



*U.S. ambassador David M. Friedman and Israeli prime minister Binyamin Netanyahu visiting Ariel on February 24, 2020. REUTERS*

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## WRESTLING WITH ANNEXATION

THE ELUSIVE SEARCH FOR A POLICY RATIONALE



## EXECUTIVE SUMMARY

Why is Israel poised to consider annexation of West Bank territory?

A cost-benefit analysis argues for preserving the status quo. Israel already enjoys complete security control over the West Bank, its civil law already governs its citizens living there, and it has largely succeeded in normalizing the international community to continued growth in settlement activity. Most relevant actors—the Palestinian Authority, many Arab states, key European capitals, UN Security Council members, and the United States—have reconciled themselves to this reality and do not actively oppose it. Of course, the status quo is not cost-free and reaching a negotiated peace would be preferable, but this alternative has been both reasonably tolerable and surprisingly sustainable.

Israel's proven commitment to a negotiated peace with the Palestinians has been an essential pillar of the status quo. Though actual peace talks have foundered for years, Israel's embrace of the idea of peace—despite serial Palestinian rejections of statehood offers—has been central to allowing it to hold increasingly unchallenged control over the West Bank.

Settlements have long posed a tangible challenge to this commitment, but Israel has always responded that they were ultimately negotiable—not all of them, to be sure, but many of them. The gut-wrenching removal of settlements from Sinai in the 1980s, and from Gaza and the northern West Bank two decades later, gave credence to this argument.

The proposed annexation of up to 30 percent of West Bank territory—including all settlements—threatens to undermine Israel's case. While this step may not trigger violence with Palestinians, tension with regional states, or punitive measures from the international community, all those potential outcomes exist. Why take the risk?

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From a recent conversation with one of the architects of the annexation concept, I learned the following:

- Annexation springs from a gloomy view of Israel's strategic situation in which the world's "consensus" position on what constitutes a just solution to the Israeli-Palestinian conflict has lurched leftward—in a pro-Palestinian, anti-Israel direction—as Israeli politics have shifted rightward. Especially worrisome among advocates is the fear that "solutionism" has taken hold of U.S. policy. This reached its apex in the December 2016 approval of a UN Security Council resolution labeling as illegal all Israeli settlements, including all construction in East Jerusalem, which passed with a U.S. abstention in the closing days of the Obama administration.
- The Trump administration's much more sympathetic approach, in the view of annexation advocates, gives Israel an opportunity to stop this drift toward "solutionism." Just as with President Donald Trump's decisions to move the U.S. embassy to Jerusalem and recognize Israeli sovereignty over the Golan Heights, advocates contend, annexation will trigger little global

reaction. Once Israel has a sovereign eastern border recognized by the United States, other nations will reconcile themselves to a new reality. Indeed, many Arab states will actually welcome annexation for having taken the territorial issue off the Israeli-Palestinian agenda altogether. According to this argument, this applies even to Jordan, whose king is just play-acting with apocalyptic warnings of a “massive conflict” triggered by annexation, given that Jordanians would much prefer Israel Defense Forces troops along the border rather than Palestinian security forces.

- But a contradiction lies at the core of the worldview of the annexation advocate with whom I spoke. At the same time as he argued that Israel’s strategic situation is gloomy, he also claimed Israel is in such an enviable international position that many global actors—including Arab states, Russia, and China—will mute their outrage at Israel’s unilateral annexation to focus on their many other common interests with the Jewish state.

I posed a series of questions to my interlocutor—on why Israel would risk a favorable status quo to gamble on the uncertain international reaction to annexation; on why Israel would pursue an initiative that effectively gives the Palestinians a veto on its incremental normalization with Arab states; on why Israel’s prime minister would want to distract the world from focusing on Iran precisely when Tehran is breaking every remaining constraint in the 2015 nuclear deal; on why Israel would help make the case for International Criminal Court prosecutors by taking a step that even many of its closest friends could not defend. Each of these elicited a variation of the same response—*Israel is essentially alone in the world; we need to take our destiny into our own hands.*

I then asked about the potential for political change in the United States, noting that Israel needs to consider that annexation may compel even a President Joe Biden—who would come to office with an instinctive affinity for Israel—to revoke Trump’s recognition and warn that he could not defend Israel in the court of world opinion. Why would Israel take such a risk, I asked. Though he acknowledged Biden was naturally friendly to Israel, my interlocutor highlighted the reflexive anti-Israel sentiments taking root in the Democratic Party and then returned to his original theme: an unequalled opportunity to reset the fundamentals of the Palestinian issue. *We know there will be some turbulence at the beginning, perhaps for a month or two, but we can withstand it. The time to act is now.*

As a lifelong supporter of a strong, vital U.S.-Israel partnership, this conversation left me deeply troubled and profoundly sad—troubled because my interlocutor was so defeatist about Israel’s diplomatic future and indifferent to the danger inherent in the action he was advocating; sad because I find myself on the wrong side of a historic moment of U.S.-Israel strategic cooperation, one in which the U.S. and Israeli leaders jointly advocate a policy I fear will cause long-term damage to the bilateral relationship.

Key elements of current U.S. peace process policy defy credulity. Decades of Middle East experience, along with all available evidence, fail to support the assertion that the threat of annexation will advance President Trump’s January 2020 peace plan by convincing Palestinians to come to the table now to avoid the unbearable costs of continued intransigence. And there is even less reason to think that actually implementing annexation now will bring the Palestinians to the table at some point over the next four years.

