

The Silent Overhaul

Changing the nature of Israeli control in the West Bank

Analysis of the Israeli government's annexation policy

July 2024



Table of Contents

Introduction	3
Structural changes to the operation of the military regime	4
Ministry of Defense power-sharing memorandum of understanding	4
Structural changes to the powers of government ministries and appointments	15
Structural changes to government ministries	15
Legislative changes, funding and eliminating bureaucratic barriers	23
Legislative changes and eliminating barriers	24
Budgetary support	25
Massive expansion of the settlement enterprise and encouraging Israelis to move to the Occupied Palestinian Territory	28
Establishing new outposts and farm outposts	28
Establishing new settlements and retroactively authorizing dozens of outposts	30
Declaring “state land”	33
Declaring nature reserves, parks and forests, and developing nature and tourism sites	35
Expanding jurisdiction areas and special security areas	36
Roads and routes	37
Promoting and approving construction plans	39
Enforcement on illegal construction	39
Improving settlers’ quality of life	43
Violence as a means for annexation and expulsion	44
The dramatic increase in ideologically motivated violence (“settler violence”)	45
Settler violence: lack of enforcement, denial and encouragement	46
Recruiting and arming settlers	49
Deporting communities and creating conditions that do not enable safe return	51
Attack on democracy and human rights inside Israel	52
The so-called judicial overhaul continued	53
Anti-democratic legislation	55
Undermining the status of legal advisors	56
Dismantling Israel’s civil service	56
Attacks on freedom of speech	57
Initiatives targeting human rights and civil society organizations	60
Persecution of Arab society	60
Appendix A - Details of the Civil Administration Declarations	62
Declarations of “State Land”	62
Declaration of nature reserves, parks and forests, and developing nature and tourism sites	62
Appendix B - Government development of transportation infrastructure in the West Bank	63
Appendix C - Construction plans in the settlements approved since the inauguration of the 37th government	66

Introduction

On December 29, 2022, the 37th government of the State of Israel was sworn in. Until the October 7, 2023 attack by Hamas and the war in Gaza began, public debate in Israel had focused on the government's so-called judicial reform. Unsurprisingly, the government's policy on the occupation regime in the West Bank remained on the margins of the public discourse.

The measures exercised by this government since its establishment reflect, however, that a significant change is underway when it comes to Israel's conduct in the Occupied Palestinian Territory (OPT). The change in Israel's official policy regarding the OPT is the culmination of a process that began with the establishment of the first settlements. The state's adoption of the narrative of applying sovereignty in all matters concerning the status of the Israeli regime in the West Bank, which the settlement movement has promoted, is at the heart of this process. This was already evident in the government's guiding principles and coalition agreements. In these documents, the government stated its ambition to apply full sovereignty, at a minimum to Area C, if not to the entire West Bank; to massively develop the settlement enterprise, to apply Israeli legislation in full to settlers in the name of "equality", which of course refers only to Israeli citizens, and to struggle against what is termed "the Palestinian plan" to take over open spaces.

The current government's policies and actions are an apex towards realizing a strategy designed to fulfill a political vision of applying full Israeli sovereignty to the West Bank while establishing a reality of Jewish supremacy and relegating the Palestinians living in the territory to the smallest possible geographical area. The division of powers between the Minister of Defense and the Additional Minister in the Ministry of Defense (Smotrich) is the most striking example of the government's intent to advance this process by changing the structure of governance in the West Bank, by transferring extensive powers to administer many aspects of life from the military commander to the Additional Minister in the Ministry of Defense. This is a process grounded in a political ideology that produces a [strategy](#) that is being translated into structured and long-term action plans, which attends to the [desirable policy](#), legislation, changes to protocol and resource allocation.

The current government is removing the mask that Israeli governments have so far presented to the world. Over the years, this mask made Israel appear as though its regime

in the Occupied Palestinian Territory complies with the legal obligations incumbent upon it in the territory of the West Bank, and as though its authorities' decisions are subject to judicial review by the Supreme Court. The government's policy now openly seeks to apply Israeli sovereignty and establish Jewish supremacy in the West Bank. In Smotrich's words, this current government is promoting "**cross-cutting structural changes that will alter the system's DNA for many years to come**". Under this policy, the resources invested in administering the territory are almost exclusively diverted to benefit the settlers, the Israeli presence in the territory grows and expands while deepening the oppression and dispossession of the Palestinians in order to reduce the size of the Palestinian population living in Area C and its geographical distribution. The weakening and politicizing of the Israeli judiciary will help implement this policy, which would be applied without the gatekeepers' review or opposition.

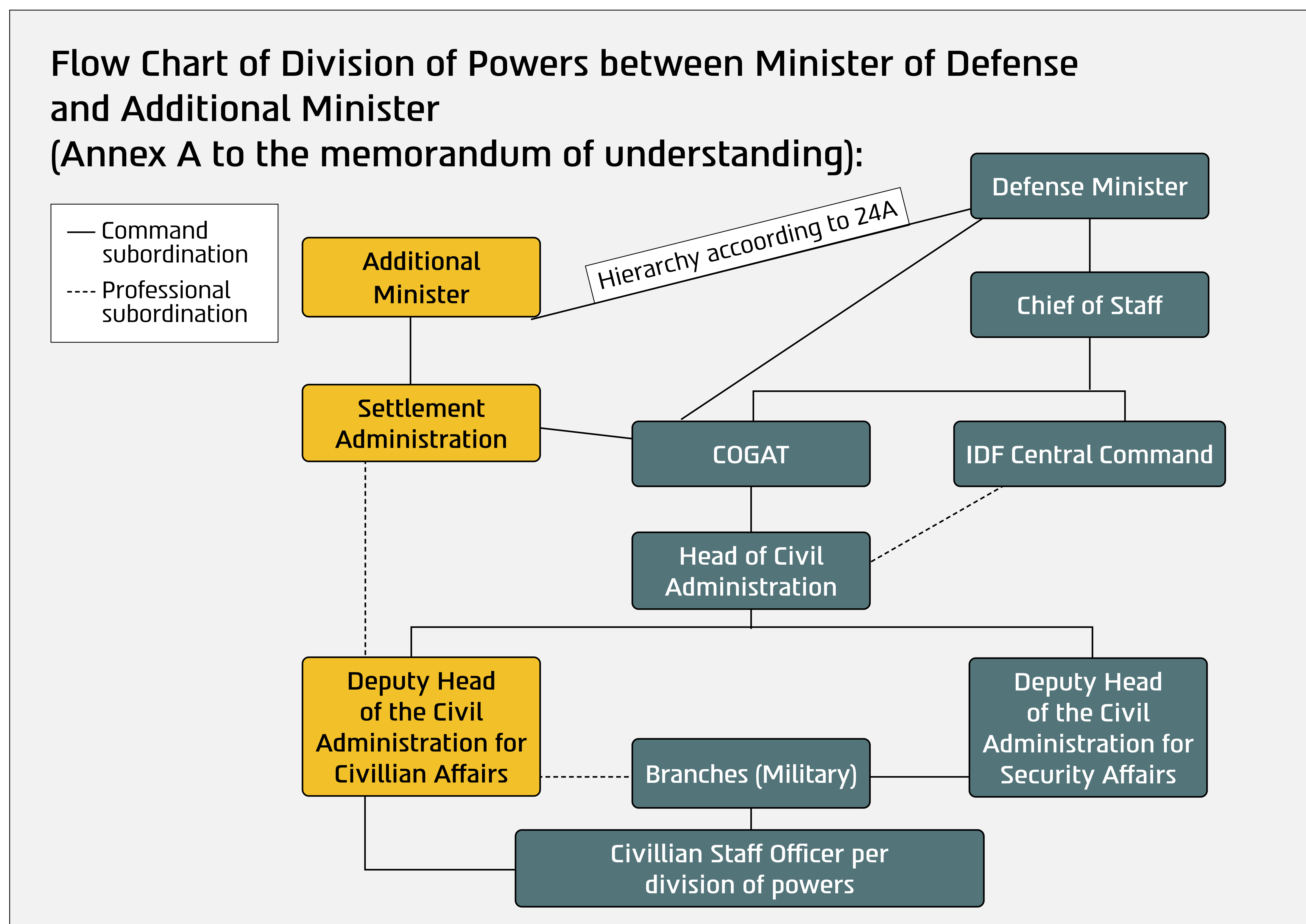
This document, which reviews and analyzes the government's policies and actions since its inception, shows that the coalition agreements constitute an organized action plan that is rapidly materializing. A comprehensive examination of the government's policy attests that the opening statement in the government's guiding principles - "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 - in the Galilee, the Negev, the Golan and Judea and Samaria" - is not a purely symbolic declaration. Rather it is at the heart of the government's policy, in wartime as well.

