القانون من أجل فلسطين LAW FOR PALESTINE

Jurists for Palestine Forum - Season 3 - Panel Discussion (8)

International Symposium

Two Years On: Genocide, Annexation, Apartheid, and the Future of Palestinian Self-Determination

With a focus on the Trump Exclusionary Gaza Plan

(Hybrid Event at Birzeit University and Online)

This document presents a summary of 4 articles/ reports that address different dimensions of over two years of genocide, annexation, apartheid in the occupied Palestinian territory (oPt). The first report focuses on establishing the crime of genocide in Gaza based on a legal assessment of factual evidence. The second report addresses Israeli policies of settlement expansion in the West Bank. The third article analyzes the forms of Palestinian advocacy strategies over time. The fourth article presents the opinions of several international law and justice experts on US President Donald Trump's "peace plan" that was revealed on 29 September 2025.

This summary was prepared by the Jurist Forum Team

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Executive Summary:

- The first report summarized is the United Nations Independent International Commission of Inquiry on the occupied Palestinian territory, including East Jerusalem, and Israel report published on 16 September 2025 wherein it concluded that Israel is committing genocide against Palestinias in Gaza since 7 October 2023. The Commission found that four genocidal acts were carried out by Israel against the Palestinian people: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births with the group. The Commission found that the four genocidal acts were committed with the specific intent to destroy the Palestinian group in Gaza, in whole or in part.
- The second report summarized explains how Israel is entrenching its de facto annexation of the West Bank, with governance increasingly shifting toward Israeli civilian control since the December 2022 government and the October 2023 attacks. This process, driven largely by the settler movement and pursued despite internal divisions and international law, aims to preclude a future Palestinian state. Whether or not annexation is formally declared, it is already a reality on the ground. Reversing this course requires external actors to acknowledge the situation, sustain political pressure, and impose tangible costs that make continued annexation materially and politically untenable, as the only viable means to preserve prospects for Palestinian self-determination and regional stability.
- The third article analyzes Palestinian political and civil society mobilization during the 2023–2024 Gaza war amid genocide allegations against Israel, highlighting a new hybrid advocacy model combining legal, digital, and transnational strategies. Key ICJ rulings gave advocacy legal legitimacy, while protests, online campaigns, and global partnerships amplified Palestinian voices despite repression and internal divisions. The study concludes that this period marks a pivotal evolution in Palestinian mobilization and recommends strengthening legal capacity, digital infrastructure, and international alliances to sustain pressure and accountability efforts.
- The Opinio Juris article gathers the assessments of six international law experts on the Trump–Netanyahu “peace” plan, widely criticized as a coercive, unequal, and colonial blueprint for Gaza. Across all analyses, the plan is characterized as undermining Palestinian self-determination, bypassing local consent, and replacing Palestinian

governance with externally imposed technocratic authority while entrenching Israeli control. The experts collectively argue that the plan violates international law, perpetuates inequities, and normalizes external control under the guise of peace, calling instead for adherence to international obligations to protect Palestinian rights and accountability.

I. Summary of "Legal analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide", published by the the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 16 September 2025.

The report is available in the 6 UN official languages.

You can read the full report here.

Introduction

The Independent International Commission of Inquiry on the occupied Palestinian territory, including East Jerusalem, and Israel ("the Commission") was established in 2021 by the Human Rights Council to, inter alia, investigate all alleged violations of international humanitarian law and international human rights law in the occupied Palestinian territory, including East Jerusalem, and in Israel.

The Commission has released a number of reports and conference room papers detailing violations of international human rights law and international humanitarian law, as well international crimes, committed by all concerned parties since October 2023. The legal findings in this report draw on factual findings it has published in reports since October 2023 as well as its mandated report presented to the United Nations General Assembly in October 2025. This report contains a non-exhaustive list of incidents relevant to an analysis of genocide.

Previously, the Commission has found that the Israeli security forces have committed crimes against humanity and war crimes in Gaza, including extermination, torture, rape, sexual violence and other inhumane acts, inhuman treatment, forcible transfer, persecution based on gender and starvation as a method of warfare. Furthermore, the Commission found that the Israeli authorities have:

I. destroyed in part the reproductive capacity of the Palestinians in Gaza as a group, including by imposing measures intended to prevent births; and

II. deliberately inflicted conditions of life calculated to bring about the physical destruction of Palestinians as a group, both of which are underlying acts of genocide in the Rome Statute and the Convention on the Prevention and Punishment of the Crime of Genocide ("Genocide Convention").

The Commission analysed the conduct of the Israeli security forces in Gaza starting in October 2023. The Commission refers to its relevant factual findings in relation to the Israeli military operations in Gaza and examines if such findings fulfil the requirements to establish the actus reus and mens rea of genocide and, if so, the legal consequences for Israel and other States under the Genocide Convention.

This report solely focused on violations against Palestinian people committed in Gaza between 7 October 2025 and 31 July 2025; however, the Commission does not foreclose the possibility of future analysis and reporting on violations against the Palestinian people in other time periods and/or different geographical locations such as the West Bank including East Jerusalem. The Commission also reserved the possibility of future analysis of violations committed against Israelis in southern Israel on 7-8 October 2023.

Legal Framework

Genocide is an international crime for which individuals can be held criminally responsible, and a State may also be held accountable if the acts are attributable to it. While a criminal conviction requires proof "beyond reasonable doubt," establishing State responsibility relies on evidence that is "fully conclusive." According to the International Court of Justice, the Court must be fully convinced that allegations of genocide or related acts have been clearly established. To hold a State responsible, it must be shown that the perpetrators committed the underlying acts of genocide with both the general intent to commit the acts and the specific intent required for genocide. The specific intent applies to the individual perpetrators, not the State itself; however, a State can still be held responsible if these acts were carried out by individuals whose conduct is attributable to it.

