



Analysis of the appendices to the coalition agreements signed between the Likud and Religious Zionism (updated 15.12.2022)

Reading and analysing the appendices to the coalition agreements signed during the past weeks between the Likud and Religious Zionism (Religious Zionism party headed by Bezael Smotrich and Otzma Yehudit party headed by Itamar Ben Gvir) reveal the ideology of the government Netanyahu is forming and the type of changes it seeks to promote. At this stage, before the government is sworn in, it is still unclear how, and to what extent, the actions that have been agreed upon will be applied in practice. This working document focuses on analysing the appendices to the agreements as published. Whether these agreements are applied in full or not, we view the agreements signed as a declaration of intent to apply far-reaching changes to the structure of the regime in Israel and to the nature of control over the West Bank, and therefore we believe it is important to present them and analyse the anticipated consequences on the lives and futures of millions of Palestinians living under Israeli occupation.

Like the public declarations of future government members, the agreements also reflect that changing the system of governance will substantially weaken the branches, bodies and authorities responsible for the checks and balances over the executive branch of the government. Legislation of the Supreme Court Override Clause¹ will greatly reduce judicial review over the government. The plan to turn the office of legal advisor into a political appointment by elected officials - thus beholding the advisor to these same elected officials - instead of a professional appointment made through tenders issued by the relevant ministry, as is current practice, also significantly weakens review of the government and fundamentally alters the checks and balances essential to Israel's system of governance. However, this document does not address these changes, but rather focuses on the fundamental changes to Israeli control in the occupied Palestinian territory as they appear in the appendices to the coalition agreements signed with Religious Zionism and Otzma Yehudit parties.

¹ "Supreme Court Override Clause", which would allow the Knesset to preclude any law from judicial review, or to retroactively re-enact a law that the Supreme Court struck down.

These are the key changes we identified in the coalition agreements which have already been signed:

- 1- An overhaul of Israeli mechanisms for controlling the occupied Palestinian territories led by initiating a process of transferring the powers of the current civilian government in the West Bank from the military directly to the Israeli civil government, under the auspices of the Ministry of Defense. This change is expected to ramp up the process of solidifying Israeli civil control of the West Bank and to institutionalize the blurring of the distinction between legislative and control mechanisms in sovereign Israel with the mechanisms of the military regime in the occupied territories.
 - Systemic expansion of the application of Israeli law to individual Israelis residing in the West Bank by way of military ordinances issued by the Military Commander.
 - Removing the legal advisor to the military government from the military's own authority and transferring it to a new administration which will be established within the Ministry of Defense. This will impair the autonomy of the legal advisor, who will be directly subordinate to the political ranks, and accelerate the process of transferring control over the West Bank from the army to Israeli civilian government officials. This step has critical and far-reaching implications, as it creates a situation in which the legal advisor's primary loyalty and obligation is to Israeli civilians and not to the local population in the occupied territory, as is stipulated in international law.

- 2- Religious Zionism receives and amasses sweeping powers in the executive and judiciary branches, which will greatly facilitate extending official control over Area C as well as the ability to strengthen and promote annexation processes - such as, retroactive authorization of illegal outposts, theft of Palestinian land, increasing and expediting demolitions of Palestinian structures.
 - In the executive branch - according to the agreements, a minister from Religious Zionism will serve as an additional minister in the Ministry of Defense. This minister will share the authority to approve, or not, of all issues which currently require approval from the Minister of Defense, and the administration of the most critical issues affecting the daily lives of Palestinians, such as: the approval of master plans, the permit regime, allocations of resources such as land, water and infrastructure, demolition of Palestinian homes, as well as construction permits for Israeli settlements.

In addition, the expanded powers of the additional minister in the Ministry of Defense includes the authority to appoint the head of the Civil Administration and the Coordinator of Government Activities in the Territories. This minister will also wield authority to approve the State's responses to the High Court of Justice in petitions concerning his/her areas of work, which will likely limit the ability of the professional ranks in government to voice a position contrary to that of the minister.

- In the legislative branch, Religious Zionism will head the parliamentary Constitution, Law and Justice Committee. This position is particularly significant, as this parliamentary committee hears and debates most proposed legislation, and also heads the Subcommittee for Judea and Samaria and the Seam Zone within the Ministry of Defense. This appointment has a multiplying effect on the power of the Right to permeate its ideology and annexation aspirations.