Structural Changes to the Operation of the Military Regime

Ministry of Defense power-sharing Memorandum of Understanding

With the formation of Israel's 37th government, Bezalel Smotrich was appointed Minister of Finance and Additional Minister in the Ministry of Defense, responsible for civil affairs in the West Bank. Minister Smotrich and Defense Minister Yoav Gallant signed a memorandum of understanding (MOU) concerning power sharing on [February 23, 2023](#). Formally, the Additional Minister is subordinate to the Defense Minister. However, under

the memorandum, Smotrich received extensive realms of management and administration, covering broad governmental powers in the West Bank.¹ These power were transferred from the Military Commander of the occupied territory, and make the Additional Minister the de facto governor of the West Bank.



The MOU divides control of the Occupied Palestinian Territory in two: The Minister of Defense retains all powers relating to matters of security, mostly operational matters, and the Additional Minister takes over all powers relating to the administration of daily life for all residents of the occupied territory, with a clear and openly expressed preference for advancing Israeli settlers’ interests.

The agreement defines aspects related to the administration of life in the occupied territory as “civilian domains”, despite the fact that these are matters that fall within the powers of

1 The detailed division of powers appears in Appendix B of the agreement .See :Lior Keinan ,[The Distribution of Powers Saga :Memorandum of understanding between Smotrich and Gallant exposed](#)) Hebrew ,(News 13 ,March 26 ,2023.

the Military Commander. Moreover, for some of the domains defined as civilian, when it comes to managing the lives of Palestinians living in the occupied territory, they appear under a security category in the memorandum, while the same domains are defined as civilian for settlers. For example, water rates are defined as a security domain regarding the Palestinians and remain under the authority of the Minister of Defense.²

The declared goal of the change is to [normalize the life of the settlements' residents](#), blur the Green Line, and, essentially, bring all civil affairs under civilian control, primarily in the fields of planning and building and land resource management, and transfer control over them to the government. The power-sharing MOU opens with a declaration that it does not alter the legal situation in the West Bank, but the document in its entirety, appendices included, lays out a veritable revolution in the governance of the West Bank. **The essence of this revolution is: the administration of the territory is transferred from the legal sovereign - the Military Commander (GOC Central Command) to the Settlement Administration, newly established within the Ministry of Defense and subordinate to the Additional Minister.**

Powers of the Additional Minister in the Ministry of Defense

The Additional Minister is in charge of the Coordination of Government Activities in the Territories (a military unit responsible for implementing the government's civilian policies in the Occupied Territory) and the Civil Administration (another military body, subordinate to COGAT, that functions as the executive arm, implementing security and civilian policies in the occupied territory) in civilian matters. While previous governments kept different fields of responsibility in the Ministry of Defense separate, the separation introduced by the current government consists of radical structural changes, to the point of establishing a new office inside the Defense Ministry - the Settlement Administration. Once completed, these changes will see most civilian matters in the occupied territory operated by civilian institutions. As detailed below, to disguise the true meaning of this annexationist move and maintain the appearance of military rule (as required by the laws of occupation), the mechanism created turns the Civil Administration into an executive body that answers to the Additional Minister's political appointee **inside the military**, effectively transferring all administrative work, and decision making from the Military Commander to the Settlement Administration. Thanks to the power-sharing

² Peace Now, [The Israeli Government's Annexation Agenda](#), June 2024.

memorandum of understanding, the Additional Minister, Smotrich, has the authority to appoint a civilian to the post of Deputy Head of the Civil Administration, giving him the power to issue direct orders to the military, bypassing the Minister of Defense and the chain of command.

On July 19, 2023, Minister Smotrich presented the Additional Minister's plan to the Knesset Foreign Affairs and Defense Committee during a discussion entitled, "[The Palestinian Authority's takeover of the open areas in the West and the Israeli response](#)" (hereinafter: the Defense Committee meeting). There, Minister Smotrich laid out the conception behind the power-sharing MOU, which tasks are the purview of the Additional Minister's office, and why these should not be handled by the military.

With respect to the daily lives of civilians, the Additional Minister clarified that the military was mostly preoccupied with security matters, which is its area of expertise. **According to Smotrich, the transfer of civil powers to the Settlement Administration would enable better service to be provided to settlers:**

Ultimately, just like the major mission of the GOC Central Command [the Military Commander of the West Bank] is to take care of security, not so much the question of whether the settlers get to have roads, quality of life, education, medical clinics, good crossings - and not out of malice, God forbid, you can add technical matters to it - ultimately, a military system doesn't really know how to run a civilian system. It doesn't have the organizational memory.