Moreover, the assertion that annexation will remove the territorial issue from the bargaining table is, in my view, wrong. The opposite is more likely. Despite U.S. approval for annexation, Israelis and Palestinians will still have competing claims, Israel will still lack internationally recognized boundaries, and the territorial aspect of the Israeli-Palestinian conflict will remain unresolved.

Along the way, annexation runs a risk of causing significant deterioration in Israel's strategic environment—a severe heightening of tensions in the West Bank; a worsening of relations with Israel's eastern neighbor, Jordan; an opportunity for Hezbollah and its Iranian patron to refocus attention from Syria back to their “noble crusade” of *muqawama* (resistance) against the Zionist entity; a freezing of at least public progress toward Israel's normalization with the broader Arab world; and the unleashing of the worst anti-Israel tendencies in Europe, the United Nations, and other international institutions.

In the longer term, a unilateral decision to make permanent Israel's hold over territory that Israel always accepted as disputed could prompt some of the Jewish state's closest friends to abandon their long-held position that Israel's very presence in the territory was a legitimate outcome of its defensive war in 1967. Over time, annexation may trigger a shift in key capitals that moves from defending Israel as a “legal occupier” pending a negotiated peace to viewing Israel as an “illegal occupier” whose actions prevent a negotiated peace. The consequences for Israel's standing in the world could be ruinous.

In this regard, calibrating the *extent* of annexation will likely have only marginal significance in mitigating the global reaction to it. Critics will focus on what they view as Israel's purposeful violation of a fundamental international norm, not on whether some Israeli politicians consider the violation more modest than it could have been.

In the United States, annexation will accelerate a deepening partisanship over Israel that, over time, can only erode support for the strategic partnership among key constituencies, damaging the long-term interests of both countries. Along the way, it will feed a corrosive process on Israel within the Democratic Party—a process that is real but neither foreordained nor unsalvageable.

Still, a decision to annex West Bank territory is not a certainty, and many actors have the power to affect the Israeli government's calculus. These include the Palestinian leadership; key Arab states—from Israel's two peace partners, Egypt and Jordan, to newfound friends in the Gulf; and even Biden. Domestically, Israel's security establishment could play a role in injecting realism into a debate that, surprisingly, has not focused on cost-benefit analysis. Perhaps Prime Minister Binyamin Netanyahu himself comes to the conclusion—as he has so often in the past—that prudence is the wiser course of action.

But even if the current crisis passes, the idea of annexation has now been legitimized in Israel and will surely reemerge in the future. In this regard, it is important to remember that the key variable in transforming this from a hypothetical issue to an urgent, practical problem was a shift in U.S. policy from opposing unilateral Israeli annexation to welcoming and even encouraging it. Ultimately, the threat annexation poses to shared U.S. and Israeli interests will only dissipate when U.S. policy no longer incentivizes it. ❖

**W**hy is the new government of Israel, its thirty-fifth since independence, poised to consider a measure to extend Israeli law to territory in the West Bank—that is, annexation—that none of the twenty-two other governments since the June 1967 war have ever taken?

From the outside, a cost-benefit analysis argues for preserving the status quo. After all, Israel already enjoys complete security control over the entire West Bank, its civil law already governs its citizens living there, and, through persistence and repetition, it has largely succeeded in normalizing the international community to continued growth in settlement activity throughout the area.

The Palestinian Authority (PA), the Ramallah-based self-governing institution set up by agreement with Israel twenty-seven years ago, seems reconciled to this reality. For the past fifteen years, it may have found itself chafing in an unhappy situation but not so much so that it opted instead for violent uprising, let alone ending critical modes of cooperation. (In fact, when the PA recently announced it was severing security coordination with Israel to protest the new government's intention to consider annexation, it still promised to take all measures at its disposal to foil violent attacks against Israeli targets.) And, it should be pointed out, the Palestinian leadership rejected multiple offers for statehood along the way that may have fallen short of its full territorial demands—but, at times, only barely so.

Similarly, after fifty-three years of Israeli control over the area, Washington, Brussels, and most Arab capitals have also repeatedly signaled their own acquiescence to the way things are. Peace treaties between Israel and two key Arab neighbors—Egypt and Jordan—have shrunk the potential impact of the Palestinian-Israeli conflict on regional security, and as a result, efforts at resolving the narrower conflict over power, rights, and sovereignty west of the Jordan River have grown less urgent and less intensive over time. Some capitals may periodically issue statements of outrage at this or that provocative statement or action but little more. The architecture of diplomatic activity exists—some White House official charged

with the “peace process” file, regular meetings among representatives of the Quartet (UN secretary-general, European Union, United States, and Russia), the ubiquitous and, in the current incarnation, quite capable UN envoy shuttling from capital to capital—but actual peacemaking has been on hold for years.

In other words, through a mix of determination, subtlety, and appreciation of what really mattered to the other stakeholders, Israel devised an effective strategy that offered real peace based on territorial compromise and, when that path was not taken, preserved a far-from-ideal, not-unsatisfactory, less-than-peace status quo that allowed for relatively quiescent Palestinian self-government and Israeli settlement growth, all under ultimate Israeli security control. That status quo is certainly not cost-free, given the periodic eruptions of violence, constant threat of terrorism, and diplomatic awkwardness it engenders in Europe and elsewhere that Israel has faced for years. Peace would always have been preferable, but the alternative has been both reasonably tolerable and surprisingly sustainable.

