee would be chosen by the relevant minister, and the committee's decision on a candidate would then require the approval of the relevant minister and the Attorney General. The proposal would effectively allow each minister to choose the legal advisor he or she wants. This move is just the latest Shaked effort to politicize elements of the Israeli legal environment in favor of the de facto annexation of settlements.</p> <p>June 18, 2018: The Knesset passed into law a bill that will allow Israeli chicken farmers located in the settlements to sell their personal egg quotas to farmers in sovereign Israel - effectively merging the egg markets of the West Bank and sovereign Israel into one entity. The bill is a further expression of</p>	<p>could cases be appealed to the High Court of Justice. Since 1967, the court of first jurisdiction for cases related to Palestinians living in the West Bank has been the Israeli High Court of Justice, reflecting the extraordinary nature of Israeli judges in effect issuing extra-territorial legal rulings. Justice Minister Ayelet Shaked (Jewish Home), who sponsored the bill, made clear that her goal is to strengthen the position of settlers in court cases involving Palestinians. An official at the Justice Ministry elaborated, saying that Shaked views the High Court of Justice as "overly concerned with international law and with protecting the rights of the 'occupied' population in Judea and Samaria."</p> <p>January 21, 2018: For the first time, Israeli Cabinet members discussed whether or not 12 new bills are applicable to the settlements. Apparently (though not reported by Israeli press previous to this date), Israeli Attorney General Avichai Mandelblit issued new procedures to clarify instructions sent to the Cabinet by Shaked and Levin. The Attorney General's procedures require Ministers to prepare, as part of their preliminary formulation of a bill, a legal opinion on whether the law can be applied to the territories with or without a new military order.</p>	

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<p>Israeli sovereignty over the settlements in the occupied territory and continues the economic blurring of the Green Line. On the same day, the Knesset also advanced another bill through its second and third readings that would, if passed, allow tax funds to be transferred between settlements and communities inside of sovereign Israel.</p> <p>May 29, 2018: The Knesset's Interior Committee sent a bill to the Knesset plenum which seeks to extend Israeli law into the West Bank in order to send certain Israeli tax revenues to settlements. Current Israeli law allows tax funds to be transferred between communities inside of sovereign Israel, a tax sharing arrangement that stops at the Green Line; the bill advanced this week will allow a one-directional transfer from Israel into West Bank settlements, with the Interior Committee discussion making it clear that the law will not allow tax revenue from wealthy West Bank settlements to be brought into sovereign Israel.</p> <p>May 28, 2018: The Israeli Knesset advanced a bill through its first reading that, if passed, will give the Jerusalem District Court jurisdiction over land disputes in the occupied West Bank. For more, see the February 25, 2018 entry regarding the Israeli Cabinet's decision to give government-</p>	<p>As part of the Cabinet's discussion of the 12 new bills on Jan 21, 2018, the Cabinet decided that at least two proposed bills - regulatory egg quotas and a privacy bill - can apply to the settlements without a military order.</p> <p>January 3, 2018: Justice Minister Ayelet Shaked (Jewish Home) told the Knesset House Committee that she has decided to reorganize the Justice Ministry in her continuing push to apply domestic laws to the settlements. Shaked explained "The Judea and Samaria area has moved from the administrative department to the public-constitutional department under the direction of Deputy Attorney General Raz Nizri. Within this department we have established a new unit that is responsible, among other things, for the subject of legislative equality in Judea and Samaria." Shaked announced that attorney Avinoam (Avi) Segal was appointed in December 2017 to head this new unit.</p> <p>June 6, 2017: In her capacity as the Chair of the Ministerial Committee for Legislation (a body of Cabinet ministers who vote on whether the government will support Knesset legislation), Justice Minister Ayelet Shaked, along with</p>	

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<p>backing to the bill.</p> <p>February 13, 2018: The Knesset passed a bill to extend Israeli domestic law over universities and colleges in the settlements. Known as the "Ariel Bill," it effectively annexes colleges and universities in settlements by bringing them under the authority of the domestic Israeli Council for Higher Education. This bill paves the way for establishment of a medical school funded by U.S. settlement backer (and key Netanyahu and Trump supporter) Sheldon Adelson.</p> <p>January 3, 2018: After much debate and consideration of how to advance, the Knesset House Committee instructed lawmakers to discuss how every new bill can be applied to the settlements - either directly or through a military order. Following a heated debate in which Meretz party members were removed from the chamber, the House Committee voted to issue these instructions based on the recommendation of the Knesset's legal advisor, as an alternative to a proposal by MK Yoav Kisch's (Likud) that would have changed the official rules of the Knesset to require bills to include a written legal explanation</p>	<p>Tourism Minister Yariv Levin, issues a directive that the committee will not consider endorsing any legislation that does not state how it can be applied to the settlements. Since Shaked controls the committee's agenda, she can single handedly require all legislation that seeks government support to include an argument for such applicability before the bill is filed for consideration. Justice Minister Shaked <u>stated</u> that "the rule must be that the law applies to the settlers unless there is good reason not to. Not the opposite." Jewish Home MK Shuli Moallem-Refaeli <u>said</u> she had "no desire to conceal" the government's intention to annex the West Bank.</p> <p>May 2017: The Justice Ministry held a seminar for the legal advisers in government ministries, as part of an effort to establish a system for applying Israeli laws to the settlements. Reportedly, each government ministry will have an official who is tasked with coordinating his/her ministry's system of laws as they pertain to the West Bank, and the Justice Ministry will hire additional staff to coordinate the activity of each ministry under the authority of the deputy attorney general in charge of constitutional and international law.</p>	

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<p>of how the law can be applied to the settlements. Instead, the House Committee issued instructions to lawmakers telling them to discuss the legal applicability of the laws they are drafting, but not requiring them to write it. Chairman of the Knesset House Committee MK Yoav Kisch (Likud) said "many laws have been legislated to this day without a clear definition of how they will be implemented - by primary legislation or by general order. We won't allow this situation anymore. This decision will lead to a change in attitude towards Judea and Samaria residents, and thus a new situation will begin which will put an end to the discrimination against them."</p> <p>May 2, 2016: Justice Minister Ayelet Shaked(Jewish Home) announced her intention to revive past efforts to pass the so-called "Civil Law" bill. That bill, first introduced in 2014, would force the Israeli army to issue military orders extending Israeli domestic law over the settlements. In 2014, Israel's attorney general criticized the bill for undermining the authority of the Israeli Defense Forces (IDF) Central Command. Education Minister Naftali Bennet (Jewish Home), when asked about Shaked's bill, said, "I believe that all of Judea and Samaria should be under Israeli law, just as it is in the Golan Heights,</p>		

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<p>though the whole world would object.” MK Tzipi Livni (Likud) said, “The right-wing government is quietly beginning the process of annexation in order to impose its ideology there. The end result of this is the collapse of the idea of having two states, the beginning of two completely different legal systems in one country, enormous damage to Israel’s image internationally and, ultimately, 2.5 million Palestinians with the right to vote and a Knesset majority.”</p>		
<p><u>Key Resources</u></p> <ul style="list-style-type: none"> • “Israel and Annexation by Lawfare” (Michael Sfard, The New York Review of Books) • “One Rule, Two Legal Systems” (ACRI) • ACRI Position Paper on applying sovereignty over the settlements (ACRI) • “The End of Israel's Enlightened Occupation” (+972 Mag) • “The Knesset Wants Apartheid” (Haaretz Editorial Board) 		