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Quiet annexation

Step by step, the Israeli government is annexing more parts of the West Bank

When the Knesset held its symbolic vote on 23 July 2025, affirming Israel's 'right' to Judea and Samaria (the term Israeli authorities use for the occupied West Bank), we cautioned in an op-ed that annexation was already underway, realised quietly through bureaucratic change. Since then, the processes we highlighted have only escalated: Finance Minister Bezalel Smotrich (a leading figure of the settler movement) has tightened his influence over the Civil Administration — the Israeli body managing civilian life in the West Bank that has previously operated, at least nominally, under military law. This reformed body, now brought under the helm of Israeli civilian authorities, actively promotes the issuance of planning approvals for settlement outposts.

In a telling sign of how internal guardrails are being dismantled, last month, Israel removed Tomer Carmi, the long-time senior officer overseeing land registration in Area C (the 60 per cent of the West Bank under full Israeli control since the Oslo Accords), following disputes with Smotrich's allies over approving disputed land transactions for settlement expansion. Carmi's ouster underscores how even the bureaucracy of the occupation is being reshaped to fast-track annexation.

The government's smokescreen

The Knesset's July 23 declaration, which was recently recited by Prime Minister Netanyahu in his speech before the General Assembly, was presented domestically and abroad as 'the beginning of annexing' the West Bank. But the truth is just the opposite: this declaration is not the beginning. It is a smokescreen designed to obfuscate the fact that annexation has already taken place — not by means of constitutional drama but through quiet, consistent and humdrum bureaucratic activities.

The pretence that the completion of annexation requires a formal declaration is the very heart of the smokescreen. This misleading idea enables the right-wing government to operate in the West Bank as the

sovereign without paying an international price for having violated the bedrock prohibition on annexation in international law. It also allows the opposition to 'oppose' the annexation solely through lip service or, alternatively, to complain about the coalition's failure to advance annexation — depending on whom one asks.

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The basic assumption in Israeli public discourse, which includes right-wingers as well as centre-left politicians, is that annexation requires an official announcement, such as legislation or a public declaration that changes the status of the territories. It seems that this is also the approach adopted by other countries, as indicated by the recent cautions by Arab states lest Israel annex the West Bank. But that assumption is legally inaccurate. In fact, the annexation of territory does not require a declaration or a legislative act.

As we have argued in a recent scholarly article published by the Oxford Journal of Legal Studies, to recognise that annexation is taking place, it is sufficient to look at the normative organising framework with which the state manages the territory, the organisational structure and the bureaucratic machinery of the state, and the symbolic performance of power. Formal declarations or legislation are not necessary.

In a July 2024 advisory opinion, the International Court of Justice also adopted the position that annexation does not require an official declaration. It found that Israel had already annexed at least parts of Area C. In other words, an undeclared annexation, accomplished through bureaucratic means, is annexation. Note, no qualifiers are needed. Undeclared annexations are not merely 'de facto annexations', as distinct from formally declared 'de jure' annexations. As we have explained, the benefactors of such obfuscations are those states quietly violating the norm. Rather, the plain meaning of the term annexation does not depend on the making of declarations. That said, it is important to stress that annexation is strictly forbidden under international law and is never considered valid.

The actions of the Israeli government in the past two years have resulted in Israel already completing the annexation of territories without an official statement or legislation. It did so by comprehensively changing the scope of authority of the state bodies operating in the territories, revising the structure and methods of its control, and reforming the way budgets are allocated in order to establish and deepen the legal integration of the West Bank into Israel, rendering it indistinguishable.

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The military apparatus that governed the West Bank in recent decades and regarded itself as subject to international law no longer exists. If until two years ago the West Bank was viewed as under military rule, today it is governed by Israel's civilian ministries. The Civil Administration is now subordinated to Smotrich, who serves as a second minister in the Defense Ministry. Civilian ministries such as transportation, education and agriculture now use the military only as a subcontractor for projects aimed at seizing control of Area C, and even parts of Area B.

Simultaneously, new appointments have been made to strengthen and accelerate annexation, such as the appointment of a deputy head of the Civil Administration on behalf of the settler movement, who reports to the appointing minister rather than the military. The military's independent legal advisor has been stripped of authority to address multiple issues, which have been relocated to a new legal unit established in the Defense Ministry and subordinated to the political echelon. By breaking the chain of command, Smotrich has already taken a decisive step toward annexation: he transferred military authority over civilian matters in the territories from the head of IDF Central Command – the military commander of the West Bank – to an Israeli civilian authority.

This annexation is not taking place on the front pages of newspapers, but through the wording of administrative documents, the transfer of budget items, the changes made to planning principles, the acceleration of licensing processes, the transfer of powers regarding land, the development of infrastructure for the settlements and their inclusion in Israel's infrastructure and legal system. These steps are manifestations of Israeli sovereignty in the territories.

Violating the law, undermining democracy

Against this background, it becomes clear that the recent Knesset declaration is not a turning point; it is part of a disinformation campaign. It provides the political centre with a convenient narrative – as if annexation requires a declaration – thus allowing it to continue denying reality, as though in the absence of a declaration, no annexation has taken place. Worse still, it exonerates the legal, administrative and political systems that enable and facilitate the routine implementation of

annexation.

Furthermore, the infrastructure and government structures designed to control the territories are based on institutionalised discrimination, denying civil rights to the Palestinian residents and systematically discriminating against them in budgets and resources. Annexation is therefore also a democratic problem: annexation without equal rights is an apartheid regime. When two populations live in the same area, under one government but different legal systems, with unequal rights and unequal representation in political institutions — that is a regime that discriminates in a structural and systematic manner. And the denial of this reality by elected officials who refuse to recognise that annexation is already here helps perpetuate violations of the law and the erosion of the democratic values that supposedly underpin Israel's political system.

Moreover, the effect of annexation is seeping into the Green Line (the 1949 armistice line between Israel and the occupied territories) and destroying the foundations of the State of Israel. The significant increase in violence against Palestinians in the West Bank – and the host of attacks and arson by groups of settlers, some with the practical support of the army – heralds a shift beyond an apartheid regime with separate laws for different populations to one in which the rule of law is a complete fiction, and the executive branch or its proxies wield absolute power and act with impunity but for the rare cases where a bureaucrat or soldier refuses to carry out orders. The denial of the rule of law in the territories leads to a similar denial within the Green Line and in every other territory where the IDF operates.

Removing the barriers to annexation is one of the main goals of the judicial overhaul — the set of initiatives advanced by Netanyahu and his government to weaken democratic checks and balances in Israel. The time has come to acknowledge that this goal has already been achieved. And as in a self-nourishing cycle, annexation also enables the continued entrenchment of that judicial coup.

This article is an updated version of the article 'Israel Has Already Annexed the West Bank in Practice', which appeared in Haaretz.



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