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One key reason for the success of that strategy is that, over time, Israel made itself a much more valuable partner to governments in the region and around the world. Peace with Jordan and Egypt may have reduced the relative significance of the Palestinian issue in security terms, but Israel did far more than that in strategic and economic terms.

By wisely investing its peace dividend into transforming itself into the “start-up nation”—the cyber innovator, the health science visionary, the nanotechnology leader, the desalination and irrigation pioneer, and, yes, the purveyor of high-tech military gadgets par excellence—Israel succeeded in shrinking the relative importance of the Palestinian issue in virtually all aspects of other nations' relations with it. Smart decisions by Jerusalem gave other governments a positive rationale for wanting cooperative relationships. And Israel complemented this strategy by taking

a page from Teddy Roosevelt, earning considerable respect by speaking softly (most of the time) and wielding a big stick effectively (also most of the time). This ranged from sending its air force to support Egypt's campaign against jihadists in the Sinai Peninsula to launching hundreds of strikes to impede Iran's expansion into the Levant to dispatching spies to pilfer a nuclear archive in the heart of Tehran.

As the saying goes, nothing succeeds like success, and there are numerous visible signs of the success of Prime Minister Binyamin Netanyahu's strategy of building bridges to Arab states without having to wait for a final resolution of the conflict with the Palestinians. Highlights include everything from Netanyahu's open visit to Oman in October 2018 and his publicized sit-down with the new leader of Sudan in February 2020 to Israeli participation in sports events across the Gulf—including the playing of Israel's national anthem after an Israeli gymnast won a gold medal in Qatar in March 2019—and the announcement that an Israeli pavilion would proudly host visitors at the world's largest trade fair, Dubai 2020 (now 2021). None of this has yet translated into full diplomatic relations, with no Arab state joining Egypt and Jordan in extending formal recognition to Israel, but the cumulative impact of this incremental normalization is both to signal the inevitability of these relations and to diminish the importance of that last step. And along the way, the invisible dimension of Israel's ties with certain key Arab and Muslim-majority states—in intelligence cooperation, technology transfer, arms sales, and strategic coordination—has only deepened.

But it is a mistake to argue that mutually beneficial bilateral relations could ever substitute for one of the foundational pillars of the formula that successive Israeli governments presented to the world—an unflinching commitment to the idea of a negotiated peace with the Palestinians. The sad reality, driven largely (but not solely) by the fecklessness of Palestinian leadership, is that the two sides have had no negotiations for more than six years and only talked in fits and starts for years prior to that. Despite this, the brass ring of negotiated peace always remained fixed to Israel's diplomatic carousel.

To Israel's great credit, both center-left and center-right governments returned again and again to the bargaining table despite serial Palestinian rejections of statehood offers. Some critics snickered at the diplomatic masochism of Israel's repeated willingness to swallow rejection and then offer the Palestinians even more generous terms, but Israel's leaders understood the broader strategic value in this policy. By maintaining a consistent commitment to the idea of peace through compromise, Israel not only achieved an enviable global standing and enjoyed remarkable prosperity, but it was able, along the way, to hold increasingly unchallenged control over the territories in dispute with the Palestinians.

Central to Israel's argument was the promise never to take measures that would constitute an insurmountable obstacle to negotiating peace. Here, settlements posed a quandary. Pouring concrete and spreading asphalt are the epitome of "facts on the ground," but Israel's argument was that the construction of new communities in the disputed areas was not an obstacle to peace because they were ultimately negotiable—not all of them, to be sure, but many of them. There was a time when Israeli leaders made a distinction between "security" settlements and "political" settlements; then it was between settlements east of the security barrier and those west of the barrier; then it was the difference between authorized settlements and illegal outposts. Such distinctions gave meaning to the thesis that settlements were an item to be negotiated, not an immovable barrier to peace.

The emotional 2005 removal of eight thousand Israeli settlers from twenty-one settlements in Gaza prior to the area's handover to full Palestinian control—which followed the evacuation two decades earlier of more than three thousand settlers from two towns and eighteen villages in Sinai as part of the Egypt-Israel peace treaty—gave credence to Israel's argument. That was especially the case since Israel also signaled the likelihood of further withdrawals by dismantling four small settlements in the northern West Bank at the same time as it pulled back from Gaza. Following the gut-wrenching Gaza evacuation, experts offered estimates of the maximum number of

settlers who could be removed from their West Bank homes in some hypothetical peace agreement without straining the Israeli political system to its breaking point—25,000? 50,000? 100,000?

Annexation pours cold water on that whole line of discussion. The proposal currently under consideration is to annex the entire Jordan Valley as well as all Israeli settlements in the West Bank, including remote outposts deep within established Palestinian areas, and to connect those isolated enclaves to pre-1967 Israel and to one another via a complex array of roads, bridges, and tunnels. This plan pegs the number of Israelis to be relocated as part of a future peace agreement at zero. In so doing, it removes a key building block from the edifice of longstanding Israeli strategy.