The prohibition of genocide is a peremptory norm of international law (jus cogens); an international legal obligation that is accepted and recognised by the international community as a whole and from which no derogation is permitted and no treaty obligations need exist. This *erga omnes* duty manifests "at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed", and obligates States to take all necessary steps to stop the commission of genocide.

The crime of genocide covers acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such. It does not cover acts to destroy any group but only those groups defined as such by nationality, race, ethnicity or religion. The International Court of Justice has recognised the Palestinian people as such a group.

Pursuant to the Genocide Convention and the Rome Statute, genocide is committed when one or more of the following five categories of underlying acts are committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

1. Killing members of the group;
2. Causing serious bodily or mental harm to members of the group;
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
4. Imposing measures intended to prevent births within the group;
5. Forcibly transferring children of the group to another group.

The mens rea element of the above requires that the underlying act be done with intent, as opposed to through negligence. Additionally, for each of the acts to constitute genocide this intent must be to destroy, in whole or in part, a national, ethnical, racial or religious group

The Commissions' focus for punishable acts under article II of the Genocide Convention is categories 1-4, as at present they have no evidence for the fifth category, the forcible transfer of children.

Underlying Acts of Genocide

A. Killing members of the group

The act of killing can be understood to mean 'causing death'. The requirements for killing as a genocidal act are equivalent to those for murder as a crime against humanity and wilful killing as a war crime. There is no requirement as to a minimum number of victims for the act to constitute a genocidal act of killing, and the manner of killing is irrelevant.

The Commission concluded that the Israeli authorities have intended to kill and cause the deaths of Palestinians in Gaza by way of military operations and the war strategies employed, through three different means: killing through attacks against protected objects (such as civilian homes and healthcare facilities) where civilians were present; targeting civilians and other protected persons, for example, during the evacuations, within safe zones or at shelters; and deaths due to the deliberate infliction of conditions of life (such as the blockade of medicine and medical equipment and humanitarian aid from entering into Gaza). It further concluded that the actus

reus and mens rea of 'killing members of the group' under article II(a) of the Genocide Convention are established.

B. Causing serious bodily or mental harm to members of the group

The term 'causing serious bodily harm' means that such an act falls short of killing but seriously damages health, disfigures or causes serious injury to the external or internal organs or senses.

The nature of the bodily or mental harm must attain a certain degree of seriousness as to contribute to or threaten the physical or biological destruction of the group, in whole or in part. Rape and other forms of sexual violence, for example, constitute one of the worst ways of inflicting serious physical and mental harm on the victim.

Based on its assessment of all available evidence, the Commission found that Israeli security forces have deliberately caused serious physical and psychological harm to Palestinians in Gaza. This conclusion draws on several factors: the scale and duration of Israel's military operations, the predictable suffering of civilians, the use of certain means and methods of warfare, and the widespread sexual and gender-based violence documented. The Commission also noted that Israeli authorities continued these actions despite repeated warnings from international courts, organizations, and human rights experts. Given these findings, along with evidence of ongoing war crimes, crimes against humanity, and other serious human rights violations, the Commission concluded that the harm was intentional.

C. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part

Acts that may constitute this form of genocidal harm include rape and other sexual violence; denial of access to food, water, medical care, and shelter; destruction of essential health and sanitation services; and the systematic expulsion or displacement of people through the destruction of their homes or the withholding of adequate living conditions. Such deprivation must occur on a scale or for a duration sufficient to contribute to the physical destruction of the targeted group.

The Commission concluded that Israeli authorities were aware that their military actions, including the total siege of Gaza, blocking humanitarian aid, and destroying housing and health services, were likely to lead to the physical destruction of Palestinians, in whole or in part. Despite repeated warnings from the International Court of Justice, the UN Security Council, and human

rights experts about the catastrophic humanitarian impact, adequate aid was not allowed to reach civilians. The Commission therefore found that these conditions were knowingly and deliberately imposed to bring about the destruction of the Palestinian population in Gaza.

D. Imposing measures intended to prevent births within the group

The Commission highlighted that the Al-Basma IVF clinic was Gaza's main fertility center. Israeli forces fired a tank shell that directly hit the clinic, causing the explosion of five liquid nitrogen tanks and destroying all stored reproductive material. The clinic suffered more damage than surrounding buildings, suggesting it was deliberately targeted. Evidence, including the precision of the strike, the lack of any credible threat, and expert testimony, supports the conclusion that Israeli forces knew the clinic's function and intended to destroy the reproductive material. While actual prevention of births is not required to define this genocidal act, experts noted the attack will have long-term effects, preventing thousands of potential births and altering family lineages. The Commission therefore concluded that this attack constituted a deliberate measure intended to prevent births among Palestinians in Gaza.

Dolus specialis of genocide

The Commission emphasized that the "intent to destroy" a group does not require that the destruction has actually occurred. Acts targeting civilians or non-civilians of a group can still constitute genocide if the intent (mens rea) is established. The International Court of Justice has recognized Palestinians as a distinct protected group under the Genocide Convention and noted that the more than two million Palestinians in Gaza constitute a substantial part of this group.

Genocidal intent may be established either through (i) direct evidence such as statements expressing an intent to destroy, in whole or in part, the protected group as such; or (ii) circumstantial evidence, taking into account the totality of the evidence, by inference through the examination of the pattern of conduct.

I. Statements of Israeli state actors**:** The Commission found that many statements by Israeli officials contain dehumanizing language that promotes hatred and violence against Palestinians. These statements, combined with the actions of Israeli security forces in Gaza, provide direct evidence of the specific intent (dolus specialis) to destroy the Palestinian group. Additional indirect evidence comes from the broader pattern of conduct

by Israeli political and military authorities and the conduct of military operations, supporting the conclusion that the required specific intent for genocide is established.

