



Precedent for Annexation – East Jerusalem

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Israel's annexation of East Jerusalem serves as the historical precedent and template for any further extension of Israeli sovereignty in the West Bank.

Following the Declaration of Independence in 1948, Israel extended its sovereignty beyond the borders designated by the U.N. partition resolution and declared Jerusalem its capital. The move was not recognized by any state. After the West Bank occupation in June 1967, Israel extended sovereignty over East Jerusalem through a process that continues to this day, by which Israeli laws and regulations are applied progressively to land Israel occupied militarily.

This process contravened international law, and the international community objected, including the United States.¹ United Nations Security Council and General Assembly resolutions called on Israel to rescind the annexation.² Israeli officials countered that they had only implemented a series of administrative measures to restore order, integrating the delivery of service to residents of a unified Jerusalem as the East Jerusalem Municipality was ordered to cease operations.³

Since 1967, Israeli policy has been to enforce its sovereignty by making sure there is a Jewish majority in the city through a mix of de facto and de jure measures, which allows it to continue to maintain it has not annexed the territory. The new municipal boundaries of Jerusalem left out densely populated Palestinian areas that threatened a Jewish majority. Land belonging to villages near Jerusalem was annexed, but the homes of their Palestinian owners were excluded.

East Jerusalem Palestinians were registered as “permanent residents,” which restricts their rights and prevents them from voting in Israeli national elections or holding an Israeli passport. The status can easily be revoked; for example, those residing abroad for any length of time – some 14,500 Palestinians since 1967 – have lost their residency status.

Redrawing municipal boundaries and withdrawing residency status are the two basic tools Israel uses to control Palestinian demographics, part of a complex web of policies – including

¹ Friesel, O. (2016, Israel's 1967 Governmental Debate about the Annexation of East Jerusalem: The Nascent Alliance with the United States, Overshadowed by “United Jerusalem.” *Law and History Review*, 34(2), 363-391.

² The resolutions: https://ecf.org.il/media_items/486.

³ The 1980 Basic Law: Jerusalem, Capital of Israel, avoided any reference to annexation and sovereignty, and East and West Jerusalem, instead referencing “Jerusalem, complete and united, is the capital of Israel.” The U.N. Security Council rejected this law in Resolution 476 (1980) and Resolution 478 (1980).

restrictions on residential construction and budgetary discrimination to prevent the development of Palestinian neighborhoods – designed to force Palestinians to leave Jerusalem.

In addition, Israel supports organizations that aim to take over Palestinian homes and establish Jewish enclaves in East Jerusalem while also trying to expand the existing boundaries of the larger settlements in order to break up Palestinian neighborhoods that overwhelmingly dominate East Jerusalem’s topography. Today, the annexed area is home to about 370,000 Palestinians, with 209,000 Israeli settlers living in 12 “Jewish neighborhoods.”

More recently, motivated by concern that demographic trends indicate Jerusalem is heading toward a non-Jewish majority, Israeli officials are trying to extend Israeli law and regulations in areas they had overlooked, cataloguing all East Jerusalem in the Israel Lands Registry and imposing their curriculum in Palestinian schools.

Moreover, Israel is planning to further redraw municipal boundaries to excise Palestinian neighborhoods,⁴ a measure that has already been partially implemented with the separation wall built since 2003, which left out of Jerusalem about 55,000 Palestinians who are Israeli “permanent residents.” These areas would become separate Israeli administrative units (though Palestinians fear they would eventually lose their residency status and their ability to enter East Jerusalem or Israel), offering a template for how Israel could annex other West Bank areas.

The U.S. recognition of Jerusalem as the capital of Israel on Dec. 6, 2017, did not explicitly refer to the annexation of East Jerusalem, but it emboldened Israel’s leading advocates of annexation. Since then, Israeli politicians have advanced plans to consolidate control of East Jerusalem, including through laws that obstruct concessions on the city in any future agreement with Palestinians.⁵ Along with measures to strengthen Israeli control over Jerusalem, the ruling Likud party turned annexation into party policy.

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⁴ In May 2018, Israel adopted a five-year plan for East Jerusalem, allocating \$530 million with the stated goal of “improving living conditions”. Covertly, the objective was asserting Israeli sovereignty, ICG, Reversing Israel’s Deepening Annexation of Occupied East Jerusalem, Middle East Report 202, June 12, 2019, page i. The concern of the previous master plan for Jerusalem, drafted in 2010, was primarily demographic, as it aimed to “to establish the status of Jerusalem as the capital of Israel and the center of the Jewish people.” Ir Amim, Analysis of the Jerusalem Master Plan 2000, Jerusalem, June 2010. <https://oldwebsite.palestine-studies.org/sites/default/files/jps-articles/jps.2010.xl.1.193.pdf>.

⁵ On Dec. 26, 2017, the Knesset approved a bill that will make it far more difficult to cede parts of the Holy City to the Palestinians, who want East Jerusalem as the capital of their future state. Previously, a peace deal that gave up any part of the city could have been ratified either with a supermajority in Parliament, or with a simple majority and a national referendum. Under the new law, it may be ratified only with a supermajority, or 80 of 120 votes. A second element, the redrawing of the municipal boundary, was dropped from the bill.