

Israel's Rush to 'Apply Sovereignty' in the West Bank: Timing and Potential Consequences

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Brief Analysis

Given the short U.S. election calendar, Netanyahu is adamant about securing approval for unilateral moves in the West Bank by July 1, a timetable that may hold damaging implications for Israeli relations with multiple countries.

On April 20, after the longest electoral deadlock in Israel's history, Prime Minister Binyamin Netanyahu and rival Blue and White Party leader Benny Gantz signed an agreement to form a unity government with a rotating premiership. Netanyahu will hold power for the first eighteen months, even as he battles three corruption indictments; Gantz will take the second rotation.

Although officials have committed to parity between the new government's right-wing and center blocs, serious questions persist about whether this principle will be sustained given their wide disparity in parliamentary seats. Gantz's party splintered over his decision to join a unity coalition, leaving his bloc with nineteen seats and Netanyahu's with up to fifty-nine.

An early test for the new government will come in the next two months, as Israel decides whether to "apply sovereignty" in parts of the West Bank, which many observers view as de facto annexation. According to the April 20 agreement, Netanyahu will be allowed to bring this issue for a cabinet or even parliamentary vote starting on July 1, provided he fulfills two stipulations in advance: obtaining "full agreement" from the United States, and conducting "consultations" internationally.

WHY DOES NETANYAHU WANT SOVEREIGNTY, AND WHY NOW?

he idea of applying sovereignty has its origins in Menachem Begin's December 1981 decision to unilaterally apply

TIsraeli “law, jurisdiction, and administration” to the Golan Heights. In his public remarks at the time, Begin—always a stickler for legal distinctions—chose this formulation rather than “annexation” and pledged that it would not prohibit Israel from engaging in peace talks with Syria. In other words, applying sovereignty was reversible, while annexation was irreversible. To most observers inside and outside Israel, however, this sounds like a distinction without a difference.

Granted, the Golan decision did not stop Israel from negotiating over the territory’s future between 1992 and 2010 (including under governments led by Netanyahu). Yet Israel seems to have closed the issue indefinitely amid the Syrian regime’s brutal, decade-long war, Iran’s military entrenchment close to the Golan, and President Trump’s March 2019 announcement that the United States would henceforth recognize Israeli “annexation” of that territory. Shortly after Trump’s announcement, Netanyahu declared that he would also support applying Israeli sovereignty to all West Bank settlements, hoping that this proposal would likewise gain public approval from Washington. Yet a May 2019 blog post by Joel Singer—former legal advisor to the Israeli Foreign Ministry and a top negotiator during the Oslo Accords—called this step a “poison pill” that would make it extremely difficult to reach a two-state solution. According to him, any territory that is annexed would thereafter fall under the jurisdiction of the 2014 Referendum Law. If Israel later wanted to withdraw from said territory as a result of peace negotiations, it would need to meet the very high threshold of a super-majority in parliament (80 out of 120 members) or 50 percent of Israeli voters in a referendum.

In Netanyahu’s view, however, the Trump administration peace plan presented on January 28 has given him an historic opportunity to fulfill long-term territorial goals. He respected the administration’s wishes to wait until a new government formed before attempting to annex the 30 percent of the West Bank [allocated to Israel in the peace plan \(https://www.washingtoninstitute.org/policy-analysis/view/continuity-vs.-overreach-in-the-trump-peace-plan-part-1-borders-and-jerusal\)](https://www.washingtoninstitute.org/policy-analysis/view/continuity-vs.-overreach-in-the-trump-peace-plan-part-1-borders-and-jerusal). Yet he now sees application of sovereignty as a key component of his legacy.

The window for securing that component may be quite narrow, though. The coronavirus pandemic has added to the uncertainty over whether President Trump will be reelected in November, so Netanyahu is adamant about acting on annexation before then. He also seems to believe that Trump is willing to run interference with key Arab states so long as Israel makes the move before the most intense portion of the presidential election campaign (i.e., around September if history is any indicator). Although supporting annexation may not give Trump a significant boost among evangelical and Jewish voters, he may view it as a useful wedge issue for embarrassing his Democratic opponent. Netanyahu’s timetable also appears driven by concerns that Joe Biden could build a significant lead before November. All of these factors help explain why Netanyahu rejected Gantz’s offer to delay annexation discussions for six months, instead insisting on the July deadline.

ISRAEL’S PLANS, TRUMP’S TERMS?

One key unknown is where exactly the application of sovereignty would occur:

- In all 128 Israeli settlements (which would [make a two-state solution impossible \(https://www.washingtoninstitute.org/policy-analysis/view/we-need-a-corrective-to-old-catechisms-on-peace.-trumps-plan-isnt-it\)](https://www.washingtoninstitute.org/policy-analysis/view/we-need-a-corrective-to-old-catechisms-on-peace.-trumps-plan-isnt-it))
- In the Jordan Valley frontier (a key security zone that holds major sensitivities for Israelis, Palestinians, and Jordanians)
- In the 51 settlements that lie inside the West Bank security barrier, house most of the settlers, and take up around 8 percent of the land (a move that could be consistent with a two-state solution if conducted via negotiations and territorial swaps with the Palestinians, though any such talks seem infeasible at present)

- In a limited number of less controversial settlements adjacent to Israeli urban areas (e.g., Gush Etzion, which has been included as part of Israel in leaked Palestinian maps related to past two-state discussions)

Some believe that Netanyahu's top priority right now is the Jordan Valley. The settlements have more value during election cycles but are currently dwarfed by the valley's paramount security value.