II. Pattern of conduct (circumstantial evidence): The Commission found a consistent pattern of conduct by Israeli authorities and security forces showing an intent to physically destroy Palestinians in Gaza. This includes mass killings, severe bodily and psychological harm, and systematic lack of accountability. The total siege, including the blocking of humanitarian aid, imposed life-threatening conditions on a population highly dependent on external assistance, and continued despite repeated warnings, trapping civilians. The deliberate destruction of healthcare, denial of medical care, and obstruction of recovery further undermined Palestinians' survival. Sexual and gender-based violence was used to inflict extreme harm and collectively punish the population, while children were directly targeted, demonstrating that military operations aimed not only at armed groups but at destroying Palestinians both now and in future generations. Together, these actions reveal a clear and consistent pattern of genocidal intent.

Based on conclusive evidence, the Commission found that statements by Israeli authorities provide direct proof of genocidal intent. Circumstantial evidence, including the overall pattern of conduct, further supports this conclusion. The Commission therefore determined that Israeli authorities and security forces acted with the intent to destroy, in whole or in part, the Palestinian population in the Gaza Strip.

Legal consequences on States and their obligations

I. State of Israel

The Commission concluded that the State of Israel is responsible for the commission of genocide against the Palestinians in Gaza as a group, namely for the acts enumerated under articles II(a)-(d) of the Genocide Convention: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and (d) imposing measures intended to prevent births within the group.

II. Third states

Since at least 26 January 2024, all States were aware of a serious risk of genocide in Gaza. This awareness triggered their legal duty to take all reasonable measures to prevent it. States may be held responsible if they clearly fail to act in ways that could have helped prevent the genocide.

Under the Genocide Convention, States have a clear obligation to act to prevent and stop genocide. This includes ensuring that Israel implements all orders for provisional measures issued by the International Court of Justice, cooperating to end actions in Gaza that violate the Convention, and taking steps to prevent conduct that could amount to genocide, including the transfer of weapons likely to be used for such acts. States must also refuse to recognize as lawful any military operations in Gaza that violate peremptory norms of international law, including genocide, and must investigate and ensure accountability for such violations. To meet these obligations, the Commission recommended that States actively intervene in the ICJ proceedings of South Africa v. Israel and fully support the International Criminal Court's investigation into the situation in Palestine, with the aim of promoting accountability and justice.

Conclusion

The Commission concluded that Israeli authorities and security forces have committed and continue to commit multiple acts of genocide against Palestinians in Gaza, including killing members of the group, causing serious bodily and psychological harm, imposing life-threatening conditions intended to destroy the population, and taking measures to prevent births. The Commission also found that senior Israeli officials, including President Herzog, Prime Minister Netanyahu, and former Defence Minister Gallant, have incited genocide, and that Israeli authorities have failed to hold them accountable. Statements by Israeli officials, together with the overall pattern of conduct, provide direct and circumstantial evidence of genocidal intent, which the Commission determined is the only reasonable interpretation of the evidence. Accordingly, the Commission finds that Israel bears responsibility both for committing genocide and for failing to prevent it.

Recommendations

I. <u>For the Government of Israel</u> to immediately end all acts of genocide in Gaza, comply fully with International Court of Justice orders, and implement a complete and permanent

ceasefire. It called on Israel to restore and ensure unhindered access for UN staff and all humanitarian agencies, provide full-scale aid including food, water, and medical supplies, allow medical evacuations and emergency teams into Gaza, permit the Commission to continue its investigations, and investigate and punish all acts of genocide and incitement to genocide.

II. For all Member States to take all reasonable measures to prevent genocide in Gaza, halt arms transfers that could be used in genocidal operations, ensure individuals and companies under their jurisdiction do not participate in or facilitate genocide, support investigations and domestic proceedings, and cooperate fully with the International Criminal Court.

III. For the ICC Prosecutor to examine genocide within the ongoing investigation in Palestine, including amending and expanding arrest warrants, and consider the involvement of officials named in the report as those most responsible.

II. Sovereignty in All but Name: Israel's Quickening Annexation of the West Bank, International Crisis Group, 9 October 2025.

Original language of this article is English

The full article can be found here.

Introduction:

Israel's far-right government is undertaking a structural transformation of its rule over the West Bank, transferring powers from military to civilian authorities to consolidate permanent control. This shift has deepened the application of Israeli law in the territory, effectively advancing annexation without formal declaration. Building on decades of settlement expansion and "facts on the ground," recent legal and political changes are eroding the remaining distinctions between Israel and the occupied territory, further undermining prospects for Palestinian statehood or normal life under occupation. In response, external actors should leverage ongoing ceasefire diplomacy and employ political, economic, and legal pressure to halt and reverse this entrenchment of annexation.

Since Israel occupied the West Bank in 1967, *Israeli civilians* have established settlements there in defiance of international law barring demographic changes in occupied territory. Initially justified as a security measure, settlement expansion has increasingly reflected the settler movement's religious-nationalist vision of permanent Israeli control. This influence culminated in the 2022 elections, which brought far-right leaders Bezalel Smotrich and Itamar Ben-Gvir, both prominent settlers and settler advocates, into key government positions overseeing West Bank policy. With half a million settlers already residing in the territory, Israel's policies now signal a shift from temporary occupation to lasting annexation. Amid regional war and rising nationalism since 2023, these changes have faced little domestic opposition. In July 2024, the International Court of Justice concluded that Israel's actions amounted to annexation, obligating it to end its unlawful presence and calling on other states to press for compliance. The report explains the history of Israel's creeping annexation of the West Bank (with a particular emphasis on the critical role of Finance Minister Bezalel Smotrich), its implications for Palestinians and regional stability, and possible international responses.

Reconfiguring the Occupation:

Among the two settler leaders in Israel's current government, Bezalel Smotrich has proven the most influential, reshaping how Israel governs the occupied West Bank. Through bureaucratic maneuvers, he has not only accelerated settlement expansion but also restructured the occupation by shifting key powers from the military to civilian control, bringing the territory closer to full Israeli sovereignty in practice.