3- Increasing budgets and State authorities' direct involvement in promoting de facto annexation

- The Israel Antiquities Authority and the Council for the Preservation of Israel Heritage Sites will be transferred to the authority of the Minister of Heritage from Otzma Yehudit and used to reinforce the Jewish-Zionist narrative, while erasing Palestinian identity from the area.
- Ministers from Otzma Yehudit will be granted authority over the Planning and Agricultural and Settlement Development Authority, the Green Patrol and the National Unit for Enforcing Planning and Construction Laws - bodies that greatly influence settlement and outpost expansion and restrict Palestinian construction in the West Bank.

4- Expanding the authorities of the Ministry of Public Security and transforming it into the Ministry of National Security

- Grouping of enforcement authorities, who have direct influence over the control of the space, under the purview of one ministry. All these bodies have authority to operate in the West Bank and East Jerusalem.
- Limiting the autonomy of the Israel Police by subordinating it to the Minister of National Security, who will dictate policy on law enforcement. This could lead to political interference and extraneous considerations in the police's work. The Israeli police is responsible for enforcing law and order upon all citizens and residents of Israel and East Jerusalem, as well as upon Israeli settlers who reside in the West Bank, including addressing the phenomenon of settler violence against Palestinians.

* The disclaimer, clearly an attempt at appeasement, which appears throughout these agreements and is repeated in declarations made by Netanyahu and his allies, that every new measure is subject to the approval of the Prime Minister, appears to be nothing more than lip service. If Netanyahu had the will or political power to prevent the moves mentioned above, he would have done so before signing the agreements.

Appendix to the coalition agreement between the Likud and Religious Zionism (signed December 1, 2022)

Clause number	Issue	Quote/Details	Significance/Comments
6.3	Appointment: A Minister of Settlement Affairs from Religious Zionism; this ministry will be renamed the Ministry of National Missions; and expansion of the Ministry's authorities and areas of operation	Establishing the Ministry of National Missions instead of the Ministry of Settlement Affairs, and transferring six departments from other ministries to it, while significantly expanding the Ministry's powers and budget.	<p>The issues this ministry addresses will position it as a ministry that promotes settlement and establishes Jewish supremacy in areas with high rates of Palestinian residents inside Israel and in the West Bank and East Jerusalem. "National Missions" could include promoting initiatives in the occupied territories such as developing road networks, infrastructure, water, public transit, etc. This ministry will also control the list of areas of national priority, which includes West Bank settlements.</p> <p>Currently, the <u>Settlement Division</u> operates subject to the Ministry of Settlement Affairs, the body responsible, among other things, for establishing settlements and outposts. In addition, mission-driven groups (<i>gar'inim messimati'im</i>), pre-military preparatory schools and National Service operate subject to the Ministry. These are used, inter alia, to channel funding to settlements.</p> <p>The significance of expanding authorities and areas of operation is deepening the policy of distinctly preferring the Jewish population, halting Palestinian development, segregating the two populations – Jewish and Palestinian – and connecting Israel and the West Bank.</p> <p>[Clauses 13-16 detail the Ministry's authority in matters of Jewish identity and relevant to issues of religious freedom. Clause 16 addresses establishing an administration for community missions that will oversee the mission-driven groups. These groups currently are a substantial base and</p>

			provide human resources for establishing farming outposts and taking control over land and Palestinian assets in the West Bank and East Jerusalem.].
6.4	Appointment: A minister from Religious Zionism in the Ministry of Defense	Responsible for the Civil Administration and Coordination of Government Activities in the Territories' (COGAT) operations	Annexing the West Bank to Israel and strengthening the apartheid regime in the West Bank. According to Israeli media publications, Smotrich intends to dismantle the Civil Administration (at least the aspects concerning the Jewish population in the

			<p>West Bank) by 2024.²</p> <p>Creating a divide in the Ministry of Defense and appointing an additional minister in this Ministry is designed to preserve the Ministry of Defense’s authority over the Civil Administration, and in doing so, evade claims of annexing the West Bank to Israel. In practice, this is just a façade and removes substantial powers from the hands of the Military Commander (GOC Central Command).</p> <p>Currently the Civil Administration is the executive branch subordinate to COGAT, which in turn is subordinate to the Minister of Defense, the party responsible for applying policy on civilians in the West Bank – Palestinians and Jews.</p> <p>The areas the Civil Administration is responsible for are divided by staff officers, who oversee a range of matters – from planning, electricity and energy to transportation and environmental protection. Each staff officer is in practice the professional executive branch in the West Bank (the Civil Administration serves as an executive branch of sorts on behalf of the military commander in the occupied territory).</p> <p>The additional minister in the Ministry of Defense will oversee the settlers as well as administering Palestinians’ daily lives in most areas affecting them. For example, the</p>
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²Hanan Greenwood, [“The appointment of select officials instead of the Minister of Defense: These are the authorities Smotrich will receive”](#) (Hebrew), Israel Hayom, 4.12.2022; Hodaya Karash-Hazony, Atara German, Shila Fried, [“After the agreement with Smotrich: Will the Civil Administration in fact be dismantled”](#)? (Hebrew), Makor Rishon, 4.12.2022.