Israel's new argument has brutal clarity: "We used to say, 'Let's negotiate over the future of the West Bank.' Now we say, 'Let's negotiate over the future of the 70 percent of the West Bank we haven't annexed.'" Will removing this fundamental piece of Israel's diplomatic edifice bring the entire structure crashing down, like a child's game of Jenga? Will this trigger the third Palestinian intifada that wise policy has prevented for fifteen years? Will this empower Israel's critics to take unprecedented action against the Jewish state? Will this turn Israel's friends cold, distant, and uncaring?

Perhaps not. The international community—or, more precisely, "those who matter"—may have moved on, as committed advocates of annexation contend. But the same committed advocates have to admit that the odds of annexation undermining the remarkably successful architecture of Israeli national security and foreign relations carefully constructed over the years—and especially so during the Netanyahu era—are not zero.

Hence the question: Why take the risk? What new benefit would Israel derive from annexation that is worth the potential hazard of stirring up a hornet's nest of ostracism, criticism, and perhaps sanctions? Yes, an important variable has changed—an American president's willingness to endorse Israel's claim to sovereignty in a substantial portion of the

West Bank—but what lasting advantage might Israel win that it hasn't already achieved from years of prudent management of the Palestinian issue?

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In early May, as Binyamin Netanyahu and Benny Gantz were putting the finishing touches on their odd-couple unity government, I posed this question to one of the architects of the annexation idea. It was one of the most instructive and eye-opening conversations I have had in years. I learned that the strategic rationale for annexation emerges from a split-screen, internally contradictory assessment of Israel's place in the world.

On the one hand, annexation springs from a dark and foreboding view of Israel's strategic situation. Slowly but surely, this argument goes, the world's "consensus" position on what constitutes a just solution to the Israeli-Palestinian conflict has lurched leftward—in a pro-Palestinian, anti-Israel direction—precisely as Israeli politics have shifted rightward, as evidenced by successive election victories for Netanyahu and the implosion of Israel's left and center-left.

Especially worrisome to annexation advocates is the fear that "solutionism" has taken hold of U.S. peace process policy. Here, they cite the ideas presented in U.S.-Israel discussions during the Obama administration by retired Marine Gen. John Allen to substitute a low-key, high-tech U.S. presence for Israel Defense Forces (IDF) deployments in the Jordan Valley that many Israeli leaders view as essential to the nation's security. They also cite the total lack of consequences Palestinian leader Mahmoud Abbas suffered for failing even to respond to a direct request from President Barack Obama for answers to peace process queries in 2014.

Pride of place in this gloomy sketch of Israel's worsening international standing goes to passage of UN Security Council Resolution 2334 in December 2016, which was approved without dissent thanks

to a U.S. abstention in the waning days of Obama's second term. This resolution—an angry president's payback for what the White House viewed as Netanyahu's own insufferable interference in American politics—not only labeled all Israeli settlements, including all construction in East Jerusalem, as a “flagrant violation of international law,” but it also called on all UN member-states to “distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967.” In so doing, Israelis fear, the resolution laid the legal groundwork for the potential imposition of sanctions on Israeli goods produced in the West Bank and even on those Israelis who reside there.

The shift from an unforgiving Obama to a far more sympathetic President Donald Trump gives Israel an opportunity to stop this progressive drift toward “solutionism” and reset the entire debate over the Palestinian issue, annexation advocates argue. The stage was set by two Trump administration decisions that changed decades of U.S. policy but triggered virtually no ripple of turbulence across the Middle East—the December 2017 announcement of Washington's intent to relocate the U.S. embassy from Tel Aviv to Jerusalem and the March 2019 recognition of Israel's sovereign claim to the Golan Heights, to which Israel formally extended its law in 1981, fourteen years after capturing the territory from Syria. Advocates contend that a West Bank annexation will similarly pass without much response. Indeed, they argue that rather than stoking international ire, annexation will be broadly welcomed for having taken the territorial issue off the Israeli-Palestinian agenda altogether. In this line of thinking, international actors, including Arab states, will view the clarifying act of annexation—a measure that would finally define Israel's eastern border—as akin to lancing a boil or removing a thorn, with a sigh of relief following soon upon the initial discomfort.

Once Israel has a sovereign eastern border recognized by the United States, this analysis suggests, other nations will eventually reconcile themselves to a new reality. Arab capitals, which long ago gave up on the Palestinian leadership, will finally be free to dismiss Palestinian cries of injustice as quaint echoes of a

bygone era and focus their energies on building stronger, mutually beneficial ties with the Jewish state.

This even applies to Jordan, I was told, the one Arab state whose security is inherently wrapped up in the demography of the Israeli-Palestinian conflict and whose peace treaty with Israel is a major strategic asset for Jerusalem.

Most observers argue, erroneously, that Jordan's greatest fear comes from its large population of disgruntled Palestinians, whose anger at Israel would be deflected onto the Hashemite monarchy should Israel undermine any chance at Palestinian statehood through annexation. In fact, the palace's more palpable fear comes from potential disaffection among its own core supporters—the East Bank tribal elite whose members fill the ranks of the army, security services, and influential government ministries. Many of them bear a morbid dread that Israel's ideological right has long harbored dreams of solving the Palestinian issue at their expense. They would view annexation as confirmation that Israel was bent on implementing their doomsday scenario of transforming Jordan into *al-watan al-badil*—an alternative homeland for Palestinians—and they might take out their anger on the Hashemite ruler who let this calamity happen on his watch.