I. Splitting Civilian from Military Contro

Upon joining the coalition, Smotrich secured far-reaching commitments from Prime Minister Netanyahu, including a pledge to pursue "sovereignty" (Israeli annexation) over the West Bank and to grant him broad authority over its civilian affairs. This arrangement was formalized in February 2023 through an agreement with Defence Minister Yoav Gallant, dividing responsibilities so that Gallant retained military and security matters, while Smotrich took over civilian administration. Functioning under the Defence Ministry to avoid international backlash, Smotrich effectively created a "separate civilian system" that bypasses traditional military oversight.

Previously, the Israeli military, through the Civil Administration, managed all aspects of life in the West Bank since 1967. By transferring these functions to civilian agencies, Smotrich has extended Israeli governance and services to settlers while deepening the segregation between them and Palestinians, who remain under military administration. His reforms have further integrated settlements into Israel's civilian framework, advancing annexation in all but name. Declaring that "from the river to the sea, there will never be an Arab state," Smotrich has made his intentions explicit: to entrench permanent Israeli control and pre-empt any future Palestinian statehood. The 2023 reorganization, though presented as administrative, effectively handed near-governorial authority over the West Bank to a leading advocate of annexation, marking a critical transformation in Israel's occupation regime.

II. A New Opportunity for Settlement Expansion

The restructuring of authority within Israel's defence ministry has enabled Smotrich to vastly accelerate settlement growth in the West Bank. Following the February 2023 division of powers, he created the "Settlement Administration", a new body overseeing all civilian affairs in Area C, effectively replacing the long-standing military frameworks: COGAT and the Civil Administration. Headed by Smotrich's ally Yehuda Eliahu, the new administration now controls land allocation,

planning, construction, infrastructure, and even archaeological sites, using these powers to expand and legalize settlements.

Smotrich further consolidated his authority by abolishing the requirement for prime ministerial and defence minister approval for settlement planning, giving himself direct control over expansion decisions. His office also gained power over demolitions and enforcement, resulting in a sharp rise in the destruction of Palestinian homes and a near halt in enforcement against illegal settler construction. By mid-2023, demolitions of Palestinian structures had increased dramatically, while the dismantling of illegal settler outposts virtually ceased.

In May 2024, another military order deepened civilian control by transferring key administrative powers from the army's Civil Administration to a newly appointed deputy head, Hillel Roth, a settler loyal to Smotrich. Roth now oversees planning, construction, land designations, and expropriations, formally subordinated not to the military but to the Settlement Administration. Legal oversight of civilian affairs was simultaneously moved from the army's legal corps to the defence ministry's civilian counsel, further removing military checks.

While government lawyers portray these changes as bureaucratic streamlining, critics such as human rights attorney Michael Sfard argue they mark a decisive shift from *de facto* to *de jure* annexation by erasing the traditional buffer between military occupation and civilian governance. Former IDF commanders similarly warn that Smotrich's consolidation of civilian authority undermines the military's ability to manage the territory responsibly, replacing stability-oriented oversight with policies designed to entrench control and appease the settler movement. Together, these steps have transformed the West Bank's administration into one openly structured to cement permanent Israeli rule.

Backstory: Nearly Half a Century of "Creeping Annexation"

The policies advanced by Smotrich and other far-right figures build on decades of gradual Israeli efforts to extend control over the West Bank without formally declaring sovereignty. Since the 1970s, Israel has pursued a process of "creeping annexation," primarily through settlement expansion and infrastructure integration that blur the boundary between Israel and the occupied territory. Israeli citizens can cross the 1967 Green Line seamlessly, and official maps, media, and educational materials often depict the entire area between the Mediterranean and the Jordan River as one unified space. By avoiding an explicit claim of sovereignty, Israel has long maintained plausible deniability regarding annexation while steadily entrenching its presence and undermining prospects for Palestinian statehood or a negotiated two-state solution.

I. The *De Facto* Extension of Israeli Control

Since 1967, Israel has steadily extended its administrative, legal, and physical control over the West Bank through the systematic allocation of budgets, infrastructure, and public services to Israeli settlements. Roads, schools, water and electricity networks built for settlers have reshaped the territory's geography and deepened Israel's presence. One of the most visible symbols of this *de facto* annexation is the separation wall, begun in 2002 under the pretext of security. Although described as temporary, around 85 per cent of its route runs inside the West Bank, incorporating Israeli settlements and isolating Palestinian communities. The International Court of Justice, in its 2004 advisory opinion, warned that the wall's route could prejudge future borders and integrate settlements into Israel.

Recent developments have further entrenched separation and Israeli control. In March 2024, Israel approved and funded a new road east of Jerusalem, ostensibly to ease local traffic but in reality designed to segregate movement between Israelis and Palestinians. This "apartheid road," alongside planned settlement construction in the E1 area, would connect major settlement blocs to Jerusalem while effectively bisecting the West Bank, fragmenting Palestinian territory and severing its northern and southern regions. These measures underscore how Israel's physical and legal infrastructure in the West Bank has evolved from a temporary occupation framework into a lasting system of control approaching full annexation.

II. The Incremental Extension of Israeli Law to the West Bank

Alongside the creation of physical "facts on the ground," Israel has pursued a gradual legal assimilation of the West Bank, what scholars and critics describe as piecemeal *de jure* annexation. Shortly after the 1967 occupation, Israel's High Court of Justice began accepting petitions from West Bank Palestinians, thereby extending its jurisdiction into the territory and providing a judicial façade of legality to military rule. Since then, successive governments have incrementally applied Israeli legislation to settlers and institutions in the West Bank, eroding the distinction between Israel and the occupied territory.

Between 2015 and 2025, Israeli lawmakers proposed 149 measures to extend Israeli law to the West Bank, ten of which have been enacted. These include the 2017 law transferring oversight of higher education from the military commander to Israel's national Council for Higher Education,

and a 2018 amendment granting settlers Israeli tax benefits for income earned in the territory. The 2017 Regulation Law went further, attempting to retroactively legalize all settlements built on private Palestinian land, Israel's first law to apply territorially in the West Bank itself, before being struck down by the High Court in 2020. However, ongoing efforts to weaken judicial independence threaten to remove such restraints, paving the way for broader annexationist legislation.