			<p>permit regime, allocating resources such as land, water and infrastructure, demolition of Palestinian homes, and more.</p> <p>However, according to media reports and our knowledge of Smotrich's intentions, his goal is to dissolve the Civil Administration's authority over the Jewish population in the West Bank and transfer administration of Jewish residents' requests to government officers and the Israeli authorities. District Coordination and Liaison Centers (DCL) throughout the West Bank will continue to address Palestinians' requests.</p> <p>It is important to note that there are already matters – such as environmental affairs, archaeology and certain areas of property affairs, among others, in which the staff officers are professionally subordinate to the Israeli ministries and authorities. Also, in some areas (such as education) local and regional authorities (settlements) operate directly with government offices. The change is expected to intensify the process of unifying executive authority within the relevant Israeli governmental ministry thus civilizing control in the area, as well as over Israelis who reside in the West Bank and Palestinians of area C.</p> <p>The Minister of Defense will maintain security issues such as: operational activity, invasion of homes, arrests, closing areas and more. In other words, matters currently subject to the Central Command will continue as such.</p> <p>Significance:</p> <ul style="list-style-type: none">- Planning in area C will be subject to the new minister's policies.- The Civil Administration and COGAT will operate subject to considerations that account only for Israel and the
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			<p>Minister's interests, and not with the occupied population's best interests in mind.</p> <ul style="list-style-type: none">- A significant step of annexing the West Bank and normalizing Israeli control in the West Bank – a broad transfer of powers to Israeli ministries and Israeli authorities, and discharging Israel's responsibility to administer a temporary regime of occupation according to its obligations as trustee.- Deepening the apartheid regime in the West Bank: Establishing and strengthening Jewish supremacy by creating a reality of systemic discrimination between the two populations living there – Jewish and Palestinian. Transforming dispossession of Palestinians into a declared and broad policy. Intensifying the discriminatory framework by which Palestinians are subject to the military regime while the settlers are subject to a civil regime and are over-privileged. <p>Additional implications:</p> <ul style="list-style-type: none">- The appointed Minister's agenda does not support the activities and presence of foreign organizations in the field, and therefore there are concerns that bodies such as the Red Cross, diplomats, various UN bodies including UN rapporteurs, humanitarian aid organizations, etc. will be denied entry permits.- Harming GOC Central Command's operational priorities and further division among the parties operating on the ground. This could lead to clashes in the field and exacerbate existing problems in coordinating among the various parties.
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7	Cabinet membership	Chair of Religious Zionism, Bezalel Smotrich, is a member of the political-security cabinet	
8.1	Appointment: Chair of the Constitution, Law and Justice Committee		This is a very powerful appointment as this is an important and central Knesset committee. Most legislation is debated in this committee, including legislation concerning the status of legal advisors. The chair can determine the speed at which legislation is advanced, and expedite legislation at will.
8.2	Appointment: Chair of the Committee on Special National Infrastructure Projects and Jewish Religious Services		<p>The party will receive both the Ministry of National Missions and control over the Committee. The combination creates almost unrestricted power and control over significant budgets.</p> <p>Significance:</p> <ul style="list-style-type: none"> - Ability to promote national initiatives in the West Bank and Jerusalem and control the list of areas of national priority. Initiatives could include – developing road networks, infrastructure, water, public transit and more. There are also concerns that the occupied territory’s resources will be used to bury garbage and parts of the West Bank will be transformed into the State of Israel’s garbage dump. - A significant acceleration of existing policy is expected, including national infrastructure initiatives which are mainly designed for the use of the Jewish population and improving settlers’ quality of life, for segregating the populations, for preventing Palestinian development and connecting Israel to the West Bank for the benefit of the settler population while blurring the Green Line.

