



# The Silent Overhaul: Transforming the System of Governance in the West Bank

An analysis of the annexationist policies of the current Israeli government

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*“[We] are truly changing the infrastructure - legal, proprietary, and statutory - and the DNA of the system. We’re doing it slowly. We’re doing it professionally. We’re doing it as a process... The outcomes prove we’re managing to do wonderful things...”*

*Bezael Smotrich, July 2024 (Hebrew)*

**Using stealthy bureaucratic measures, Israel has transformed the nature of governance in the West Bank, taking it from a military occupation with obligations towards the occupied population under international law to a system in which Israeli civilian government institutions, carrying a duty of loyalty to Israelis, run most aspects of Palestinian life in the West Bank. Under Minister Bezael Smotrich, adherents to the settler ideology have been given greater control over the West Bank and, in practice, the power to implement their ideological agenda.**

The intentions of the current Netanyahu government were made clear early on, with the government guiding principles opening with -

*The Jewish people have an exclusive and indisputable right to all parts of the Land of Israel. The Government will promote and develop settlement in all parts of the Land of Israel - the Galilee, the Negev, the Golan and Judea and Samaria.*

The coalition agreements signed at the formation of the government essentially serve as a highly detailed work plan for the annexation of the West Bank. The appointment of Finance Minister Bezalel Smotrich as Additional Minister in the Ministry of Defense and the February 2023 power-sharing agreement that handed him most of the powers over various aspects of civilian life in the West Bank were merely the first steps on the way to transforming the nature of Israeli control in the West Bank.

**An analysis of the actions taken by the government since its inception, pursued intensively even as the fighting in Gaza goes on, reveals extensive work in implementing annexation in the West Bank on an unprecedented scale.**

## **Fundamental change in the system of control over Palestinians via the transfer of governance powers, from the military to Israeli governmental authorities**

*"We created a separate civilian system. There is a ministry within the Ministry of Defense. There is a minister. There is [a Settlement] Administration which is like a government ministry. The head of the [Settlement] Administration is equivalent to a Director General of a government ministry... There is a Deputy Head of the Civil Administration who is civilian, an employee of the Ministry of Defense, subordinate not to the Head of the Civil Administration, not to the Commander of the Central Command, but to the Settlement Administration. All the authorities of the Head of the Civil Administration were delegated to him."*

*Minister Bezalel Smotrich, July 2024*

### **The establishment of the Settlement Administration**

The Settlement Administration is a new governmental body within the Ministry of Defence that reports directly to Minister Smotrich and controls most areas of civilian life in the West Bank. The Settlement Administration is tasked with designing governmental policies in the West Bank on matters that are not strictly security-related: running the Civil Administration, managing planning and law enforcement (including demolitions) on unpermitted construction; taking charge of land management policies, including land

allocations, completing the application of Israeli law to settlers through military orders, and improving government services to settlers. **Yehuda Eliyahu**, appointed as the head of the Settlement Administration, co-founder of Regavim (a settler organization that works to seize land and displace Palestinians in the West Bank) together with Smotrich. He is considered a close associate of the Minister.

## The appointment of a civilian as the Deputy Head of the Civil Administration for Civilian Affairs

In late May 2024, for the first time, approval was given for the appointment of a civilian to the position of Deputy Head of the Civil Administration for Civilian Affairs. The Civil Administration is the military agency responsible for the implementation of the IDF's civilian policy in the West Bank. The Deputy Head of the Civil Administration for Civilian Affairs assumed multiple, broad administrative powers concerning most civil aspects of governance in the occupied territory - including land administration, planning and construction, monitoring and enforcement, trade and the economy, local authorities, management of nature reserves and antiquity sites, and more. The Deputy was also given in some cases the power to enact regulations in the areas under his responsibility - where such powers were given previously in military orders to the head of the Civil Administration - essentially making the Deputy a secondary legislator. These powers are significant as they form the core of governmental control in the West Bank, especially regarding policy-making and its implementation on the ground.

The title “Deputy Head of the Civil Administration” is misleading, as the position is subordinate to the Settlement Administration rather than the Head of the Civil Administration, and the person filling the role does not take orders from the Head of the Civil Administration, nor is he obligated to report to him or consult with him. Having been delegated these powers, the Deputy essentially acts as Head of the Civil Administration. **The Deputy Head of the Civil Administration, who is, for all intents and purposes, the new Head of the Civil Administration, subordinate to a hierarchical chain headed by the Additional Minister in the Ministry of Defense. This chain has effectively removed the military from the decision-making process over most aspects of Palestinian life in the West Bank.**

The person appointed for the position is **Hillel Roth**, a former member of the settler-led Od Yosef Chai Yeshiva who lives in the settlement of Revava. During the disengagement plan

in 2005, Roth served as Director of Finance and Administration for the right-wing legal aid group Honenu. He later served as Treasurer of the Samaria Regional Council.