Another important element of Minister Smotrich's worldview is openly subjecting the administrative management of the occupied territory to political considerations:

We're talking in terms of planning-supportive enforcement; we're talking - speaking of the Negev - in terms of regularization-supportive enforcement, we're talking in terms of enforcement that prevents impediments to the future actionability of land policies for different purposes set out for it in national and district zoning plans and even broader cross-cutting policy decisions. And in Judea and Samaria, there is an added **purpose to this, which is, in my view, the main purpose, and that is safeguarding Israel's national, foreign policy, and security interests in the region.**

As detailed below, these structural changes are designed to eschew the restrictions

imposed by the international humanitarian law on the administration of occupied land, particularly the framework set forth in Article 43 of the Hague Regulations. By introducing a political civilian appointment within the military, the Additional Minister channels all aspects of the civilian management of the territory and its residents and all powers relating to it from the Civil Administration to the Settlement Administration. **Additionally, removing the legal counsel function from the Military Advocate General's Corps brings the West Bank under civilian control.**

The Settlement Administration

The Settlement Administration is a new government body that controls all aspects of life in Israeli settlements in the OPT and is subject to the authority of the Additional Minister. It has power to:

- Run the operations of COGAT and the Civil Administration;
- Lead the so-called Equal Citizenship reform - officially billed as improvement of government services to settlers;
- Complete the application of Israeli law to settlers via orders issued by the Military Commander (Major General's Orders);
- Regularize outposts, i.e. retroactively authorize outposts built without government approval (interestingly, settlers refer to the Settlement Administration as the Regularization Administration).

Minister Smotrich described the establishment of the Settlement Administration during a Religious Zionist Party conference in these terms:

We created a separate civilian system. There is a ministry within the Ministry of Defense. There is a minister. There is an administration which is like a government ministry. The head of the administration is equivalent to a director general of a government ministry. There is a whole system with the Administration. **There is a Deputy Head of the Civil Administration, who is a civilian, an employee of the Ministry of Defense, subordinate not to the Head of the Civil Administration, not to the GOC Central Command, but to the Settlement Administration. All the authorities of the Head of the Civil Administration were delegated to him.** All the legislation and the legal details. There were a lot of struggles over that as well, but there is a General's Order that has been signed that empowers the

Deputy Head of the Civil Administration over all civilian powers. **The powers are in the hands of Hillel Roth, all the powers:** he signs the orders, he convenes the Higher Planning Committee, he declares state lands, he signs the blue lines [lines supposedly delineating state lands], he manages the staff officers, he issues tenders for personnel, he signs expropriations for roads, everything is in his hands. All civil powers.

According to Smotrich, the thrust of the efforts is on introducing “cross-cutting structural changes that will alter the system’s DNA for many years to come.”³

The **Head of the Settlement Administration**, who has the same status as a director general of a government ministry, is Yehuda Eliyahu, a resident of the retroactively authorized outpost Haresha, who cofounded Regavim (a pro-settler Israeli NGO) along with Minister Smotrich, and is considered a close associate of his. Eliyahu has served as the executive director of the Binyamin Regional Council in the past. With 23 staff positions allocated,⁴ the Settlement Administration is the integrative agency for policy and oversight, while the Civil Administration, with a staff of 200, is the implementing agency, working according to directives. **In other words, the civilian body sets the policy and the Civil Administration acts as its implementing contractor and answers to it.**

The impact on the ground, more than a year after, the establishment of the Settlement Administration, can be gleaned from a document originating in the GOC Central Command’s office, which summarizes a meeting held to discuss the [lack of enforcement on Illegal Construction in Judea and Samaria](#). Published on May 16, 2024, in a [New York Times](#) investigative story about the failure to enforce the law on violent settlers and ultra-right terrorists in recent decades, the document says the plans for building enforcement, approved by the Central Command, require the approval of the Settlement Administration. The latter does not approve enforcement against Israeli illegal construction at all, yet liberally approves enforcement against Palestinians. The Settlement Administration halts enforcement even in cases in which undertakings have been made to the Supreme Court. **The result is that the official sovereign is effectively subordinate to the unofficial governor: Bezalel Smotrich.**

3 Peace Now, The Israeli Government’s Annexation Agenda, June 2024.

4 Oded Shalom, “The Horror in the Restaurant, the Riots in the Village, the Facts on the Ground,” Yedioth Aharonoth, June 23, 2023 (Hebrew).

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

In May 2024, for the first time, a civilian was appointed Deputy Head of the Civil Administration for Civilian Affairs (hereinafter also: the Civilian Deputy). This is a political appointment (a position of trust exempt from tender) of a civilian within the military, which breaks the military chain of command. **According to the [military letter of appointment](#), the Head of the Civil Administration delegated his civil powers to the Civilian Deputy. The Civilian Deputy [reports to the Head of the Settlement Administration](#) and receives legal counsel [from the Ministry of Defense](#). The Military Commander may only intervene if he believes the issue at hand has a critical impact on security.**

The objective of this change is to transfer powers held by the military to a political entity, in a brazen violation of international law, and to change the governance structure of the military occupation of the West Bank. To conceal the meaning of the change, the political entity who answers to the Settlement Administration was placed inside the military, to create the appearance that the legal situation in the West Bank has not changed. Importantly, placing a civilian as Deputy Head of the Civil Administration for Civilian Affairs within the military but outside its chain of command interferes with the Military Commander's control over what occurs on the ground, and strips him of significant aspects of the management of the occupied territory. The powers delegated to the Civilian Deputy are vast and pertain to the core of governmental power, for instance, **the power to enact regulations (which is effectively the power to make secondary laws)**. **These dramatic powers concerning both policy making and policy implementation on the ground.**

This move effectively strips the Civil Administration of the powers to run civil affairs in the Occupied Territory, rendering it an executive arm that merely implements the settlement administration's decisions. Diverting the administration of the Occupied Territory from the Civil Administration to the Ministry of Defense in this way [completes the annexation plan](#) that seeks to normalize settlements and cement Israel's control over the territory.

[As Minister Orit Strook explained to Channel 7:](#)

We have prevailed in the current government and we have been partners the demand to appoint a civilian deputy to the [Civil] Administration, who would be in charge of civilian life. This is in itself a huge step forward - having a civilian you can work with on civil life

in Judea and Samaria. He's supposed to make residents' ordinary lives easier. That's all provided that the Civil Administration answers to him, like the coalition agreements say. If the staff officers answer to him, that's the first step towards making the administration of Judea and Samaria civilian. One of the urgent processes the [Civilian] Deputy has to deal with is enforcement vis-à-vis the Arab takeover of Area C. He'll have to deal with the environment too, because residents of Judea and Samaria breathe pollutants such as garbage and sewage all the time. And of course, the regularization of settlements - blue lines, advancing zoning plans, and ongoing work with the councils. I hope he proves himself. A lot can be done to improve the lives of the residents.

Hillel Roth, appointed Deputy Head of the Civil Administration for Civilian Affairs, is an alumnus of the settler-led Od Yosef Chai Yeshiva. He previously resided in the settlement Yitzhar and now lives in the settlement of Revava. At the period time of the Disengagement Plan, Roth served as the Director of Finance and Administration with right-wing legal aid group Honenu. He later served as treasurer of the Samaria Regional Council.