9	Membership in the Ministerial Committee on Settlement Affairs	Smotrich is the only deputy committee chair (to the Prime Minister)	See Clause 6 of the analysis of the agreement with Otzma Yehudit party.
11	The Arrangements Law	Before bringing the Arrangements Law for approval, it will be brought to the Prime Minister (PM), the chair of the Religious Zionism party and the Shas party for approval.	<p>The Economic Arrangements Law incorporates broad legislation on a variety of issues and has immense influence on the state budget and economic reforms. This is a massive law approved by the Knesset as a single unit.</p> <p>Approval by sectarian party heads raises concerns of prioritizing certain groups in society. The chair of Religious Zionism represents the population of settlers and its narrow interests.</p> <p>Additionally, due to its nature, the law enables concealing channelling budgets and intentions to undertake reforms while approving them under the public's radar.</p>
12	Chair of the Subcommittee for Judea and Samaria and the Seam Zone	A Knesset member on behalf of National Zionism chairs the Subcommittee for Judea and Samaria and the Seam Zone at the Ministry of Defense	<p>The Subcommittee for Judea and Samaria and the Seam Zone shapes policy on civil affairs in the West Bank.</p> <p>The party will receive both a minister in the Ministry of Defense and control over the Subcommittee for Judea and Samaria and the Seam Zone. The combination doubles the power over shaping Israeli policy in the West Bank.</p> <p>The subcommittee already has considerable power over shaping policy in the West Bank, expressed through the rise of the narrative regarding the battle for Area C. For example, almost all new legislation in the West Bank addressing Palestinian construction has resulted from the Subcommittee's work. As a result of its work, an ordinance concerning removal of a new structure and an ordinance concerning transporting goods (mobile structures) were</p>

			<p>legislated, among others. While the subcommittee lacks official authority to instruct the GOC Central Command to legislate an ordinance, its enforcement, follow up and ability to demand reports on executing policy significantly affect actions on the ground.</p>
15	<p>Legal Advisor to the Ministry of National Missions</p>	<p>A legal advisor and two legal aides in the Ministry of National Missions</p>	<p>This clause should be viewed as part of the expected reform on legal advisors – political appointment of legal advisors loyal to the Minister and the policy they wish to promote. Legal counsel is meant to create checks and balances, but since this position will apparently become a political appointment, rather than independent counsel, counsel will be designed to execute the Minister’s policy and eliminate obstacles. The position will transform legal advisors from gatekeepers into legalizers of any policy the Minister seeks to advance.</p> <p>In terms of promoting national missions in the West Bank, these legal advisors are exclusively committed to the State of Israel’s interests, in contrast to advisors who are subordinate to the military commander and obligated to also consider the interests of the population in the occupied territory and operate according to additional obligations incumbent on the occupying force under international law.</p>
17	<p>A representative of the Ministry of National Missions will be a member of the Israel Land Council</p>	<p>A representative of the Ministry of National Missions will be a member of the Israel Land Council on the National Council for Planning and Building, and on district committees for planning and building in areas of national priority. There will be further</p>	<p>In addition to controlling the Ministry of National Missions and the Knesset committee, ministry representatives will be included in all significant planning and allocation bodies in a way that enables the party to control promoting plans and approving them, as well as granting permits and land.</p> <p>The insertion of representatives from a ministry with this particular goal, along with the specific policies it seeks to promote, into all significant planning and allocation bodies raises concerns regarding the interests that will be promoted</p>

		amendment of legislation in order to appoint a ministry representative to some of the aforementioned bodies.	and the direct influence on the priorities of these bodies. This move will allow for obstacles to be removed and to expedite the implementation of plans and projects.
18	National Infrastructure Staff at the Ministry of Finance	Will be re-established in coordination with the Minister of the Interior, to remove obstacles and expedite implementing national missions.	Another means to enable promoting the Ministry of National Missions' plans in terms of finances – budgeting and removing bureaucratic and other obstacles.
20	Enforcement in property matters	Transferring the authority for property enforcement from the Ministry of Finance to the Ministry of National Security.	See Clause 5.16 of the analysis of the agreement with Otzma Yehudit party.
21	Appointment of an additional minister in the Ministry of Defense		
	21.1 - Amendment of a basic law for the sake of this appointment	Amending legislation – in the ministry where the Minister is appointed, an additional minister may be appointed, responsible for certain areas subject to the Minister in charge of the ministry	It should be noted that this is not a deputy minister or a minister in a separate ministry but appointment of a minister with parallel authority who, according to the agreement, does not answer to the Minister of Defense. As stated, this move is designed to preserve a semblance of leaving control and authority over the West Bank under the Ministry of Defense and the military commander in order to avoid international criticism for violating international law and annexation. See Clause 6.4
	21.2 - Powers for appointing head of the Civil Administration	The Minister of Defense's powers concerning	This new minister gains the authority to appoint the most important roles in the civilian mechanism in the West Bank.

