

Statement from Peace Now

December 5, 2022

On the Transfer of Responsibilities and Powers over the West Bank Civil Administration to Bezalel Smotrich

According to the recent announcement of the coalition agreement between the Israeli Prime Minister-elect Benjamin Netanyahu and the far-right Religious Zionism party, its leader, Bezalel Smotrich, was granted with a minister in the Defense Ministry with responsibility for Israel's West Bank settlements. This includes full authority over the areas of operation of the Civil Administration, and the Coordinator of Government Activities in the Territories (COGAT), which until now were under the Minister of Defense. The agreement (Hebrew) reveals more details concerning the powers and authority given to the future Religious Zionism minister in the Defense Ministry, who will be in charge of "Jewish settlements and open lands." The minister in the Defense Ministry will play a central role in everything related to managing life for Palestinians and Israeli settlers in the occupied West Bank, and will also have the authority to name the heads of COGAT and the Civil Administration, bodies responsible for the Israeli government's civil policy in the occupied West Bank. The agreement shows that the minister will also control the West Bank's planning committee, a body in charge of approving new settler construction in Area C.

Peace Now: "The likely new coalition government, which will include far-right and pro-annexation figures as key ministers, sees Area C as Israeli sovereign territory and will do anything to implement its vision of Jewish supremacy there and this dangerous coalition agreement clearly illustrates this. An additional minister within the Ministry of Defense will prioritize the interest of the settlers over the Israeli interest, and a laundering mechanism will develop relatively quickly, enabling the legalization of dozens of unauthorized outposts built in violation of Israeli law and on land taken by the settlers. A future coalition government led by Netanyahu and with Smotrich as a minister in the Defense Ministry, who repeatedly expressed his interest in the annexation of Area C, will significantly deepen the settlements project, the dispossession, and the oppression of Palestinians in the Occupied Territories. Moreover, a de facto annexation of Area C means leaving Areas A and B - under partial Palestinian control - without territorial contiguity. This represents a significant threat to the viability of a two-state solution."

The Importance of COGAT and the Civil Administration

After occupying Palestinian Territories in 1967, Israel never formally annexed the West Bank, leaving the status of this land under "belligerent occupation." The "belligerent occupation" framework allowed Israel to administer the occupied territories for decades, even if only in appearance, and any other decision against this position brings the State of Israel into the realm of apartheid or, alternatively, the abolition of the Jewish state based on a solid Jewish majority which will not survive if millions of Palestinians become citizens of Israel. In this context, international law requires that the occupying power, in this case, Israel, respects and protects the property of the civilian population residing in these areas. Formal responsibility for civilian activity in the West Bank rested with the

Military Commander (GOC Central Command). With that in mind, the Israeli government is not directly responsible for the civilian activity of the Occupied West Bank, and civilian matters in the West Bank were entrusted to the Coordinator of Government Activities in the Territories (COGAT), a senior military officer who reports directly to the Minister of Defense.

To manage civil affairs such as land administration and oversee planning and construction, including land allocations, environmental issues, paving roads, and various municipal matters, the IDF operates the Civil Administration. The Civil Administration is responsible, among other things, for demolishing homes in settlement outposts - illegal under international law - and in Palestinian communities living in Area C of the Occupied West Bank. This body also authorizes construction both in Israeli settlements and for Palestinians, and is in charge of enforcement against illegal construction. Approval regarding infrastructure issues also falls under the responsibility of the Civil Administration.

According to the current mechanism, the person in charge of COGAT reports directly to the defense minister, bypassing the IDF's chief of staff. Naming a minister from the extremist pro-settler Religious Zionism party within the Defense Ministry would completely change the mechanism, in that on issues of planning, construction, and demolition of illegal homes. The result of this move is that COGAT would report directly to a far-right politician within the Defense Ministry, rather than to the Defense minister.

An Annexationist Minister in the Defense Ministry

The Religious Zionism party and its leader, Bezalel Smotrich, have called time and again for the total dissolution of the Civil Administration or, as an alternative, to entirely remove settlements from the Civil Administration's authority, while leaving it with no changes for controlling Palestinian lives in Area C of the occupied West Bank — a goal Smotrich said will be accomplished through legislation. The motivation behind Smotrich's declarations is to promote a de facto annexation of Area C. According to the coalition agreement, Smotrich will have direct control over the functions of the Civil Administration and COGAT in order to prioritize the interest of the settlers over that of the Palestinians. Clearly, this is a critical declarative move from the settlers' point of view. However, this will represent a radical policy change, since granting a minister in the Defense Ministry full authority over the Civil Administration and COGAT could mean a significant annexationist step in Area C. This also would certainly pose a significant threat to the viability of a two-state solution.

Moreover, from the settlers' point of view, one of the most efficient ways to actively avoid a political solution and impose a de facto annexation of Area C is to increase the Israeli population that will settle in the Occupied Palestinian Territories and to expand the control of land in Area C by building more and more illegal settlements and outposts on as much territory as possible. If the Civil Administration is transferred under the responsibility of Smotrich, processes that have always happened in the Occupied West Bank will be intensified significantly.

It can be said that if Smotrich gets everything he demands in this regard, a laundering mechanism will develop relatively quickly, enabling the legalization of dozens of unauthorized outposts built in violation of Israeli law and on land taken by the settlers. In addition, budgets for the promotion of settlement construction will significantly increase, allowing for actions such as the establishment of

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more and more new outposts in strategic areas in order to strengthen the settlers' control over as much land as possible.

At the same time, the impact on the Palestinian population will come into effect by increasing the rate of house demolitions and the draconian enforcement against them to reduce their hold on as much land as possible. Needless to say that the promotion of construction for Palestinians and land allocations will be null. In such an environment where a minority occupying population has rights, and the local, occupied population does not, violation of human rights will intensify.

In conclusion, a pro-annexation minister within the Ministry of Defense will certainly prioritize the interest of the settlers over the interest of the State of Israel, keeping the Palestinians in an inferior status, and a laundering mechanism will develop relatively quickly, enabling the legalization of dozens of unauthorized outposts built in violation of Israeli law and on land taken by the settlers. A future coalition government led by Netanyahu, including far-right and radical figures as key ministers - and with Smotrich as a minister in the Defense Ministry - will significantly deepen the settlements project, the dispossession, and the oppression of Palestinians in the Occupied Territories. This means that they will allow settlements to take Palestinian land and do everything in their power to suppress Palestinians living in the occupied West Bank and to promote a de facto annexation of Area C.