



# ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS  
IN 21 COUNTRIES

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt

EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme

EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Privacy Social Rights  
No Racism Peace No Torture No War  
Self-Determination of Peoples Democracy  
Human Rights Rights of Migrants

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## ELDH Statement

### The Israeli Annexation plan must be stopped

The European Association of Lawyers for Democracy and World Human Rights (ELDH) is gravely concerned and alarmed at the announcement of the Israeli government that it planned to unlawfully annex even more Palestinian territory. Israel seems to have temporarily halted the annexation of the Jordan Valley, but the threat remains. This land comprises 30% of the occupied Palestinian West Bank, including the Jordan Valley, one of the most fertile areas of Palestinian land and a major water source for the area, as well as over 235 illegal, exclusively Jewish colonial settlements built on Palestinian land throughout the West Bank.

This comes in addition to the unlawful proclaimed annexation of the Syrian Golan Heights and of Palestinian East Jerusalem by the Israeli state. It is a blatant violation of international law and norms that shows utter disregard for the UN Charter, the Geneva Conventions, and any form of global rule of law. The prohibition of annexation of territory acquired by force is a fundamental rule of international law that is unequivocally upheld by the UN General Assembly, Security Council and all international courts, including the International Court of Justice. This applies equally to the territory of states as it does to territory of peoples who have been denied the right to practice their self-determination due to the presence of military and/or colonial occupation. Israeli annexation of the West Bank or any portion thereof is a clear violation of this fundamental norm prohibiting annexation as it is of the right of self-determination of the Palestinian people. In this context, we note that the current state of *de facto* annexation pursued by Israel carries the same consequence as its' threatened *de jure* annexation, regardless of the terms used to describe this violation, such as "extension of law," "extension of sovereignty" or "extension of jurisdiction." It can and must lead to significant consequences at the international level, including international sanctions and individual criminal liability for the members of the government responsible for this action.

With the annexation of about one third of the Palestinian territory of the West Bank now threatened by the Israeli government, the decades-long history of the occupation of Palestine and the human

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rights violations, crimes against humanity and war crimes committed in this context reach a further culmination.

Such annexation is prohibited by international law, including Article 2(4) of the UN Charter, which forbids the use of force against the territorial integrity of a State and, consequently, the transmission of sovereign title over territories resulting from such use of force. The International Court of Justice has affirmed that the prohibition of territorial acquisition by force is a peremptory norm of international law, from which no derogation is permitted. By annexation, the Israeli government is guilty of the crime of aggression, Art 8, 2. C Rome Statute.

Therefore, we insist that under the UN Charter and the Rome Statute, states have a responsibility to prevent or punish the crime of annexation. For too long, Israel has enjoyed the support of states that has allowed it to continue this behaviour with impunity. This support has taken the form of direct military aid, as in that provided by the United States of America, which has further demonstrated its utter disregard for multilateralism and the international order through its expressed support for Israel's annexation plan and promulgation of the so-called "Peace to Prosperity" plan. Other states, such as those member states of the European Union, have continued not only to shield Israel from accountability but also to continue favourable trade deals and funding agreements, such as the EU-Israel Association Agreements, despite numerous statements of condemnation for Israel's violations of international law.

The United Nations may impose a sanctions regime that aims to maintain or restore international peace and security, including arms embargoes and other forms of restrictions. Sanctions on Israel rather than continued impunity are one important step towards holding Israel accountable for its occupation and the numerous violations of Palestinian human rights that flow from that occupation.

Further, within this context, we note the responsibility of individual states to refrain from involvement and complicity in these ongoing crimes and the crime of annexation. This also includes the responsibility of states to cooperate to bring to an end grave violations of international law committed by any state. To that end, countermeasures are necessary, including refusing to deal in arms with the Israeli state that demonstrably uses this weaponry in the commission of crimes against the Palestinian people and refusing to purchase arms that have been tested through ongoing crimes against the Palestinian people. Therefore, we urge international bodies to impose a comprehensive prohibition on military trade and security and military joint training and cooperation with Israel.

We further note the responsibility of states to cancel or end trade agreements that are nominally conditioned on human rights principles yet have continued despite severe violations, such as the EU-Israel Association Agreement and other free trade agreements with Israel. Within this context, the adoption of national legislation in each country prohibiting trade with unlawful settlements is a critical step towards cutting off complicity and cooperation with the colonial annexation project.

This also means that governments have a responsibility to ensure that corporations in their countries respect international human rights and humanitarian law by refraining from business deals and trade agreements with Israeli settlements and other Israeli institutions linked to ongoing war crimes and crimes against humanity targeting the Palestinian people.

We also insist on the responsibility of states to support criminal accountability for Israeli officials responsible for these crimes at the International Criminal Court. Instead of receiving support, Palestinian efforts to ensure accountability have instead faced significant roadblocks and politically motivated attempts to discourage or undermine these efforts and thus undermine the legitimacy of the ICC itself. Criminal prosecution, rather than impunity, for Israeli violations, is an important step

toward accountability and meaningful international action to secure the rights of the Palestinian people and bring the unlawful occupation to an end.

We demand that all legal possibilities before the ICJ and the ICC to prevent annexation contrary to international law should be exhausted.

Furthermore ELDH urges in this context that the European Union and the governments not only take action by condemning the annexation plan pursued by the Israeli "unity government" of Benjamin Netanyahu and Benny Gantz, but also by imposing real consequences on Israel.

Although several governments of EU member states (including Germany and France) and the High Representative of the European Union for Foreign Affairs and Security Policy have condemned the announced annexation of large parts of the West Bank by Palestine, no measures have yet been taken to dissuade the Israeli government from its plans effectively.

ELDH demands,

- The dismantling of all illegal Israeli settlements on the West Bank
- That Israel must comply with its obligations under international law and reverse its policies and practices aiming at formally annexing parts of the West Bank
- The complete renouncement by the Israeli government of its plan to annex large parts of Palestine.
- The EU must act as follows:
  - The EU should use its privileged trade, research and innovation partnership with Israel to dissuade the Israeli government from its annexation project. The Israeli government is very interested in the continuation of the partnership agreements.
  - The EU Council should, on the basis of qualified majority voting, deny the renewal of Israel privileged status in the New Horizon Programme if annexation goes ahead, using inter alia the argument that the legal basis for the association status is the definition of Israel's borders according to international law, as laid down in the UNSC resolution 242 and elsewhere.
  - The EU should extend and deepen its restrictions on products, notably foodstuffs, exported from Israeli settlements.
  - Third, the EU should, as Luxembourg's Foreign Minister Jean Asselborn among others has proposed, encourage member states to join the 138 UN member countries who have recognised the State of Palestine.
  - The supply of military equipment to and from Israel should finally be stopped.