	and COGAT	<p>appointing the head of the Civil Administration and COGAT will be transferred to the additional minister in the Ministry of Defense in coordination with the PM.</p>	<p>This power to appoint will therefore allow control over the work of these bodies and ability to dictate their priorities. These bodies are responsible for most aspects of civilian life in the West Bank, including planning and infrastructure and movement permit regimes, such as permits to enter the seam zone or exit the Gaza Strip. They are also entrusted with civilian and security coordination with the Palestinian Authority (PA) and international bodies.</p> <p>Currently, heads of the Civil Administration and COGAT are appointed by the Chief of Staff in coordination with the Minister of Defense. The change will lead to politicizing these appointments, which have insofar been professional-military.</p> <p>As stated, in Clause 6.4 Smotrich's final vision is to bring to dismantling the Civil Administration for the Israeli population residing in the West Bank.</p>
	21.3 - Legal counsel to the Civil Administration and COGAT	<p>The Civil Administration and COGAT will receive legal counsel from the Department of the Legal Advisor in the Ministry of Defense for all work they perform.</p>	<p>Revoking legal counsel's independent status concerning the occupied territory in the Military Advocate General Corps and in the State Attorney's Office and directly subordinating it to the political ranks.</p> <p>While the legal advisor's current commitment to protecting the rights of the Palestinian population is questionable, until now, at least from the official standpoint, this obligation has served as its point of departure.</p> <p>This is a profound structural change – a revolution in no uncertain terms – which transforms legal counsel from professional and independent to political, subject to the Minister's desire and the State of Israel's interests,</p>

			<p>without considering the laws of occupation – including the obligation to operate in a regime of trusteeship, the principle of a temporary occupation and consideration of the occupied population’s interests – which the political ranks do not view themselves committed to.</p> <p>This step should be regarded as part of a much broader process of unifying authorities in Israel with the authorities operating currently in the West Bank under the Military Commander and in the framework of obligations and restrictions dictated by international law. This is a significant step towards annexation and towards consolidating Israel’s apartheid regime in the West Bank. Palestinian residents of the West Bank do not partake in elections in Israel and cannot be elected or elect the representatives who will determine their fate without any obligation to consider their needs and wishes.</p> <p>At present the Legal Advisor to the West Bank Area is a military officer who provides counsel on legislative issues, assists in formulating the Military Commander’s ordinances, accompanies the army and the Civil Administration’s every activity and advises on all legal aspects of military activity in the occupied territory, all under a declared commitment to conform with international law that applies to the Area.</p> <p>As the planned reform is carried out and the legal advisor positions and legal counsel will become political appointments, the issues mentioned above will worsen. The change is expected to be dramatic: Legal counsel will become private counsel in practice, designed to legalize the Minister’s agenda without taking into r consideration Israel’s duties vis-a-vis the Palestinians according to</p>
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			international law.
	21.4 - The State's responses to the High Court of Justice in matters under its purview	The State's responses submitted to the High Court of Justice by the State Attorney's Office regarding matters the secondary Minister is responsible for will be approved by the Minister him or herself in coordination with the Minister of Defense, and in coordination and with the agreement of the PM	<p>Granting authority to a minister in the Ministry of Defense to approve the State's response effectively prohibits the professional ranks within the government from expressing a position that contradicts the Minister's position.</p> <p>The High Court of Justice Department at the Office of the State Attorney is responsible for drafting the State's responses to the High Court. This change will enable and reinforce the Minister's interference in their professional work. It is important to note that this refers to a Minister of Defense and not to the Minister of Justice as was the practice in the past. (Procedurally, during the period Ayelet Shaked served as the Minister of Justice she appointed an external advisor who worked under her and carried out this function on her behalf as Minister).</p>
	21.5 - Aide to the Minister of Defense on Settlement Affairs	Aide to the Minister of Defence on Settlement Affairs will continue to serve with the Minister of Defence and operate only in the areas for which the Minister of Defence is responsible	Given the expected division in the Ministry of Defence, the Aide to the Minister of Defence will be responsible for aspects of the settlement enterprise' security needs, such as emergency and protection arrangements for the outposts and settlements
	21.6	Continuing the project of issuing military ordinances on behalf of GOC Central Command to adapt the security legislation the applies to Judea and Samaria. The minister from Religious Zionism in the	<p>Deepening apartheid and establishing the existence of two legal systems – one civilian that applies to the settlers, and the other military – applying to Palestinians.</p> <p>The project addresses applying Israeli law on Israelis residing in the West Bank (settlers) by way of military orders. The significance is that any law legislated in the</p>