As for the U.S. view, Secretary of State Mike Pompeo said earlier today that "the Israelis ultimately make those decisions," suggesting the administration will be a partner rather than an obstacle in this regard and will not block Israeli application of sovereignty. The remaining question is conditionality. If Israel decides to apply sovereignty, will the administration ask the Knesset to commit to the measure called for in the Trump peace plan, namely, yielding the remainder of the West Bank (approximately 70 percent) to the Palestinians? Or will it agree to Netanyahu's decision without conditions?

INTERNATIONAL CHALLENGES

Jordanian prime minister Omar Razzaz has stated that West Bank annexations under any name would put Israel's peace treaty with the kingdom in a deep freeze, though speculation suggests that bilateral security cooperation would continue. Unconfirmed reports also indicate the Palestinian Authority **might suspend security coordination** (<https://www.washingtoninstitute.org/policy-analysis/view/continuity-vs.-overreach-in-the-trump-peace-plan-part-2-security-refugees-a>) after such a move, though that inclination could be tempered by continued economic downturns and dependency on Israel during the pandemic. Europe has substantial objections as well—in February, twenty-one EU countries came out against the Trump plan and annexation (though any decision to apply sanctions would need consensus among all twenty-seven EU states, which currently does not exist).

The potential reaction among Gulf Arab states is uncertain. Israel has prioritized quiet ties with them amid strategic convergence on Iran and a shared focus on technological development. Yet even if these states are tired of the Palestinian issue, they do not like being publicly embarrassed, and they remain risk-averse. As such, they are unlikely to see the upside of publicly aligning with unilateral Israeli annexations that impinge on Jordan's security and Palestinian rights—especially in the context of a pandemic that has rendered regional governments all the more vulnerable to public unrest.

Another challenge lies in Washington, where Democrats may depict Netanyahu's annexation push as not only a deadly blow to peace efforts, but also a ploy to help Trump win reelection. Leading pro-Israel Democrats in Congress have publicly rejected such proposals for at least a year now, and a past House resolution discouraged both "unilateral annexation of territory" by Israel and unilateral statehood declarations by the Palestinians. The full diplomatic damage of pressing ahead with annexation might not be felt immediately, but congressional sources indicate they would not be surprised if legislators call for restricting military assistance to Israel in the future.

A TEST FOR GANTZ AND ASHKENAZI

During the new government's first rotation, Gantz will serve as defense minister while his Blue-White colleague Gabi Ashkenazi will serve as foreign minister. It will be interesting to see how both men act leading up to the July 1 deadline. They are already being accused domestically of lending their imprimatur to annexation and not using their leverage to delay or reshape the issue at this key moment. In response, they privately argue that Netanyahu could win the requisite support for applying sovereignty by wooing just a handful of dissident parliamentarians (perhaps even Avigdor Liberman, who said his faction would support the move).

Yet given their military record as former IDF chiefs of staff, Gantz and Ashkenazi are well aware how important it is for Israel to maintain good ties with the United States, Europe, and Arab governments. For example, given Amman's frosty relationship with Netanyahu, it would not be surprising to see Jordanian officials meet with the two generals in the coming weeks to explain how annexation might affect the kingdom's internal stability. Both men will likely

meet with European officials and U.S. Democrats as well. In the latter case, some Israeli and American officials saw a unity government as a way to restore the bipartisan character of U.S.-Israel relations after years of escalating polarization.

CONCLUSION

In theory, a broader government should enable Israel to make favorable progress on several fronts: extricating itself from its reliance on pro-settler factions, which have held the balance of political power since 2015; reaching wider constituencies in key foreign countries; and restoring bipartisan cooperation with Washington. Yet the looming July 1 annexation deadline puts all of these potential gains in peril very early in the new government's tenure.

David Makovsky is the Ziegler Distinguished Fellow at The Washington Institute, creator of the podcast [Decision Points \(https://shows.acast.com/decision-points/\)](https://shows.acast.com/decision-points/), and coauthor with Dennis Ross of the book [Be Strong and of Good Courage: How Israel's Most Important Leaders Shaped Its Destiny \(https://www.washingtoninstitute.org/policy-analysis/view/be-strong-and-of-good-courage-how-israels-most-important-leaders-shaped-its\)](https://www.washingtoninstitute.org/policy-analysis/view/be-strong-and-of-good-courage-how-israels-most-important-leaders-shaped-its). ❖

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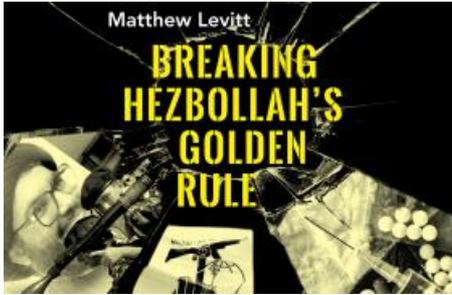
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