Political rhetoric has increasingly normalized the view of the West Bank as part of Israel. Symbolic gestures, such as President Isaac Herzog's public Hanukkah ceremony in Hebron, and Netanyahu's 2020 annexation plan inspired by the Trump administration's "deal of the century" have further blurred the legal and political lines. Although Netanyahu paused formal annexation under the Abraham Accords, the far right has revived the agenda, with Smotrich declaring that 2025 will mark the "year of sovereignty" over the West Bank.

While officials like Defence Ministry legal adviser Moshe Frucht downplay these changes as administrative harmonization rather than annexation, even he concedes that the process is smoothing the path for applying Israeli law across the territory. Through this steady legislative and political integration, Israel is transforming its occupation into a permanent, legalized system of control.

What Comes Next?

Israel's gradual consolidation of control over the West Bank raises the question of whether the territory is approaching formal annexation. Among Israeli strategists, opinions vary: some argue that annexation is imminent, others see it as unlikely, and some envision intermediate scenarios. Meanwhile, the settler movement is actively shaping public discourse in Israel and the United States to favor annexation, emphasizing its purported benefits. Smotrich is accelerating settlement expansion and simultaneously taking steps to weaken the Palestinian Authority, the institution established under the Oslo Accords to serve as the foundation of a future Palestinian state. Public opinion among Israeli Jews increasingly appears to align with these efforts, creating political momentum for deeper integration of the West Bank into Israel.

I. Driving toward Formal Annexation

For the Israeli settler movement, formal annexation of the West Bank is the ultimate goal, marking a decisive end to the prospect of a Palestinian state. Leaders like Smotrich envision full Israeli sovereignty over *Judea and Samaria*, accompanied by new settlements and hundreds of thousands of settlers, as central to resolving the Israeli-Palestinian conflict. They argue that Palestinian hopes for statehood motivate resistance and terrorism, and that annexation would remove this incentive. Settler rhetoric frames the expansion of settlements as both a political and security measure, asserting that control of the West Bank protects Israel's population from attacks.

Since October 2023, amid heightened military conflict with Gaza and northern threats from Lebanon, proponents of annexation see conditions as favorable. Some predict that even if formal annexation provokes short-term Palestinian unrest, Israel's military could contain resistance, while external actors would have limited capacity to intervene effectively. The movement has also actively engaged U.S. and European policymakers, establishing lobbying channels such as the Congressional Friends of Judea and Samaria caucus to influence American policy, including the recognition of the territory as "Judea and Samaria."

However, formal annexation carries diplomatic risks, particularly with regional partners like the United Arab Emirates, which has signaled that annexation could strain ties but has stopped short of threatening to withdraw from the Abraham Accords. Despite these warnings, bilateral trade, defense, and political relations continue largely uninterrupted, as the UAE prioritizes dialogue and cooperation, including on humanitarian issues in Gaza, over public confrontation with Israel.

II. Attacking the Palestinian Authority

A central strategy for advancing Israeli sovereignty in the West Bank has been targeting the Palestinian Authority (PA), the official administrative body in the territory. Far-right leaders, particularly Smotrich, view dismantling the PA as essential to establishing full Israeli control. As finance minister, Smotrich wields significant influence over the PA's finances, which rely on tax and customs revenues collected by Israel under the 1994 Paris Protocol. Since October 2023, he has withheld funds earmarked for Gaza, deducted additional amounts corresponding to PA salaries, and as of September 2025 has withheld nearly $600 million, exacerbating unemployment, poverty, and economic instability in both the West Bank and Gaza.

Smotrich has also leveraged his civilian authority over the West Bank to authorize Israeli demolitions in Area B, undermining the PA's administrative role. He has taken punitive actions in response to international developments, such as the recognition of a Palestinian state by Spain, Ireland, and Norway, and ICC indictments against Israeli leaders, including suspending VIP permits and pushing settlement expansion in strategically significant areas. U.S. actions, such as visa suspensions for PA officials, have complemented these measures.

Smotrich's vision for Palestinian governance post-annexation involves limited "autonomous self-management" without national characteristics, with potential municipal voting rights and residency or citizenship linked to loyalty and service. This contrasts with Netanyahu's approach, who, while undermining the PA politically, has maintained agreements with it to ensure the continuity of civil administration in the West Bank, reflecting the military's preference for a functioning intermediary to manage Palestinian affairs and maintain stability.

III. Upping the Tempo

Since the 7 October 2023 attacks, Israel has accelerated annexation efforts in the West Bank, with attention focused on Gaza diverting international scrutiny and bolstering domestic support. In 2024, Israel set records for settlement growth, including housing permits, legalization of outposts, segregated roads, settler violence, checkpoints, and Palestinian displacement.

In early 2025, Israel approved over 10,000 new housing units in the West Bank, nearly matching all of 2024, and by June, approvals reached almost 20,000 units. Smotrich accelerated the approval process, converting thirteen unofficial settlement extensions into independent municipalities, describing the move as advancing "*de facto* Israeli sovereignty." These measures have transformed the West Bank landscape, with Palestinian farmers, shepherds, and hikers increasingly restricted from their traditional lands, often due to settler presence or IDF restrictions.

Area C has become particularly inhospitable to Palestinians. Building permits for Palestinians dropped to zero in 2024, and a record 1,065 Palestinian structures were demolished, displacing 860 people. A new land registration process in Area C, begun in May 2025, could entrench settler claims and make Palestinian property rights difficult to restore, raising concerns among human rights groups about violations of international law.