		<p>Ministry of Defense will be responsible for this project, and three legal advisor positions will be allocated through the settlement administration for this project</p>	<p>Knesset will also be legislated in the West Bank by way of military order so that it also applies to the Israeli settlers.</p> <p>In the past, the “Norms Law” bill was promoted in the Knesset, which sought an identical outcome by way of primary Knesset legislation. Now, in order to avoid criticism for annexation and direct legislation by the Knesset on the occupied territory, legislation will be undertaken via military orders signed by GOC Central Command without requiring this in legislation.</p> <p>Jurists in Israel believe this project is for personal and selective application of the Knesset’s legislation in the West Bank through a formal mechanism of military orders issued by the GOC Central Command. While the military commander will sign the orders, it is the minister in the Ministry of Defense who will instruct the orders be legislated according to the work of the settlement administration which operates under him. “In this way, the substantive power to legislate in the Area will be entirely in the hands of the political-executive branch: Not subject to the military commander or the Knesset will laws be legislated in the Area. Meaning applying primary government legislation directly without a parliament, based on the sole discretion of the body in charge of Jewish settlement affairs.”³</p>
	21.7	<p>All authority for the Minister of Defense’s approval of the issues mentioned in the coalition</p>	<p>Granting broad powers that will enable considerably expediting all matters pertaining to construction permits, promoting plans, allocating land, movement permits and in other areas. The anticipated outcome on</p>

³ From the article by Ronit Levine-Schnur, Yael Barda, Tamar Megiddo and Itamar Mann, [The Annexation Hides In the Four Pages of the Agreement](#), Haaretz, December 5, 2022 (Hebrew).

		<p>agreement will be the responsibility of the minister from Religious Zionism in the Ministry of Defense. This authority will be applied in coordination and with the approval of the PM.</p> <p>The agreement gives the example of the powers determined in Government Resolution 150, which addresses the need for a government decision in order to establish a new settlement and the Minister of Defense's approval in order to promote and approve construction plans in the West Bank or allocate land for construction.</p>	<p>the ground is speedy approval of plans, significant increase in construction and expansion of the settlement enterprise.</p> <p>According to media publications, it was also agreed that convening the planning bodies in the West Bank will no longer require the Minister of Defense's approval. From now on, the minister on behalf of Religious Zionism in the Ministry of Defense will be able to order these bodies to convene, and will work directly with Netanyahu.</p>
	21.8	<p>Establishing an administration within the Ministry of Defense subordinate to the minister in the Ministry of Defense. The administration will be allocated 12 positions, including a director-general, which will be a political appointment.</p>	<p>Establishing the "Ministry of Occupation" in the Ministry of Defense.</p> <p>Division within the Ministry of Defense, and granting all authority concerning civilian matters in the West Bank to the minister and the administration operating under his or her purview. This move will grant the minister the independence to set priorities, expedite processes and implement the policy, and will preclude the possibility of officials inside the Ministry of Defense being able to challenge implementing the new policy.</p>

Appendix to the coalition agreement between the Likud and Otzma Yehudit party (signed November 25, 2022)

Clause number	Issue	Quote/Details	Significance/Comments
5	Appointment: Minister of National Security		
5.1	The Minister of Public Security, whose ministry will be called the Ministry of National Security	Expanding the Ministry's authority	Renaming the Ministry is not semantic but substantive: It reflects who will receive security and defines the area the Minister and Ministry will have authority over. Ben-Gvir regards himself as responsible not only for Israel and the safety of Israelis inside Israel proper, but also nationally responsible in the area that includes the West Bank and East Jerusalem. The name change is declarative and is accompanied by significant expansion of the Minister's and the Ministry's powers.
	5.1.1	<p>Amending the Police Ordinance so that the relationship between the Minister of National Security and the Police Commissioner will be similar to that of the Minister of Defense and the Chief of Staff.</p> <p>The minister will be responsible for the police's budget.</p>	<p>Transforming the minister into the highest police commander, similar to the Minister of Defense's role vis-à-vis the army. According to the proposed bill, the police will be subordinate to the Minister of National Security, and he will dictate policy on law enforcement. According to the agreement, the police will cease to be an independent body but rather a body that carries out the minister's policy, in other words, a political body.</p> <p>The bill proposed following the coalition agreement reflects that the new government is invalidating the most fundamental principle of law enforcement – equality before the law and police impartiality in enforcing the law. In this, the police becomes a means for the regime to carry out a political ideology.</p>