In my view, this is why Jordan's King Abdullah II, alone among Arab leaders, has warned of a “massive conflict” if Israel proceeds with annexation, especially one that formally asserts Israeli sovereignty over the Jordan Valley. The real Jordanian position is subtle—it differentiates between welcoming effective Israeli security control of the border for an open-ended period and opposing the formal assertion of Israeli sovereignty over the entire area against the will of the Palestinians, with all the political ramifications that would entail. Nevertheless, annexation advocates contend the monarch is just play-acting with his apocalyptic warnings, focusing only on the narrow issue that Jordan would prefer IDF troops along the frontier rather than Palestinian security forces. They fail, however, to see the broader picture that Jordanians fear annexation would deny Palestinians an option for self-determination west of the river, thereby



confirming the decades-old Revisionist dream of solving the Palestinian problem east of the river.

Along the way, advocates note, annexation will shore up the unity of the large majority of Jewish Israelis who oppose uprooting a single Jew as the price of a peace agreement. Finally, the Palestinians will be presented with a real choice: “If you want a state, take it, it’s yours—70 percent of the West Bank. If you want to negotiate further, we will negotiate.”

But without even recognizing the contradiction, advocates of annexation make the opposite argument, too. The split-screen aspect of this gloomy assessment is that Israel is in such an enviable international position that many prominent global actors will mute their outrage at Israel’s unilateral annexation to focus on their many other common interests with the Jewish state.

In this reading, Arab states need Israel’s power and ingenuity to confront Iran. America needs Israel’s creativity and resourcefulness to deal with China. China will overlook the Palestinians in seeking to limit Israel’s close connection with Washington. Russia has its eyes on Syria and Libya and is willing to let Israel operate freely in its own “near abroad.” And around the world, countries governed by populists and nationalists, from Hungary to Brazil, revel in Israel’s enthusiastic nationalist spirit to validate their own. Admittedly, some in Old Europe—Belgium, Ireland, for example—may continue to carry the torch for the Palestinian cause, but as was explained to me, who really cares?

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I listened to every word, carefully and intently, and then I responded. And with each response, my interlocutor dug in deeper.

For the past decade, Israel has been congratulating itself on a smashing successful foreign policy, I argued, one that enjoyed unprecedented openings in Asia, Africa, Latin America, and especially across the Middle East. You can’t have it both ways: Israel

is either enjoying the best of times or the worst of times—which is it? His reply: *Happy talk aside, we are essentially alone. We need to take our destiny into our own hands.*

I suggested that the last fifteen years have been the most peaceful and prosperous in Israel’s history, precisely because Israel has both avoided military adventures abroad (see Lebanon) and shunned provocative steps that might suggest to the world that Israel really isn’t committed to a negotiated resolution of the conflict with the Palestinians. Why change that successful formula now? His reply: *The peace and prosperity we have enjoyed is real, but the sense of security on which it was based was an illusion. The fundamentals have been gradually but inexorably shifting against us. We need to hit the reset button.*

Your achievements in the Arab world have been remarkable, I said; with some countries, your “open secret” relations are better than with countries where you have traditional embassies. So why take a largely symbolic step that embarrasses these newfound friends of yours and compels them to return to their old ways, subsuming their interests to those of PA president Mahmoud Abbas? *You misread the situation, it was explained to me. Our friends in the Arab world are cheering us on. They agree with us—annexation will end the territorial dispute with the Palestinians once and for all. With that issue off the table, we will both—Israel and the Arab states—be liberated to deepen our relations.*

I said it made no obvious sense for Netanyahu—who has devoted much of his adult life to focusing global attention on the mantra “Iran! Iran! Iran!”—to distract the world with West Bank annexation precisely when the Iranians are breaking all the constraints of the 2015 nuclear deal (known as the Joint Comprehensive Plan of Action, JCPOA) and when international unity against Tehran is paramount. His reply: *This is not a reason to stop the clock on annexation. When it comes to Iran, we know we can’t count on the rest of the world anyway. For many of them, the solution is the JCPOA. For us, the JCPOA is the problem. In the end, we know we will have to act against Iran’s nuclear threat ourselves.*

With Israel facing the peril of a formal International Criminal Court investigation for war crimes, I asked why Jerusalem would help make the prosecutor's case by taking a step that even many of Israel's closest friends could not defend, a step that almost certainly will compel sympathetic governments to recognize the state of Palestine. His answer: *If the battlefield is the court of international law, we've lost already. They are bent on putting us in the dock—if not today, then tomorrow. The only solution for us is to take our own future into our own hands.*

And then I asked about America. Joe Biden is not Barack Obama, I said; he has an instinctive affinity for Israel and is one of the few non-Jewish national political figures on the center-left or left who proudly calls himself a Zionist. Moreover, the people around Biden in January 2021 are likely to be very different from the people who were around Obama in December 2016, when he assented to that devastating UN Security Council resolution. And for all the loud voices and worrisome trends about Israel within the Democratic Party, it is no small thing to note that the more centrist, Israel-friendly candidate trounced the more leftist, insurgent Israel critic far earlier and more definitively in 2020 (Biden) than in 2016 (Clinton).

But even Biden has his limits, I said, personal and political. "I do not support annexation," the presumptive Democratic candidate reportedly told a group of Jewish supporters recently. "Israel needs to stop the threats of annexation and stop settlement activity because it will choke off any hope of peace."<sup>1</sup> While he has ruled out punishing Israel by conditioning military assistance, that still leaves a broad array of political measures potentially on the table.