Public support in Israel largely favors annexation. Surveys indicate that 68% of Jewish Israelis support applying sovereignty in the West Bank, while 71% oppose a Palestinian state. Many Israelis prefer unilateral separation with continued security control (35%) or outright annexation (31%). Despite these trends, settler migration into the West Bank remains limited, constrained by security fears and rising Palestinian population growth. Recent spikes in attacks and counter-violence have heightened Israeli caution, leaving uncertainty about how quickly new housing units will be occupied.

An Unresolved Question

Despite strong settler-led momentum for formal annexation, Israel's readiness to take this step remains uncertain. A Knesset majority favors annexation, and it could be enacted by government decree, as with East Jerusalem in 1967. Advocates believe the cost would be manageable compared to years of conflict, especially after the 7 October 2023 attacks.

Formal annexation raises deep questions about the Israeli state and international law. Annexing without granting equal rights to Palestinians would formalize systemic inequality, widely labelled apartheid. Moshe Frucht of the defence ministry notes that annexation would legally obligate Israel to extend political rights, or risk being a pariah state. Yet most Israelis reject equal rights, seeking ways to annex territory with minimal Palestinian populations, a strategy Smotrich has openly pursued.

Israel could also use the threat of annexation strategically, leveraging it in deals with countries like Saudi Arabia or limiting annexation to strategic areas such as the Jordan Valley, seen as defensible and vital for security. Critics argue that full annexation of the West Bank is unlikely and unnecessary for Israel's strategic interests.

If annexation occurs without equal rights, the consequences for Palestinians could be severe. Settler and military violence could intensify, displacing more Palestinians. Any remaining prospects for a two-state solution would be extinguished, forcing Palestinians to focus on civil rights struggles. Given Israel's ongoing campaign in Gaza and the government's stated aim to block Palestinian statehood, West Bank Palestinians may face long-term dispossession, systemic inequality, and heightened vulnerability to forced displacement or other forms of coercion.

Coming to Grips with Reality

Israel continues to advance *de facto* control over the West Bank incrementally, avoiding a formal annexation declaration while accelerating settlement and administrative measures. By deferring a legal declaration, the government sidesteps immediate international or diplomatic confrontation, exemplified by the UAE's September warning against annexation and Trump's public dismissal of the issue, despite ongoing developments.

Acknowledging reality is the first step for any counter-effort. Outside actors must recognize that Israel has already asserted permanent authority over much of the West Bank, a position reinforced by the ICJ's 2024 opinion and by observable facts on the ground.

The second element is political will. Until recently, global actors—including the U.S., EU member states, and Arab countries rarely imposed meaningful pressure on Israel, even in the face of repeated human rights violations. Recent events, such as humanitarian crises in Gaza, EU reviews of Israel's compliance with human rights clauses, suspension of UK trade negotiations, and sanctions on Israeli ministers, indicate a potential shift. France and Saudi Arabia's September UNGA conference and the recognition of Palestine by nine countries further signal growing global awareness.

The third element is sustained pressure. Effective measures could include EU partial suspension of trade benefits under the 1995 Association Agreement, stricter enforcement of arms export controls, halting sales of dual-use items, and targeted sanctions on Israeli officials and institutions involved in settlement activity. National measures, such as Ireland's settlement-specific trade bans or UK sanctions on settler organizations, could complement these efforts. Arab states can leverage diplomatic and economic tools, from recalling ambassadors to suspending flights, and coordinate with international partners to demonstrate consequences for continued annexation practices.

While these measures may slow Israel's annexation trajectory, reversing it would likely require decisive engagement from the U.S., Israel's primary security and diplomatic partner. Shifts in U.S. domestic politics, declining support among Democrats, and generational divisions within the Republican Party could create conditions for more assertive leverage. However, the timing and effectiveness of such influence remain uncertain, leaving the West Bank's annexation trajectory largely dependent on evolving geopolitical dynamics.

Conclusion:

Israel is rapidly deepening its *de facto* annexation of the West Bank. Since the December 2022 government and the October 2023 attacks, an administrative overhaul has shifted governance toward Israeli civilian control, contravening international law and sidelining outside objections. The settler movement now drives policy and presses for formal annexation to preclude a Palestinian state, though Israel's establishment remains divided over the risks.

Whether or not a formal declaration is made, annexation is already a reality on the ground. To halt and possibly reverse this trajectory, outside actors must first acknowledge that reality, then summon sustained political will, and finally impose concrete, long-term costs and measures that make continued annexation materially and politically unsustainable. Only such a determined strategy gives any realistic chance of preserving prospects for Palestinian self-determination and regional stability.

II. Summary of "Political Mobilization and Advocacy Strategies of Palestinian Groups Amid Genocide Allegations in the Gaza Conflict, 2023-2024" by International Journal of Research Publication and Reviews

The original language of the research paper is English.

You can read the original paper here

Introduction & Methodology

The article investigates how Palestinian political and civil society groups mobilized during the 2023–2024 Gaza war, particularly as genocide allegations against Israel intensified. It fills a gap in existing literature by focusing on real-time advocacy and strategic framing of genocide allegations rather than historical mobilization.

Using qualitative analysis of 150 documents from political statements to legal briefs, media reports, social media posts, and academic papers, the authors examined the tools, messaging, and coordination patterns that shaped Palestinian advocacy efforts. The analysis revealed high thematic convergence between political entities and civil society. Both emphasized legality, morality, and survival narratives to sustain advocacy momentum.

Historical Context and Evolution of Mobilization

The study traces Palestinian political organization through six major phases:

Phase	Period	Key Strategy	Outcome
1918–1948	Peaceful resistance under British Mandate	Early nationalist organizing	Limited success due to British-Zionist alliance
1948–1967	Reconstruction in exile	Formation of Fatah, early armed resistance	Rise of self-reliant struggle
1967–1987	Armed struggle	Guerrilla operations via PLO and fedayeen	Global recognition of Palestinian cause
1987–1993	Non-violent mass resistance	First Intifada, grassroots organizing	Shift toward diplomacy

1993–2006	Diplomatic engagement	Oslo Accords, partial autonomy	Peace collapse and renewed violence
2006–Present	Divided governance	Hamas–Fatah split, Gaza isolation	Fragmentation and international advocacy

This framework contextualizes the 2023-2024 mobilization as an advanced hybrid form combining legal, digital, and transnational strategies.