			<p>The agreement seeks to revoke the police's relative independence, lead to the minister's involvement in its work, and to transform the police into a tool in the service of a politician.</p> <p>In addition to the substantive issue, there is also a personal issue. The intended minister, Itamar Ben-Gvir, openly declares his desire to remove obstacles preventing security forces' use of force, his wish to change the status quo on the Temple Mount, and apply additional measures that could lead to escalation in the entire region.</p> <p>Also, the Minister of National Security – with extended powers – will be the minister responsible for the Judea and Samaria District Police, whose role it is to enforce the law upon Israeli citizens, including enforcement and addressing settler violence. Currently, Israel's policy is to grant near immunity to Israeli citizens who harm Palestinians. There is concern that this policy will only expand and become open and declarative, allowing full immunity, which could lead to further exacerbation of settler violence and harm to Palestinians and their property.</p>
	5.1.5	Establishing a national guard and expanding Border Police reserves forces	<p>Apparently, the intention is to transform the Border Police into a national guard that will operate inside mixed cities in Israel and Jerusalem.⁴</p> <p>In the context of the occupied territory, this change will affect the policing presence in Jerusalem. The current Minister of Defense, Benny Gantz, noted that he views this step as establishing “a private militia for Ben-Gvir”.</p>

⁴Moshe Nussbaum, [The new plan for the Border Police: The unit will become the national guard in mixed cities \(Hebrew\)](#), N12. 14.12.2022.

			<p>The significance is transforming an operational force designed to guard state borders from external enemies into a force that operates within the civilian population inside the state. This reflects a profound process taking place in Israel – marking parts of Israel’s population as enemies.</p>
		<p>The following units will move to the Ministry of National Security:</p> <p>5.1.6.1 The Israel Authority for Prevention of Violence, Alcohol and Drug Abuse (among other things, powers to use surveillance technology)</p> <p>5.1.6.2 National Unit for Enforcing Planning and Construction Laws</p> <p>5.1.6.3 The Green Patrol (also operates in the occupied territory)</p> <p>5.1.6.4 The Green Police (also operates in the occupied territory)</p> <p>5.1.6.5 The West Bank Border Police will be brought under the Israel Police pending completion of structural change</p>	<p>Concentrating enforcement bodies that have a bearing on matters of control over the physical space under one ministry. All these bodies have powers to operate in the West Bank and East Jerusalem.</p> <p>Concentrating powers that can be used against civilians in aspects related to personal and physical space such as: surveillance technologies in public areas, construction of fences and gates, enforcement of illegal construction, monitoring and enforcement of environmental issues, nature reserves, national sites, arrest powers and more.</p> <p>Even now, enforcement action taken by these bodies often target minorities in a discriminatory manner. However, the combination of concentrated enforcement powers with the political ideology of the appointed minister will result in enforcement in these fields being used as a tool or a means for ensuring Jewish supremacy and dispossessing minorities and Palestinians in particular.</p> <p>The various enforcement powers may be used to persecute Palestinians in Area C (as well as the Palestinian minority within Israel) under the pretext of the rule of law in the criminal, planning, administrative and other fields.</p>
5.2	Appointment: Minister for Development of the Negev and the Galilee, renamed the Ministry for Development of the Negev,		

	the Galilee and National Resilience		
	5.2.1.2	Powers and areas of operation will be expanded as part of a national project to carry out missions designed to strengthen Israeli society in the field of quality of life, sustainability and resilience.	<p>The Ministry's new name is a statement of intent regarding the role of the minister, his powers and the population to which he is committed.</p> <p>The project will be implemented in local authorities and localities defined in Government Resolution No. 1453 and Government Resolution No. 1371.⁵</p> <p>The list of localities included in these government resolutions include the settlements in the West Bank both as areas of national priority and as at-risk communities.⁶ The significance: More options to funnel funding to settlements and give benefits to Israeli citizens living in them.</p>
	5.2.1.5.1	The following units will be transferred to the Ministry for Development of the Negev, the Galilee and National Resilience: 5.2.1.5.1 The Planning and Agricultural and Settlement Development Authority	<p>The Authority will be entrusted with retroactively authorizing outposts. The agreement defines it as the body responsible for implementing the Ministerial Outpost Regularization Team headed by the PM.</p> <p>See: Clause 6 of the coalition agreement with Otzma Yehudit.</p>
5.3	Appointment: Minister of Heritage Affairs		

⁵[Government Resolution No. 1453](#) and [Government Resolution No. 1371](#).