Revoking Trump's recognition of sovereignty is among them. I have spoken in recent weeks to former State Department attorneys and legal advisors with prior service in both Republican and Democratic

administrations. All these former officials agree that one president's right to revoke U.S. recognition of another country's sovereignty claim is as unrestricted as another president's right to extend such recognition in the first place. Indeed, if President Trump voided his predecessor's commitment to the Iran nuclear deal—a promise made to six other countries, UN Security Council members and NATO allies among them—it is not a huge stretch to imagine President Biden voiding a much less consequential commitment to recognize one friendly country's controversial decision to extend sovereignty over disputed territory.

Why would Israel take even the slightest chance, I asked, that a President Biden would rescind U.S. recognition of Israeli annexation and, even more damaging, tell Israel that his administration cannot defend the move in the court of world opinion? Not only would this leave Israel politically isolated and vulnerable, but it would also undermine the image of U.S.-Israel strategic partnership that is a critical element of Israel's deterrent strength. Yes, I noted, Israel brings enormous value to the relationship—strategically, militarily, economically, and in numerous other ways—and America, too, would suffer from a falling-out with its closest Middle East ally, but does Israel really want to take even a marginal risk of pushing a reluctant Biden into a position where he sides with Israel's critics as the lesser of two evils? At the very least, I suggested, doesn't prudence dictate that Israel should wait until the clarity of the November election to take such a fateful step?

It was difficult to discern on our telephone conversation, but this line of questioning seemed to shake my interlocutor. He admitted that Biden is certainly different from the president he served as vice president, but, he said, Biden leads a party whose reflexive anti-Israel sentiments are growing deep roots. Moreover, my interlocutor suggested that even Biden lacks an appreciation of how much Israeli politics have changed over the past

1. Biden cited in Laura Kelly, "Biden Says He Opposes Israel Annexing Territory," *The Hill*, May 19, 2020, <https://thehill.com/policy/international/498597-biden-says-he-opposes-israel-annexing-territory>.

generation—an appreciation of how deeply Israelis resent the idea that any Jew should have to pack up and leave his or her ancestral home for the sake of some amorphous “peace.” After a moment’s hesitation, he then returned to his original theme: the opportunity to reset the fundamentals of the Palestinian issue is too great to miss. *We know there will be some turbulence at the beginning, perhaps for a month or two, but we can withstand it. The time to act is now.*

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For a lifelong supporter of a strong, vital U.S.-Israel partnership, someone who wrote articles urging senators to vote against the flawed Iran nuclear deal and publicly supported the U.S. embassy’s move to Jerusalem because I judged the merits great and the risks of what was inherently an American diplomatic decision negligible, this conversation left me deeply troubled and profoundly sad.

I was troubled because the advocate of annexation with whom I spoke was articulate, thoughtful, analytical—and, in my view, shockingly defeatist about Israel’s diplomatic future and knowingly indifferent to the danger inherent in the action he was advocating.

In my view, the gloomy, pessimistic worldview that seems to animate annexation runs against Zionism’s remarkable story as the most successful national liberation movement of modern times. As complex and daunting as Israel’s current challenges may be, they pale in comparison to the existential tests Israel has overcome in the past. These range from the five wars Israel fought in the first twenty-five years of its existence, to a series of agonizing showdowns with successive American presidents in the 1950s and ‘60s, to the UN endorsement of the odious “Zionism

is racism” resolution in the early 1970s, to the pursuit in recent decades of a nuclear weapon designed to destroy the Jewish state by three different adversaries—Iraq, Syria, and Iran. (To be sure, the final chapter of how Israel faces the test of Iran’s nuclear ambitions is still unwritten.) An Israel that, at one time, had either distant or no ties with the world’s Great Powers today has close, cooperative relations with them all; an Israel whose leaders were, in my lifetime, not welcome in the White House now boasts its prime minister as the Oval Office’s most frequent visitor. One would have thought a country enjoying such remarkable success would run the risk of triumphalism; instead, the annexation attraction exposes a sense of pessimism, fatalism, and despondence that is odd and seemingly inexplicable.

Of course, there is always the chance that my interlocutor was not entirely honest with me and that I was on the receiving end of a well-rehearsed campaign to project the sort of profound existential angst that would validate an extreme “go it alone” tactic like annexation. Reports from Israel suggest that the mood among many annexation promoters is one of supreme confidence, the sense that annexation is not a decision-of-last-resort to protect the Zionist project from imminent doom but rather a fleeting moment for Israel to capitalize on a perfect alignment of political stars to redraw its borders based on ideological preference rather than security necessity. They are buoyed by the electoral success of Israel’s right and center-right parties and public opinion polls that show majorities in support of annexation.

Importantly, those poll numbers fall precipitously when some context is added to the equation. In one poll, just 28 percent of Jewish Israelis and only 41 percent of Netanyahu’s own Likud Party members supported annexation if it meant risking peace with Jordan;<sup>2</sup> in another poll, just 25 percent of the population supported annexation without explicit U.S. support.<sup>3</sup> No polls do justice to the range of potential

2. See “Commanders for Israel’s Security” poll, first reported in Ynet, available at “Poll: Majority of Israel’s Jews Against West Bank Annexation,” *Jerusalem Post*, May 8, 2020,

<https://www.jpost.com/israel-news/poll-majority-of-israels-jews-against-west-bank-annexation-627337>.