Reduced powers for the Legal Advisor - Judea and Samaria

According to the powersharing memorandum of understanding (Section 13) and the [Order of Appointment and Delegation of Powers](#) which was published, the Civilian Deputy will receive legal counsel regarding all his powers from the Legal Advisor to the Defense Establishment, which provides legal counsel to the Settlement Administration, rather than from the Legal Advisor - Judea and Samaria, who serves under the Military Advocate General's Corps. Adv. Moshe Frucht, the Deputy Legal Advisor to the Defense Establishment heads the office of the Legal Advisor to the Settlement Administration and the Civilian Deputy. Adv. Frucht lives in Gush Etzion and has served in the past as an advisor on settlement matters at the Ministry of Defense and a researcher with right-wing think tank, Kohelet Policy Forum.

The transfer of responsibility from the purview of the Legal Advisor - Judea and Samaria to the Legal Advisor to the Defense Establishment was a gradual process, completed with the appointment of a Deputy Head of the Civil Administration for Civilian Affairs.

This is not a technical matter. For years, the military stopped certain developments in the West Bank because its legal advisors believed them to be a breach of Israel's obligations under international law. **Transferring the function of legal advisor to the Ministry of Defense removes this obstacle - as weak and limited as it was - and puts the occupied territory under a governance system that does not consider itself subject to these**

laws. Legal counsel on all governing civilian powers - from secondary legislation to the execution of a demolition order, from the declaration of state land to rules on water - is now provided by the Legal Advisor to the Ministry of Defense, a function that is not subordinate to the GOC Central command - the Military Commander of the OPT.

Responsibility for appointments, budget, and personnel in the Civil Administration

Section 11 of the power-sharing MOU states that the Additional Minister is also responsible for the organizational shell operating under the Civilian Deputy, including tenders, budgeting, and personnel. Section 12 states that appointments to civilian positions within the Civil Administration are under the purview of the Additional Minister. We have no information on the application of these provisions, but transferring the power over appointments has tremendous implications for the actionability of Smotrich's policies and for shaping the Civil Administration's priorities.

Responsibility for drafting and approving the State's responses in legal cases on civilian matters in the West Bank

At his demand, Smotrich received the power to intervene in the State Attorney's Office staff's discretion. **This is a politicization of the State's positions in legal proceedings, disguised as professionalism.** Until recently, experts within the Ministry of Defense, the military, and the Ministry of Justice were in charge of formulating the State's position. The change is already visible on the ground. So, for example, on June 29, 2023, [the State Attorney's Office shelved a response it had submitted to the District Court in a petition to remove the unauthorized outpost Ma'ale Levona](#) (near the settlement Eli), following a demand from Smotrich. In his letter to the Attorney General, Minister Smotrich noted that the State Attorney's Office had submitted the response to the court without consulting him or Minister of Defense Gallant.

Minister Smotrich believes these structural changes enable changing the way decisions on land management policies in the West Bank are made, and adapting these to his worldview and political agenda while significantly reducing the power held by the Palestinian Authority and retreating from the Interim Agreement (Oslo) understandings. During a [session of the Knesset Foreign Affairs and Defense Committee on 19 July 2023](#), Minister Smotrich explained that unlike the Civil Administration, which had the authority

over building and planning enforcement policies in Area C alone, the [Settlement] Administration under his responsibility plans to expand the mandate to Areas A and B as well. In the committee meeting, Smotrich explained the way in which this authority would be expanded as follows:

And when we're talking about security, then there's the tactical security of the here and now, like not having a house on the route within a seizure order that could be used, God forbid, to launch a terrorist attack tomorrow, but also national security considerations, ... This is also the key to our ability to operate in Areas B and A where needed. There are national security considerations, and national security considerations are much broader, as I said, than the tactical consideration a company commander knows to set out in his micro tactics.

According to these remarks, **the key is a change in the conception of security behind decision and policy making in the West Bank.** For example, defining considerations such as protecting land reserves, maintaining Jewish settlement contiguity, or making the establishment of a Palestinian state unfeasible as national security interests. This provides the military with grounds to operate in the Occupied Territory, under the guise of military operations, which would, in effect, allow for dramatic expansion of military action in civilian domains.

While under international law the Military Commander may only take into account military-security considerations or the benefit of the occupied population, according to this new conception, considerations pertaining to the advancement of distinctly Israeli interests, referred to as national security interests, receive the most consideration. The expansion of the military power to operate in Areas A and B outside purely security-related military operations is a clear breach of the Interim Agreement, which granted the Palestinian Authority civil powers in these areas, including over planning and building.

As part of the plan to expand the definition of security needs, Minister Smotrich has requested to define the actions of the Palestinian Authority as hostile activity, which would allow confiscating funds and imposing further sanctions. At the time of writing, the Cabinet has imposed sanctions on the Palestinian Authority, but the funds that have been held back have not been appropriated. The issue of enforcement powers over Palestinian construction outside Area C has been incorporated into these sanctions in a [cabinet decision dated June 26, 2024](#).

The danger arising from imbuing the term security considerations with new meanings can be gleaned from the “Agreed-Upon Reserve” affair. The Agreed-Upon Nature Reserve is an area spanning approximately 167,000 dunams in the Judean Desert, east of Gush Etzion. As part of the Interim Agreement, the area was designated as a nature reserve where construction is prohibited. Its status, in terms of the distribution of powers under the Interim Agreement, is similar to Area B. Palestinian construction inside the reserve in recent years has angered settlers and they have been pushing to enforce the law on what they allege is illegal construction in the Agreed-Upon Reserve. During a meeting of the Knesset Foreign Affairs and Defense Committee entitled [Palestinian Construction in the Agreed-Upon Nature Reserve](#) held on May 21, 2024, the Legal Advisor - Judea and Samaria said the GOC Central Command had visited the area and did not consider the construction any sort of security risk, which was why there was no change to the enforcement powers and policies there. Right-wing politicians and settlement leaders were outraged by his position. MK Amit Halevi (Likud) said during the meeting:

I am appealing here to the GOC Central Command to reconsider. I would be happy to see a written security report. I am certain a security report can be provided, as strategy is also part of security. It’s not all tactical and localized questions. I suggest the Committee ask for the security report in part to make the GOC Central Command reconsider while looking at the scope, what these contexts mean, roads too, traffic, proximity to villages, contiguity. All of these are security issues.⁵

A Cabinet meeting convened on June 26, 2024, addressed sanctions against the Palestinian Authority over international action against Israel. The Cabinet [decided](#) to retroactively authorize five unauthorized outposts (one for each country that had declared recognition of a Palestinian state), strip the Palestinian Authority of enforcement powers in the Agreed-Upon Reserve and engage in enforcement against construction on the reserve, and enforcement against damage to heritage sites, and environmental hazards in Area B and more. In a [follow-up session of the Knesset Foreign Affairs and Defense Committee dated July 8, 2024](#), representatives from the Ministry of Justice and the Legal Advisor - Judea & Samaria apprised that staff work was underway to amend the Proclamation Regarding Implementation of the Interim Agreement (Proclamation No. 7) - the military

⁵ Transcripts, Foreign Affairs and Security Committee, Palestinian Construction in the Agreed-Upon Nature Reserve near Gush Etzion, May 21, 2024.

order implementing the Interim or Oslo Agreement between Israel and the PLO with respect to the West Bank. The Proclamation was, in fact, [amended](#) on July 18, 2024, to provide an option for engaging in demolitions in the Agreed-Upon Reserve, and the [Order Restricting Construction in the Agreed-Upon Reserve](#) was issued. This order grants the Civilian Deputy the power to approve demolitions in the area.