Forms of Mobilization

The study identifies six interlinked forms of Palestinian mobilization:

1. **Armed Struggle** : From fedayeen operations to Hamas's current warfare.
2. **Non-Violent Resistance** : Exemplified in the First Intifada and BDS movement.
3. **Diplomatic Engagement** : UN recognition and ICC/ICJ appeals.
4. **Cultural Mobilization** : Diaspora-driven identity and solidarity building.
5. **Educational Mobilization** : Political awareness through education.
6. **Legal Mobilization** : Use of international law to pursue accountability.

These forms often intersect, with advocacy shifting dynamically depending on political opportunities.

The Gaza War (2023–2024)

The war began on the 7th of October 2023, prompting Israel's largest military campaign in Gaza. By late 2024, over 42,000 Palestinians were killed, including thousands of children.

Key turning points:

- **Dec 29, 2023:** South Africa files genocide case at the ICJ.
- **Jan 26, 2024:** ICJ finds "plausible genocide" and orders Israel to prevent genocidal acts.
- **May 2024:** ICJ orders Israel to halt its Rafah offensive.
- **Dec 2024:** Amnesty International concludes that Israel is committing genocide.

These legal milestones transformed Palestinian advocacy, giving it both **l**egal legitimacy and moral urgency.

Dynamics of Political Mobilization (2023–2024)

Palestinian mobilization during this period was diverse and global:

- 12,400 pro-Palestinian protests in the U.S. alone.
- Student movements led the largest academic protests in U.S. history.
- Regional and diaspora mobilizations expanded, particularly in Arab and Western civil societies.
- Online activism surged through hashtags like #GazaGenocide, #FreePalestine, and #ICJForPalestine, turning social media into a key advocacy arena.

Mobilization also included mutual aid networks, boycotts, and legal documentation efforts, especially within Gaza despite extreme conditions.

Advocacy Strategies Amid Genocide Allegations

The study identifies five primary advocacy strategies used between 2023 and 2024:

1. Genocide Framing and Moral Appeals

Palestinian actors reframed the war as a genocidal campaign, grounding their discourse in international law and human rights language. This moral framing attracted global solidarity and intensified scrutiny of Israel's actions.

2. International Legal Advocacy

Legal petitions to the ICJ and ICC, led by groups like Al-Haq and Al-dameer, were central. These efforts reinforced legitimacy and linked Palestinian claims to global legal norms.

3. Digital Advocacy and Hashtag Campaigns

Social media platforms became vital tools for real-time documentation and mobilization. Hashtags such as *#GazaGenocide*, *#JusticeForGaza*, and *#ICJForPalestine* were used by organizations and individuals worldwide to pressure governments and amplify Palestinian voices.

4. Transnational Solidarity Building

Partnerships with global civil society,including Jewish Voice for Peace, Students for Justice in Palestine, and Black Lives Matter movements created a broad coalition connecting struggles against oppression and racism.

5. Internal Political Narratives

Despite the Hamas-Fatah split, advocacy efforts displayed some coordination in messaging, especially around the ICJ proceedings and humanitarian appeals. However, political fragmentation still hindered unified representation.

Challenges and Repression

Advocates faced multiple layers of repression:

- Israeli suppression: arrests, killings, and movement restrictions.
- Academic censorship: severe crackdowns on student protests and faculty.
- Digital censorship: content removal and account suspensions on major platforms.
- International backlash: accusations of antisemitism and funding restrictions.
- Internal divisions: Fatah -Hamas rivalry hindered unified political strategy. Despite this, the advocacy persisted, underscoring the resilience and adaptability of Palestinian movements.

Key Findings and Contributions

- **Coordinated, multi-dimensional advocacy:** Legal, digital, and grassroots efforts worked in tandem.
- **Shift in discourse:** The genocide framing transformed global perception, linking Gaza to universal human rights concerns.
- **Transnational momentum:** Partnerships across borders amplified Palestinian visibility and legitimacy.
- **Legalization of activism:** The use of ICJ and ICC forums institutionalized Palestinian claims.

- **Moral urgency as a strategic tool:** Framing the suffering in Gaza through moral and humanitarian language proved effective in sustaining attention.

Conclusion & Recommendations

The study concludes that Palestinian advocacy during the 2023–2024 Gaza war represents an unprecedented evolution in political mobilization, blending legal precision, moral resonance, and digital reach.

Despite repression and fragmentation, these movements successfully shaped international discourse around Gaza and demonstrated that strategic coordination across law, media, and civil society can influence global public opinion and institutional action during active war.

The authors propose three central recommendations for future advocacy:

1. Invest in legal capacity-building : Strengthen teams that can engage with international courts and accountability mechanisms.
2. Develop robust digital infrastructure : Ensure rapid response to disinformation and effective online organizing.
3. Expand global partnerships : Build sustained alliances with international human rights organizations to maintain global pressure and visibility.

IV. Summary of "Colonial Logic Redux: Scholars Comment on Trump and Netanyahu's Proposal", published in Opinio Juris, 2 October 2025.

The original language of the article is English.

You can read the full article here.

This article presents the opinions of six international law and justice experts: Mohsen al Attar, Brendan Ciarán Browne, Shahd Hammouri, Nawal Hend, Ata Hindi, and Ali Osman Karaoğlu on the "peace plan" proposed by US President Donald Trump.