## Transfer of the legal advisory function from military to civilian

The appointment of a civilian as Deputy Head of the Civil Administration completes the gradual process of transferring responsibilities from the Military to civil governmental bodies. A significant step in this process is the transfer of responsibilities from the Advocate General's Corps ("The Legal Advisor for Judea and Samaria") to the Legal Advisor of the Defense establishment. In practice, the legal advisory on many crucial and sensitive issues is now given by lawyers who were recruited into the Settlement Administration and serve under Smotrich in the Ministry of Defense. These lawyers also replace the military Advocate General's Corps by serving as legal advisors to the Deputy Head of the Civil Administration.

This is not a technical matter. For years, the military prevented the approval and implementation of certain policies in the West Bank that were deemed by its legal advisors to be in breach of Israel's obligations under international law. Transferring the function of legal advisor to the Ministry of Defense removes the mechanism to prevent the abuse of power - as weak and limited as it was.

This means that the loyalty of the legal advisory function shifts from an obligation to frameworks of international law, to having a primary responsibility to act on the interests of the Israeli people. Under this government, this shift in responsibility to Israeli civil interests will make it even easier to expand Israeli settlements at the expense of the basic rights of the occupied population. Importantly, more than ever before, this change also allows for political influence over the appointment of the legal advisors themselves.

## The goal of one million settlers: a significant boost to settlement expansion and improved living conditions for settlers

*"It's like a time of miracles. We're in some sort of miracle. Like someone*

*standing at a stoplight... and then the light turns green... We want to get as much done as we can..."*

*Minister Orit Strock, July 2024 (Hebrew)*

In June 2023, the government passed (Hebrew) a resolution, Amendment to Government Resolution 150 from 1996, that removed some of the required government-level approval at various stages of planning and approval for the expansion of settlements (including authorizing outposts as neighborhoods of existing settlements), barring the first stage, in which plans are submitted to the planning authorities for review. According to the new resolution, once a government-level official has approved the promotion of a plan in a certain area, no further approval from the political apparatus is required. Bezalel Smotrich as the Additional Minister in the Ministry of Defense is left to exercise sole power to approve the advancement of the planning procedures. The decision has raised government involvement in planning procedures in the West Bank to the same level as that within Israel. In fact, the process is even easier in the occupied territory, as a single Minister now holds the power. This change will enable a smoother process to retroactively approve many unauthorized outposts in the West Bank - a significant step towards mass expansion of settlements.

Settlement expansion has already been significantly advanced since the formation of the government, including:

- Designation of **70 outposts** as undergoing a retroactive approval process. **Most of these are classified under a new status - "undergoing approval"**. Obtaining this classification alone blocks any enforcement action on illegal construction and allows these outposts to receive direct governmental funding and connect to infrastructure.
- According to Peace Now, since the formation of the government, **44 new outposts** have been established. At least half of these are **Agricultural farms**, which are involved in land takeover and the systematic expulsion of Palestinians from the area.
- Approval and/or advancement of about **18,000 new settlement housing units**.
- Declaration of **more than 22,000 dunams as state lands**, compared to 13,000 dunams declared between 2014 and 2023. 2,600 dunams of the 22,000 are located between the settlements of Ma'ale Adumim and Keidar, in Area E1. Construction in this area will split the West Bank in two, which is a strategic obstacle to the two-state solution.

# Erasing the Oslo paradigm

*"I have only one mission in life... Ever since I was a child. It's why I founded Regavim. It's why I went to the Knesset and the government... My life's mission is to thwart a Palestinian state."*

*Minister Bezalel Smotrich, Channel 14, Israeli TV, June 14, 2024*

Changing the system of control in Area C and settlement expansion seeks to promote the full and permanent establishment of Israeli sovereignty in the territories and to thwart the possibility of establishing a Palestinian state in the future. A significant trend that seeks to nullify the idea of a Palestinian state is the erosion of the Oslo paradigm, i.e., the shared understanding that the majority of the West Bank is designated to be under Palestinian control.

Under the terms of the Oslo Accords, Israel may operate in Areas A and B only for security purposes, while civilian matters fall under Palestinian control. Whereas Area C, which makes up 60% of the West Bank and is ultimately designated for the future Palestinian State, falls under Israeli security and civil control. Nevertheless, for more than a decade, settlers have been engaged in a campaign to reframe Palestinian construction in Area C as an attempt to take over the area and as a “violation of Israeli sovereignty over Area C”.

Recently, the settler campaign has shifted focus onto the alleged Palestinian ‘take over of open areas’, claiming that these areas, including Areas A and B, should be treated as Israeli lands. As part of this campaign, Minister Smotrich has been obscuring **the definition of security** in such a way that allows Israel to operate in Areas A and B, promoting Israeli settlement contiguity and Palestinian fragmentation as a matter of Israeli national security. If this obstruction succeeds, it could serve as future justification for demolitions and the prohibition of Palestinian construction in Areas A and B under the guise of security.

One example of the systematic efforts to blur the lines between Areas A, B, and C, as defined in the Oslo Accords, occurred in June 2024 when the Israeli cabinet assumed enforcement powers in the “Agreed Reserve” in Area B. Following this decision, the military commander of the West Bank signed orders granting Israel the authority to demolish Palestinian homes in the “Agreed Reserve”.