Injecting new meaning into the term security considerations is a ploy to retreat from the Oslo Accords agreement dividing the Occupied Territory and circumvent the prohibition prescribed in Art. 43 of the Hague Regulations. This article, which is the overarching principle for the relationship between occupier and occupied, prohibits the occupier from making significant changes in the occupied territory, except for security reasons. If and when every Israeli interest is defined as a security need, this restriction would lose all meaning and any Israeli interest or whim would be considered a legitimate reason for designing the policy on the ground.

The splitting of the Civil Administration

According to recent [reports](#), the Settlement Administration plans to move offices that handle Israelis' affairs to the Sha'ar Binyamin Industrial Park and set up a government services complex of sorts there. The Civil Administration headquarters would thus be split into two: Palestinian civil affairs and the officials working on them, primarily the Coordination and Liaison Administration, would remain in Beit El, near Ramallah, while the offices working on Israelis living in settlements would relocate to Sha'ar Binyamin. The move would further entrench the segregation policy practiced in the West Bank, and is another manifestation of the move towards civilian governance over settlers in the West Bank, with civil services for settlers transferred from the military base to the settlements themselves.

Structural Changes to the Powers of Government Ministries and Appointments

Two types of structural changes in government ministries directly affect the nature of Israeli control in the West Bank. One is the transfer of auxiliary units, areas of activity, responsibilities and powers between government ministries with the

effect of centralizing powers and authorities under the same ministry. The other is a change to the power dynamic between political appointments and professional appointments. In both cases, the goal is subordinating the work of government ministries to a distinct political agenda.

Israel's 37th government is not the first to strengthen and expand the West Bank settlements enterprise. The major shift in the current government's policy is the [scale of the structural changes](#) designed to strengthen and develop the settlements and cement Israel's control over the West Bank. In addition, the [funding](#) dedicated to these pursuits and the sweeping involvement of all government ministries in them are unprecedented.

These changes are openly intended to encourage Israelis and newly arrived Jewish immigrants to move to the settlements in an effort to [double](#) the number of settlers, further entrench and cement Israeli control over the West Bank, and create completely segregated governance over Israelis and Palestinians in the territory. Another clearly visible trend is a retreat from all international agreements, including the Interim Agreement and the Gaza Disengagement.

The end result of these structural changes is the concentration of specific areas of activity in the hands of various coalition parties. As an example, the Religious Zionism party, which prioritizes control over the West Bank and expanding the settlement enterprise in order to undermine any prospect of a future Palestinian state, has led changes designed to eliminate obstacles, enforcement, and intervention in these domains. As detailed below, the establishment of the Settlement Administration, led by Minister Smotrich and the Ministry of Settlements and National Missions, helmed by Minister Orit Strock, has created a situation in which the entire government apparatus required for annexing the West Bank is controlled by the Religious Zionism party.

The 37th government is the largest in Israel's history. Some of the structural changes stem from the need to find functions for the large number of ministers. In some cases, an existing ministry was split into two; in others, a new ministry was established. [Almost all government ministries have had powers taken away and fields of activity dispersed among ministries.](#) In some cases, the split was meant to give purpose to a new office. In others, as in the case of the Ministry of Settlements and National Missions, the transfer of responsibilities was intended to centralize control of the West Bank in the hands of the Religious Zionism party. The split within the Ministry of Defense, and the planned

transfer of the Land Enforcement Authority to the Ministry of National Security are meant to serve the same purpose: centralizing governmental powers in a specific field in the hands of a specific party.

Other changes are structural changes within government ministries themselves that disrupt the balance between professional staff and politicians and their confidantes. This is pursued by handing over powers that require professional expertise to political appointees and a minister's confidantes. Such changes politicize professional entities as they are forced to answer to a non-professional political entity either formally or in practice.

These structural changes go hand in hand with propaganda campaigns targeting the Israeli public and massive efforts to [instill a settler, religious, national worldview](#) in areas controlled by the Religious Zionism party and the legacy of [the Kach movement](#) (an Israeli racist movement outlawed in the 1980s) in fields controlled by the Jewish Power party. In all of these cases, the effect is the entrenchment of Jewish supremacy in both physical space and the collective consciousness.

Structural changes to Government Ministries

The Ministry of Finance

When Bezalel Smotrich took office as Minister of Finance, he appointed Israel Malachi as Deputy Director General of the Ministry of Finance. Malachi had served as the treasurer of the Binyamin Regional Council and a parliamentary aide to former Housing Minister Uri Ariel. [He is responsible for implementing the coalition agreements](#) and for [advancing Minister Smotrich's worldview in all matters relating to the OPT](#). The law prohibits political appointees such as the deputy director general to intervene in the work of professional civil servants, who are considered gatekeepers. Nevertheless, [under Minister Smotrich, some of the powers of the Budgets Department and the Accountant General were informally transferred to Malachi](#).

When the war broke out in October 2023, the government had to make changes to its plans and budget. The high cost of the war itself, including extensive mobilization of reserve forces, as well as reconstructing affected towns and the unprecedented number of injured or displaced individuals who require government assistance, have resulted in significant cuts across the board in nearly every government ministry. Nevertheless, the resources

and funds allocated for settlement development and the expansion of Israeli control in the West Bank grew significantly. Minister Smotrich's control of the Ministry of Finance gives him significant power over all government officials, which he wields as leverage. For example, Minister Smotrich held off on submitting the state budget, forcing government ministries to make cuts, [in order to increase the settlement budget by 343 million ILS](#). Smotrich attempted to [include these funds in the base budget](#), meaning they would become permanent, and this was partially successful.

When the war broke out, Minister Smotrich wanted to form a special task force to manage the war budget, in which department heads in the ministry would be subordinate to the Director General of the Ministry of Finance. Smotrich's plan included transferring powers over professional matters from the three main departments of the Ministry of Finance, which by law, rest exclusively with expert staff at the ministry - the Chief Economist, the Accountant General, and Budgets Department, entrusted with fund allocation - to Deputy Director General Malachi. The plan was thwarted by the Legal Advisor to the Ministry of Finance, but so was the Ministry's plan to cut coalition funds in the 2024 budget due to the war and [eliminate](#) six government ministries. These included the Ministry of Settlements and National Missions, which is a major channel for funneling large amounts of money to the settlements. In fact, not only did the plan fail to transpire, but funding for this ministry grew significantly, revealing just how strong the political grip on the Ministry of Finance is.