⁶[List of local authorities and towns included in the "social periphery" of Israel](#) according to Government Resolution No. 1453, updated March 2022; [List of geographical areas of national priority and threatened communities](#) (beginning pg. 39).

	5.3.2	Management of national heritage assets and instilling Jewish Zionist heritage. The Ministry will work on tangible and intangible heritage.	<p>The Ministry's purpose is to emphasize the Jewish-Zionist heritage as the Minister understands it, and to erase Palestinian identity from the area.</p> <p>Creating a uniform narrative about Jewish-Zionist heritage.</p> <p>Experience in the West Bank and East Jerusalem shows that Israeli authorities take over Palestinian properties and lands under the guise of preserving heritage, and that under the pretext of heritage preservation, historical sites are exclusively associated with Jewish history and tradition, without mention of any other heritage, history or culture.</p>
	5.3.4	<p>The following units will move to the Ministry of Heritage:</p> <p>5.3.4.1 The Israel Antiquities Authority</p> <p>5.3.4.2 Regulations supporting associations and public institutions engaging in heritage development</p> <p>5.3.4.3. The Council for the Preservation of Israel Heritage Sites</p>	<p>The Israel Antiquities Authority: The Civil Administration Archeology Staff Officer is already professionally subordinate to the Israel Antiquities Authority</p> <p>Placing the entire field of archeology in the West Bank under the purview of the Ministry of Heritage, led by a minister from Otzma Yehudit will deepen Israel's policy of using archeological sites in the West Bank to entrench and justify Israeli control over the territory. The foothold gained by these political parties will impact how the historical narrative in the region is shaped. Palestinians will be denied access to archaeological and historical sites; antiquities will be removed from the occupied territory in violation of international law; Palestinian communities will be expelled. They will set the agenda for archeology policy in the West Bank, such as which sites to excavate and develop into sites that are accessible to the public, and which sites not to develop, whether to grant excavation licenses and more.⁷</p> <p>In East Jerusalem, the Israel Antiquities Authority already</p>

⁷For more on Israel's current archaeological practices in sites in the West Bank, see: [Appropriating the Past – Israel's Archaeological Practices in the West Bank](#), Yesh Din & Emek Shaveh, 2018.

			<p>supports projects such City of David, run by the Elad association, which promotes overtaking Palestinian assets and areas under the pretext of preserving Jewish heritage.</p> <p>Regulations supporting associations and public institutions engaging in heritage development: Establishing funding tests that dictate which associations and institutions receive funding and for what.</p> <p>The Council for the Preservation of Israel Heritage Sites: Relevant to Jerusalem (not the West Bank). Responsible for site preservation.</p>
6	<p>Ben Gvir will be a member of the Ministerial Outpost Regulation Team</p>	<p>The Minister of National Security will be a member of the Ministerial Team for the Regulation of Young Settlement in Judea and Samaria, headed by the Prime Minister.</p> <p>The decisions made by the ministerial team will be implemented by the Planning and Agricultural and Settlement Development Authority at the Ministry for Development of the Negev, the Galilee and National Resilience Ministry with the Prime Minister's approval.</p>	<p>Significance: Retroactive authorization of unauthorized outposts. A significant step toward de facto and de jure annexing the West Bank and cementing Israeli control in the West Bank.</p> <p>While the international community and international law consider all Israeli settlements in the occupied territory to be illegal, Israeli law distinguishes between settlements established following a government resolution, which it considers to be legal and outposts that were established without a government resolution and which are considered illegal (unauthorized).</p> <p>Along with the fact that retroactively approving outposts is a blatant violation of international law, which prohibits the establishment of settlements in the occupied territory, it is an annexation measure that will solidify and perpetuate an additional 100 settlements in the West Bank and enable their future growth and development.</p> <p>Since there are no plans to authorize Palestinian settlements in the West Bank, this step is another feature of systematic discrimination and the deepening of apartheid rule.</p>

			<p>There may be a duplication of powers with the Minister in the Ministry of Defense who was also given powers in the area of retroactively approving outposts. Even if it is not entirely clear who will lead the process of outpost regularization and exactly how they will be regularized - there is clearly an express policy and full intent to retroactively authorize unauthorized outposts.</p>
8	Chairman of the Public Security Committee		<p>Power doubled: The Otzma Yehudit party will have both the ministry and the committee.</p> <p>The Committee Chair has broad discretion to set priorities and topics for discussion, including summoning the relevant professionals to report to the committee.</p> <p>In addition, the committee is tasked with overseeing the Minister's work, while its chair is a member of the same party.</p>