3. See Israel Democracy Institute poll: Tamar Hermann and Or Anabi, “Half of Israelis Favor Applying Sovereignty,” June 3, 2020, [https://en.idi.org.il/articles/317333?ct=t\(EMAIL\\_CAMPAIGN\\_5\\_21\\_2020\\_22\\_5\\_COPY\\_01\)](https://en.idi.org.il/articles/317333?ct=t(EMAIL_CAMPAIGN_5_21_2020_22_5_COPY_01)).

repercussions, and as such, the ones that exist are imperfect indicators of what an informed Israeli public might prefer. But after three elections in less than a year, Israelis are tired of politics, and despite these revealing poll numbers, there has been surprisingly little public debate so far on the new government's proposed annexation plans. My interlocutor, a trusted window into Netanyahu's thinking, could have made a compelling case for the "golden opportunity" argument but instead chose the more dubious "Temple is crumbling" argument. I believe he was sincere.

I was sad because I find myself on the wrong side of a historic moment of U.S.-Israel strategic cooperation, unable to endorse a critical policy shift that the American president and the Israeli prime minister jointly advocate. This has happened before, as my past critiques of the Netanyahu-approved Trump peace plan attest, but even as a largely symbolic measure, annexation will have real-life consequences; it is not just a hypothetical diplomatic exercise whose passing few will remember and fewer still will mourn.

Moreover, I fear the U.S.-Israel relationship will itself suffer long-term damage if cooperation plays out in the form of an Israeli decision to annex West Bank territory that is urged and endorsed by Washington—and it is important to recall that annexation would not even be on the agenda were it not for the Trump administration's reversal of U.S. policy toward recognizing, even inviting, such a move. I am in this uncomfortable position because I believe the decision in support of annexation has negative ramifications that the two leaderships are not adequately factoring into their analysis and because the analysis they do propound strains credulity.

Decades of Middle East experience, along with all available evidence, fail to support the assertion—associated with some White House advisors—that the threat of annexation will advance President Trump's January 2020 peace plan by convincing Palestinians

to come to the table now to avoid the unbearable costs of continued intransigence. And there is even less reason to think—as other U.S. officials reportedly contend—that actually implementing annexation now will bring the Palestinians to the table at some point over the next four years, a period in which Israel, if it adheres to the Trump plan, promises not to build outside the annexed areas and leaves that oddly shaped territory for a future Palestinian state. While the president's own views on this internal administration debate are unknown, neither the threat of annexation as a tactic nor the fact of it as a new strategic reality will correct the defects built into his peace plan. To the contrary, annexation will only confirm them.

As I have argued elsewhere,<sup>4</sup> the Trump plan advances several laudable principles, including affirmation of a two-state solution as the sole pathway to ending the Israeli-Palestinian conflict, rejection of both the repatriation to Israel of Palestinian refugees and their descendants (known as the "right of return") and the forced expulsion of the vast majority of Jews from communities in the West Bank, and recognition that the Jordan Valley is Israel's essential security boundary. However, it stretches each of these principles beyond recognition and, in so doing, undermines the benefit of basing a plan on them in the first place. Given that the plan was devised in close coordination with only one of the parties to the conflict, it is no surprise that it received such a frigid response from the other. It turns logic on its head to claim that a decision by Israel, with American urging and backing, to annex a substantial chunk of the disputed territories—a decision that Palestinians, Arabs, and much of the world view as illegitimate—will breathe new life into the plan. To the contrary, it is far more likely only to remove any lingering doubt about its death.

Moreover, the assertion that annexation, urged and endorsed by the United States, will magically remove the territorial issue from the bargaining table is, in my view, wrong. Here, too, the opposite is more likely. Recognizing an Israeli annexation in the West

4. See Robert Satloff, "We Need a Corrective to Old Catechisms on Peace. Trump's Plan Isn't It," *American Interest*, February 5, 2020, <https://www.the-american-interest.com/2020/02/05/we-need-a-corrective-to-old-catechisms-on-peace-trumps-plan-isnt-it/>.

Bank is not like the Jerusalem embassy move or the Golan recognition, both of which were American acknowledgments of longstanding reality, not American triggers for a fundamental shift in Israel's position. Ultimately, borders are defined through agreement. At the very least, despite U.S. approval for annexation, Israelis and Palestinians will still have competing claims, Israel will still lack internationally recognized boundaries, and the territorial aspect of the Israeli-Palestinian conflict will remain unresolved.

Even in the Covid-19 era, when issues of life, death, and economic depression dominate, chances are not trivial that the price for all this non-change will be to return the Palestinian issue to global prominence, reversing years of its downsizing. This may very well be accompanied by a deterioration in Israel's strategic environment—a severe heightening of tensions in the West Bank; a worsening of relations with Israel's eastern neighbor, Jordan, combined with the potential for instability within that vital strategic partner itself; an opportunity for Hezbollah and its Iranian patron to refocus attention from their ignominious role as protectors of Syria's genocidal leader back to their “noble crusade” of *muqawama* (resistance) against the Zionist entity; a freezing of at least public progress toward Israel's normalization with the broader Arab world; and the unleashing of the worst anti-Israel tendencies in the chancelleries of Europe, the halls of the United Nations, and the grand assemblies of other international institutions.