The Ministry of Settlements and National Missions

In keeping with the coalition agreement between Likud and Religious Zionism, on February 19, 2023, the [government passed Resolution No. 137](#), changing the name of the Ministry of Settlements to the Ministry of Settlements and National Missions and transferring authority over areas of responsibilities, bodies and departments to Minister Orit Strock. As part of this development, on March 31, 2024, the Planning and Control Department, which streamlines government work with the Settlement Division, was transferred to the Ministry of Settlements. The Settlement Division is funded by the Israeli government, but belongs to the World Zionist Organization, and therefore not subject to the government oversight mechanisms that apply to government ministries.

[Government Resolution No. 1628](#), entitled Delegation of Government Powers in the Field of Settlements, adopted on April 31, 2024, increased the Settlement Division's budget and removed oversight mechanisms over its operations. It did so by engaging an internal rather

than external accountant for financial control of the Division's operations, and requiring the approval of Minister Strock alone for services provided by the Division, where previously, government approval was required. Additionally, Minister Strock would draft policy on the establishment of new settlements and consult the Minister of Construction and Housing only if necessary. In this context, during [a special conference for Israeli farm owners in the West Bank held on June 26, 2024](#), Minister Strock and the Settlement Division, together with the Amana settlement movement, announced the launch of a plan to build dozens more farm outposts, along with further support for existing farm outposts at a cost of 75 million ILS.

By the end of August 2023, the ministry had [promoted a ambitious plan with a budget of hundreds of thousands of shekels to strengthen 'civil resilience' in the settlements](#). The stated purpose is to help settlements face the threat of terrorism. The plan included a proposition to remove five military bases to make room for new neighborhoods and industrial zones - the Beit El Brigade base, the Gush Etzion Brigade base, the Efrayim military base, Yishay Camp and the Kiryat Arba Battalion Command base. If pursued, the areas occupied by these bases, some of which were seized by military orders for security purposes, while others are considered state or Jewish-owned land, would be handed over to settlements. The plan also budgets ILS 100 million, financed through the Settlement Division, for community support, public buildings, developing public areas, incentivizing small business and entrepreneurship, and encouraging Israelis to relocate to settlements. The Ministry of Immigration and Absorption (also headed by a minister from the Religious Zionism party) will allocate ILS 12 million for fairs abroad designed to attract potential immigrants, meaning immigrants who move to settlements will receive more in assistance than other localities.

The Ministry of Settlements and National Missions is allocating ILS 137 million of its budget to promoting boarding school education. To that end, the ministry would fund converting mobile buildings into permanent ones, and for boarding school buses and school bus security. This funding will also allow the expansion and establishment of outposts around youth educational institutions.

The Ministry is allocating ILS 37 million for infrastructure development in retroactively regularized outposts. A sum of ILS 184 has been earmarked for financing expenses arising from the security situation, and funds were also allocated for professional assistance to shepherds in farming outposts.

[While the plan was not officially pursued](#) due to opposition from Israeli security officials and international pressure, in practice, [it is being implemented as part of the budget and the coalition funds](#) thanks to cooperation between the Ministry of Finance, the Tekuma Authority and the Ministry of Settlements and National Missions, all of which are controlled by the Religious Zionist Party, without a government resolution on the matter. To remove obstacles to the implementation of these plans, Minister Strock [was appointed as a member of the Israel Land Authority Council, and a representative from her office was appointed](#) to the Settlement Subcommittee of the Higher Planning Council in the Civil Administration.

To complete the picture, it should be noted that the Subcommittee for the Judea and Samaria Area of the Knesset's Foreign Affairs and Defense Committee, is controlled by another member of the Religious Zionism party, MK Tzvi Sukkot.

Thus, the Religious Zionism party has gained almost complete control in the West Bank by stripping powers away from the temporary sovereign - the military - and gaining total control over funding and the institutions that have the greatest impact on policy in the West Bank. This, coupled with eliminating control and oversight mechanisms, has given its ministers almost entirely free rein.

The impact of these changes is already tangible. In early May 2024, the media [reported](#) that the Ministry of Settlements and National Missions, in cooperation with the Settlement Administration in the Ministry of Defense, is working to connect approximately 68 unauthorized outposts to water, electricity, sewage, and communication infrastructure. These outposts, referred to in settlement circles as 'young settlements,' have not been retroactively authorized yet, but in order to enable their connection to infrastructure, they have been defined as sites undergoing regularization in a [Cabinet decision](#) dated February 12, 2023. The plan constitutes de facto retroactive authorization of outposts without a government resolution. Some of the outposts on the list of sites undergoing regularization have no legal prospects for retroactive authorization, in part because they are located on privately owned Palestinian land.

Additionally, steered by the two ministries, the Disengagement Law, forbidding resettlement in sites evacuated as part of the Disengagement Plan, has been repealed with respect to the northern West Bank, paving the way for resettlement. At the time of writing, the settlement of Homesh has been repopulated.

The Ministry of Heritage

This is a new ministry, split off from the Jerusalem and Heritage Ministry. The minister is Amichai Eliyahu (Jewish Power). Like the Ministry of Settlements and National Missions, the Ministry of Heritage works to change reality on the ground using the Heritage Infrastructure Division, which initiates, funds and implements projects at the cost of hundreds of millions of shekels, using government corporations. The ministry also works to instill a nationalist narrative and national heritage in the Jewish public through the “Budget and Endowing Heritage Department”.

To grant Minister Eliyahu control over all the entities concerned, the Israel Nature and Parks Authority, the Israel Antiquities Authority, the Council for the Preservation of Israel Heritage Sites and the Landmarks Program were transferred to the Ministry of Heritage. Additionally, [the two positions of Archaeology Staff Officer at the Civil Administration were transferred from the Ministry of Culture to the Ministry of Heritage](#). While the Attorney General’s office made it clear that management of archeology in the West Bank pertains only to funding for the staff officers and does not give the Ministry or the corporations working under it any powers to operate in the field, once the positions were transferred, the Minister announced he was assuming responsibility for archeology management in the West Bank.

In July 2023, the government approved a 120 million ILS plan to “[rescue, preserve, develop and prevent antiquity theft and destruction in heritage sites in the Judea and Samaria area and the Jordan Valley](#).” The plan applies to the entire West Bank and allocates budgets for work in Areas B and A as well. The plan refers to the preservation of sites meaningful for Jewish heritage, and there is no reference whatsoever to the preservation of findings linked to other religions or nations. This aligns with the Ministry of Heritage’s policy, which considers itself responsible only for antiquities that prove the People of Israel’s historical right to the land.