1. Mohsen al Attar

According to al Attar's assessment, the Trump–Netanyahu "peace" plan, dubbed the "Gaza Riviera," is not a genuine peace agreement but a deeply unequal and coercive blueprint that the author characterizes as a "colonial fantasy masquerading as peace." This critique views the plan as a demand for Palestinian surrender while offering no meaningful reciprocal commitments from Israel. It requires Palestinians to release hostages and for Hamas to disarm, yet allows for an indefinite Israeli military presence, ignores Israel's ongoing occupation, blockade, and humanitarian abuses, and contains no guarantees to address Palestinian demands for dignity, independence, or justice.

The plan also proposes an "international administration" to remake Gaza, led by Trump and overseen by technocrats and investors such as Tony Blair, effectively dispossessing Palestinians and converting Gaza into a development project for outsiders. Palestinians would be marginalized, reduced to a laboring population, and excluded from decision-making, a dynamic the author interprets as a form of ethnic cleansing. The proposal bypassed Palestinian negotiators entirely, embedding colonial logic under the guise of peace, and normalizes subjugation while eroding international law.

The author's opinion is unequivocal: the plan is an imperial imposition rather than a peace initiative, prioritizing political expediency, commercial interests, and 21st-century power politics over Palestinian survival, rights, and self-determination. Its acceptance by various states is seen as a betrayal of both Palestine and the principles of the international order, representing a return to naked imperialism under the veneer of legality.

2. Brendan Ciarán Browne

The author argues that the Trump "peace" plan represents not peace but coercion, erasure, and continued colonial domination of Palestinians. Land is ceded incrementally, Palestinian security is subordinated to total surrender, and the plan bypasses Palestinian participation entirely, treating their aspirations for self-determination as negotiable. While the need to end Israel's brutality in Gaza is unquestionable, the plan fails to offer justice, recognition of Palestinian rights, or a path to decolonial repair, instead stalling meaningful change and perpetuating occupation.

The author emphasizes that Palestinians have long sought freedom, mobility, and a life beyond surveillance and occupation, yet the plan weaponizes humanitarian aid and patronizes Palestinians, demanding mindset changes rather than reciprocal commitments. Devoid of pathways to self-determination or restoration of land, the proposal is framed as a continuation of a historical pattern of deeply flawed "peace" initiatives—from Oslo to Camp David—that prioritize Israeli dominance over Palestinian rights. As Ghassan Kanafani famously observed, such plans are not about dialogue but coercion: a "conversation between the sword and the neck."

3. Shahd Hammouri

The author sharply criticizes the Trump–Netanyahu plan as a coercive and illegal blueprint for Gaza, presenting Palestinians with an ultimatum to accept the plan or face further genocidal threats. The proposal envisions a demilitarized, heavily policed Gaza, administered by foreign authorities, and designed to serve outside capital rather than Palestinian interests. Some Arab and European states' rapid endorsement of the plan is seen as a violation of their duty under international law to prevent genocide.

The plan is described as a rebranding of occupation rather than its end, replacing direct Israeli control with an imposed foreign administration without Palestinian consent, violating their right to self-determination. It further leverages humanitarian aid and technology to control the population and fails to guarantee the withdrawal of Israeli troops. By endorsing the plan, states are normalizing coercion, undermining international law, and perpetuating a colonial logic that denies Palestinians basic rights. The author argues that a legitimate path forward requires states to fulfill their obligations under international law, including imposing sanctions, embargoes, and collective measures to uphold Palestinian rights and accountability.

4. Nawal Hend

The author critiques the Trump "peace" plan as a dystopian and ethno-supremacist blueprint that denies Palestinians self-determination. The plan requires Hamas to fully disarm, including weapons production, with compliance rewarded by amnesty and resistance punished by exile or worse, effectively enforcing Palestinian submission while granting impunity to Israel. Both Hamas in Gaza and the Palestinian Authority in the West Bank would lose governance, replaced by an externally appointed technocratic committee, with political authority only restored under vague conditions dictated by the occupiers. Gaza would be transformed into free-trade zones for foreign investment, with natural resources extracted and infrastructure repurposed for outsiders, leaving Palestinians with minimal benefit. A private security apparatus would enforce Israeli interests and train local police, maintaining control over the population and preventing any meaningful self-governance.

Despite its polished language, the author argues, the plan is not a path to peace or justice, but a framework for ongoing subjugation, resource extraction, and the erosion of Palestinian political and economic autonomy.

5. Ata Hindi

The author argues that the so-called Trump "peace" plan is a violation of international law and a direct affront to the Palestinian people. Rather than ending occupation, it entrenches Israel's control over Gaza and presents a US-led, transformative occupation under the guise of a peace initiative. The plan contradicts core rules of the law of occupation and peremptory norms, including prohibitions on annexation and the denial of Palestinian self-determination.

The International Court of Justice has affirmed that Israel must immediately end its occupation of Gaza, the West Bank, and East Jerusalem, and that third states have a duty to ensure this occurs unconditionally. By contrast, the plan offers only conditional and limited promises regarding Gaza, with no guarantees of withdrawal or unfettered humanitarian access. The author criticizes third states and the UN Secretary-General for welcoming the plan without insisting on unconditional adherence to international law, highlighting the risk that the agreement could normalize violations and implicate others in illegal conduct.

6. Ali Osman Karaoğlu

The author frames Trump's Gaza plan as a modern iteration of the British Mandate over Palestine, describing it as a colonial project under the guise of legality. Just as the 1922 Mandate granted Britain sweeping powers to implement the Balfour Declaration while claiming to protect Palestinian rights, Trump's plan promises safeguards for Palestinians but offers no meaningful guarantees. Hamas would be removed, and Palestinian governance replaced with an externally approved, demilitarized authority, leaving Palestinians vulnerable to Israeli domination.

By bypassing Palestinian consent entirely, the plan repeats the historical violation of the principle that the wishes of the local population must guide governance. Far from advancing self-determination, the author argues, the plan entrenches occupation and mirrors the inequities and dispossession established under the original Mandate, rendering Palestinians politically and territorially subordinate while legitimizing continued external control.