And those are just the potential near-term repercussions. In the longer term, a unilateral decision to make permanent Israel's hold over territory that it always accepted as disputed could prompt some of the Jewish state's closest friends to abandon their long-held position that Israel's very presence was a legitimate outcome of its defensive war in 1967. Over time, annexation may trigger a shift in the political and diplomatic mindset in key capitals that moves from defending Israel as a “legal occupier” pending a negotiated peace to viewing Israel as an

“illegal occupier” whose actions prevent a negotiated peace. The consequences for Israel's standing in the world could be ruinous.

In this regard, calibrating the *extent* of annexation will likely have only marginal significance in mitigating the global reaction to it. Some advocates contend Israel can escape the most extreme form of international opprobrium if it limits annexation to close-in settlements and the Jordan Valley, holding off on extending sovereignty to remote communities deep in the West Bank. But such distinctions are sure to be lost on most critics, who will focus on what they view as Israel's purposeful violation of a fundamental international norm, not on whether some Israeli politicians consider the violation more modest and restrained than it could have been. While there may be some variation in response depending on the details, Israelis should harbor no illusions that foreign capitals will be assuaged by a less-than-maximalist annexation and then proceed with essentially normal relations as though nothing had happened. That rosy outcome seems highly unlikely.

The incumbent in the White House will probably do his best to shield Israel from the most harmful international repercussions, but his successor might not; even if current and future presidents do protect Israel from the worst excesses of its critics, they will be using up capital better served shoring up the two countries' collective defense and striking blows at common adversaries. And no matter what happens in the November presidential election, annexation will surely accelerate a deepening partisanship over Israel in American politics that, over time, can only erode support for the strategic partnership among key constituencies, damaging the long-term interests of both countries. Along the way, it will feed a corrosive process within the Democratic Party—a process that is real but neither foreordained nor unsalvageable—that makes it increasingly difficult for a future nominee of the party of Truman to proudly call herself a Zionist.

In other words, the bold assertion that Israel will face just a month or two of turbulence following an annexation decision, after which the world will reconcile itself to a new reality, might be right—or it just as easily might be wildly off the mark. Any serious assessment of the potential ramifications of annexation has to take account of the possibility that Israel faces diplomatic, political, and economic penalties of varying degrees of severity that could last for years. Those repercussions would be on top of the immediate impact annexation would have on local and regional security. And they would be separate from the less visible but no less significant decline Israel may suffer in the eyes of important political constituencies in America and across Europe. While none of these negative outcomes are certainties—and there is always the potential that external events could alter the calculus—it is striking that the same advocates of annexation who base their policy on a dire, gloomy view of Israel’s strategic situation conveniently adopt a Panglossian pose in evaluating the potential consequences of their prescription.

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Perhaps none of this comes to pass.

Perhaps the timorous Palestinian leader will surprise the world and scuttle unilateral Israeli action by accepting the White House’s request to come to the bargaining table.

Perhaps King Salman of Saudi Arabia will call Trump and explain in simple language that annexation would kill the Middle East peace plan that bears the president’s name, knowing that American reluctance to recognize annexation would assuredly halt the process.

Perhaps a series of Gulf emirs will shake Netanyahu’s self-confidence by calling him with a blunt message: annexation would push any overt cooperation back into the shadows and end any hope of incremental normalization—no Israeli team at the World Cup, no Expo pavilion in Dubai, no more visits to Muscat.

Perhaps Egypt’s President Abdul Fattah al-Sisi and Jordan’s King Abdullah will change Netanyahu’s calculus by making a joint appeal to the government and people of Israel, hinting without too much subtlety that annexation will put their peace treaties with Israel at risk.

Perhaps Israel’s generals, from the two ex-chiefs of staff now in the cabinet to active-duty officers currently serving on the frontlines, will present a united front of warning to Netanyahu against a measure that, in their professional assessment, adds little to Israel’s security but puts Israeli equities—and potentially Israeli lives—at risk.

Perhaps Joe Biden will change Netanyahu’s mind by sending an emissary to Jerusalem to tell the prime minister that while he opposes both the substance and tone of the offensive UNSCR 2334, he will not be able to defend Israel—in either the United Nations, international organizations, or other global forums—if it breaks decades of precedent by proceeding with annexation.

Or perhaps Netanyahu himself, after listing annexation fifth on a five-item agenda of priorities for his new government, will conclude that triggering a diplomatic explosion will not solve his legal troubles and ultimately reconsider the cost-benefit analysis of annexation, deciding (as he has so often done in the past) that prudence is the wisest course of action.

If any of this happens, my sigh of relief will be deep and heartfelt. Until then, I am holding my breath.

But even if the current crisis passes, the idea of annexation has now been legitimized in Israel and will not easily disappear. If they are frustrated now in their plans to extend Israeli law to much of the West Bank, advocates of annexation are sure to carry this flag into future political battle.

Even so, it is important to remember that the fuse for the annexation debate was lit in the United States, not in Israel. So far, at least, the key variable in transforming this from a hypothetical issue to an

urgent, practical problem was a shift in U.S. policy from opposing unilateral Israeli annexation to welcoming and even encouraging it. While it is not impossible to imagine an Israeli government approving annexation without the support of its American ally, it is highly improbable. In the end,

therefore, the threat annexation poses to shared U.S. and Israeli interests will only dissipate when U.S. policy no longer incentivizes it. Today's headlines may focus on Jerusalem, but this is ultimately a Washington story too.

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## THE AUTHOR



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