The Ministry of National Security

The Israel Police

Shortly after the government was sworn in, the Knesset passed [Amendment 37 to the Police Ordinance](#), expanding the powers of the Minister of National Security, transferring powers previously held by the Police Commissioner to the Minister, and placing police activity directly under Minister Ben Gvir. The amendment allows the Minister, and political appointees, to intervene in all police activities.

The Association for Civil Rights in Israel [filed a High Court petition](#) against the amendment, noting that the power held by the police and its potential for severe, disproportionate impingements on human rights demands safeguards to ensure it does not go unchecked. The Association also demanded that the equitable use of force for law enforcement purposes, and not to be used to promote the political goals of those in power at any given moment.

On June 18, 2023, the High Court of Justice issued an order nisi instructing the state to explain why the amendment should not be repealed. On January 10, 2024, the Court issued an interim order prohibiting the Minister from interfering in demonstrations, after the police consistently forbade protests against the war, especially those organized by the leadership of the Arab public.

Despite pending legal procedures, the results of empowering the Minister of National Security to determine “police policy and general guidelines for police activities,” and to set “general policy for interrogations,” and “general principles” on prosecutions, are clearly felt in terms of protections for freedom of expression inside Israel and law enforcement on violent settlers in the West Bank.

When the war broke out, the scale and severity of settler violence against Palestinians and their property surged. Despite these grave developments, Minister of National Security Ben Gvir forbade the commander of the Samaria and Judea District Police from attending a meeting with the Minister of Defense due to his dissatisfaction with the criticism the military and the Shin Bet had voiced with regards to [lack of law enforcement action by the police against violent settlers](#). Instead, Minister Ben Gvir instructed the Samaria and Judea District’s Central Investigative Unit to set up a special mechanism to target left-wing activists in the West Bank. The complete absence of police enforcement has forced the military to assign a contingent of the West Bank Border Police force, which answers to the military, to handle settler violence in order to fill the void. In the absence of criminal investigations, enforcement action against settlers suspected of harming Palestinians sometimes takes the form of administrative orders.

Israel Prison Service (IPS)

The IPS is also under the purview of the Minister of National Security, who set out to worsen prison conditions for Palestinian prisoners as soon as he took office. [This attempt was blocked thanks to opposition from security officials](#). Ever since the war broke out, amid the prevailing attitude and desire for revenge for the massacre perpetrated by Hamas on October 7, and as the number of detainees increased, Minister Ben Gvir has been steering

the incarceration policy almost single handedly.

This has meant that since October 2023, prisons have been almost completely cut off from the outside world, with ICRC representatives being denied access and lawyers and other visitors having restricted access. Prisoners and detainees are held in appallingly overcrowded conditions. The food they are given does not meet the minimum required by law, and they are exposed to severe violence by prison guards. As a result, by the end of March 2023, [10 Palestinian prisoners had died in IPS facilities](#). A [petition](#) filed by the Association for Civil Rights in Israel and other organizations against prison conditions was dismissed in limine. Petitions against the [ban on ICRC visits](#) and the [starvation of prisoners](#) are still pending.

The establishment of the National Guard

On April 2, 2023, the government passed a resolution to establish a national guard. The resolution set the creation of a special committee to discuss which powers the National Guard would have and to whom it would answer, whether the Police Commissioner or another body. The National Guard is supposed to operate in mixed Arab-Jewish cities within Israel and in East Jerusalem.

In January 2024, Minister of National Security Itamar Ben Gvir submitted a [proposal for the government's approval](#), whereby the Border Police would change its name to the National Guard and the Minister of Defense would be ordered to assign 2,000 reserve IDF soldiers to it. The National Guard would also be able to receive 28,000 volunteer reserve soldiers in emergency response teams. Minister Ben Gvir requested to present “designated, permanent, or restricted open fire regulations for emergencies” within 45 days. The Minister also seeks to transfer the Home Front Command apparatus to the Ministry of National Security, as well as the power to mobilize National Guard reservists from the Minister of Defense to the Minister of National Security. To the best of our knowledge, this plan has not yet been implemented.

The Land Enforcement Authority (National Unit for Enforcing Planning and Construction Laws)

The Land Enforcement Authority is responsible for enforcement on planning and construction offenses in Israel, and ensuring that local authorities work to enforce them. On April 7, 2024, the government approved the transfer of the authority from the Ministry of Finance to the Ministry of National Security, placing enforcement powers

on illegal construction inside Israel in Minister Ben Gvir's hands. Ben Gvir wishes to control enforcement on construction by Bedouin communities as part of his so-called 'governability plan' for the Negev. Professional staff at the Ministry of Finance, Ministry of Interior, and Ministry of Justice [oppose transferring the Land Enforcement Authority to Ben Gvir](#) and are currently attempting to limit his ability to make changes to its operations. The Knesset's approval is required to complete the transfer, and it is currently not being pursued due to coalition infighting. While this transfer of powers is not directly related to the OPT, it is another manifestation of the attempt to establish Jewish supremacy everywhere under Israel's control, as declared in the first paragraph of the government's guiding principles.

Firearm Division

Minister Ben Gvir has been working to significantly increase the number of gun permits issued to Israelis ever since he took office. In June 2023, Minister Ben Gvir ordered [changes to the criteria, which would facilitate obtaining a gun permit](#). The events of October 7 undermined Israelis' sense of personal safety and their trust in the security forces. Instead of rebuilding public trust in law enforcement agencies, the Minister has decided to significantly relax the criteria for gun permits and expedite the process. Hundreds of thousands of applications were submitted, and in late June 2024, the Minister reportedly issued the 140,000th permit. Minister Ben Gvir's gun licensing reform includes a list of eligible towns, whose residents are entitled to carry a firearm. To be eligible, the town must have Jewish residents living close to the border or to Arab communities. [All West Bank settlements are defined as eligible, meaning their residents are entitled to carry a firearm](#).

To meet Minister Ben Gvir's desire to flood the country with firearms, [the Ministry of National Security has appointed unqualified individuals](#) to approve gun permits which require a firing range test. These individuals, who received the title "temporary licensing clerks" are members of Minister Ben Gvir's staff and his close associates. They have signed off on anywhere between hundreds to thousands of firearm permits for civilians, with priority given to Minister Ben Gvir's political supporters and associates, including people who do not meet the criteria for a gun permit. An attempt by the State Audit Committee to control gun licensing failed when [Minister Ben Gvir ordered his ministry staff and police representative to leave the discussion](#). A High Court [petition](#) to revoke the permits granted illegally is pending.

The Knesset National Security Committee, which is charged with monitoring and oversight on law enforcement officials and the ministry's actions, is chaired by another member of the Jewish

Power party - Tzvika Foghel. Ever since the committee started its work in the current Knesset, Foghel has been working to transfer additional powers to the Ministry of National Security.

Legislative Changes, Budget Allocation, and Eliminating Bureaucratic Barriers

Israel's policy of annexation and expansion is reflected not only in structural changes; it is also evident in legislation and procedures that remove bureaucratic barriers, thus enabling massive expansion of the settlement enterprise and improved quality of life for settlers at an accelerated rate. Additionally, since the beginning of its term, many of the 37th government's ministries have become a funding funnel for the settlements, by enacting laws that allow funds to flow directly from authorities inside Israel to authorities in the West Bank. In this way, Israeli taxpayers' money is used to finance the settlements at the expense of their own needs. While this is not new, the scale at which it is pursued under this government is unprecedented. As noted, even in the midst of a war that requires budget cuts across the board, funding for ministries such as the Ministry of National Missions was increased and West Bank projects were given priority.

Legislative changes and eliminating barriers

Amendment of Government Resolution 150

On June 18, 2023, the government passed a resolution (Amendment to Government Resolution 150), which included two significant changes regarding planning and construction in the West Bank. The first change is the transfer of the authority to approve the various planning stages from the Minister of Defense to the Additional Minister in the Ministry of Defense. Through this, Smotrich became the government-level representative authorized to approve new construction in the territories. The second change reduced the need for approval at the political level, which, until the Amendment, was required for every advancement to a new planning phase, to limit it to the first phase only. According to this decision, once the government-level approves the promotion of a plan in a certain area, there is no longer a need for additional approvals in the following planning stages. The change is intended to facilitate and expedite the establishment of new settlements and retroactive authorization of unauthorized outposts.

Establishing new settlements is a sovereign act for all intents and purposes, and it has far-reaching consequences for foreign policy. Therefore, until the amendment to Government Resolution 150 ([passed](#) in 1996), the process governing the building and expansion of settlements in the West Bank (while still tainted by illegality in full) was different from the system used to establish new localities inside Israel. It allowed the government to halt the planning and approval process if it saw fit.

The government decision from June 2023 also canceled the political approval that was so far required for the expansion of an existing settlement. It thus paved the way for the authorization of outposts in the West Bank as neighborhoods of existing settlements, and for the massive expansion of the settlements. Reducing the degree of government involvement in the already problematic process of establishing settlements in the Occupied Territory shows that the Israeli government is working to apply full sovereignty. By removing the few restrictions previously placed on settlements' expansion, the government is working to [promote official annexation of the Occupied Territories](#) so it can treat this territory as its own. The consequences of the government's decision, beyond the violation of international law, are deepening and expanding the violation of the human rights of Palestinians in the Occupied Territory .

Revocation of evacuation sections in Disengagement Law

On March 21, 2023, the Knesset passed an amendment to the Disengagement Law, allowing permanent presence by Jews in the northern West Bank, which was evacuated as part of the Disengagement Plan. This is the first step towards reestablishing the four evacuated settlements and retroactively authorizing the unauthorized outpost of Homesh. On May 22, 2024, Defense Minister Gallant [extended](#) the Disengagement Revocation Law to the former sites of the settlements Sa-Nur, Gannim, and Kadim in the northern West Bank. A bill [seeking to revoke the prohibition on access and movement by Israelis in the Gaza Strip](#), thereby fully revoking the Disengagement Law, was presented to the Knesset in November 2023 but not promoted.

Ministry of Communication

On April 2, 2024, Minister of Communication Shlomo Karhi and the Ministry's Director General presented settlement leaders with a comprehensive [plan](#) to improve cellular service in the OPT, with a budget of 50 million ILS. The initial phase includes installing cellular sites in 20 locations chosen by the Civil Administration and identified as urgently in need of implementation. Dozens more cellular sites are expected to be installed later,

in coordination with heads of local authorities and in keeping with the needs of the settler population, which uses Israeli networks.

Concomitantly, [sanction orders](#), signed by the Military Commander, have recently entered into effect, allowing sanctions against cellular providers that fail to cover 95% of the roads in the West Bank on which Israelis travel.

Budgetary Support

Coalition funds

Coalition funds are budgetary allocations approved by the government rather than Knesset legislation. They are not included in the base budget and are valid only for the time stipulated in the agreement for their allocation. After the government was formed, it decided to allocate eight billion ILS in each of 2023 and 2024 for various purposes, included in the coalition agreements, mostly for the ultra-orthodox and national religious sectors. Of these, 620 million ILS were allocated exclusively for settlements (310 million ILS for 2023 and 2024 each).

After the war broke out, the government decided to cut coalition funds for 2024 by 5.7 billion ILS, including a 140 million cut in funding for settlements. Yet, at the same time, settlements were allocated 530 million ILS in new budget allocations. As a result, **the total sum of coalition funding effectively allocated to settlements in 2024 is 737 million ILS.**

Special grants for settlement local authorities

Local authorities' financial records reveal that settlement local authorities receive more funding than those inside Israel. In 2023, the Ministry of Interior gave settlements' local authorities a total of ILS 795.4 million in grants, making up about 10.5% of the total grants the Ministry provided to all local authorities. That is while the settler population accounts for just about 5% of the total population of Israel. Balancing grants and other grants provided to local authorities (including in the settlements) are distributed according to equitable criteria. In addition to these grants, the government gives settlements special grants such as the 'Oslo Grant' that has been handed out every year since the Oslo Accords (in 2023, the grant amounted to about ILS 18 million). The sums of these special grants are not fixed and the base budget shows only some of the money ultimately provided. Some of the funds are granted as part of special government resolutions. So, for instance, the base budget for 2023 did not earmark funding for a 'One-Time Security Grant for Judea and Samaria Local Authorities,'

6 Peace Now, Billions for Settlements in the 2024 Budget, February 19, 2024.

but in practice, settlements received ILS 77.6 million through this grant. The Oslo Grant was listed as 1.2 million in the base budget, but settlements received 17.7 million in practice.⁷

Transfer of municipal tax money to settlements

The government reformed the Municipal Tax Fund to allow transferring municipal tax money collected inside Israel for use by the settlements. **The Municipal Tax Fund Law** focuses on establishing a business fund to redistribute municipal tax revenue among local authorities. The fund is meant to encourage building residential units in areas where municipal tax money revenue is insufficient to cover services for new residents. Minister of Finance Bezalel Smotrich pushed for the establishment of this fund, claiming it was a tool for distributive justice, as money from stronger local authorities would flow into a shared fund, from which money would be distributed to weaker local authorities. However, during the legislative process, parties opposed to the law expressed concern that the fund would be used to dispense money for political reasons and bolster construction in the settlements. This concern stemmed from the fact that the law was legislated in such a way that allowed, for the first time, allocating funds to settlements at the expense of communities inside Israel, in violation of international law. The transfers flow in one direction: settlements will not contribute funds to the Municipal Tax Fund but are entitled to receive grants from it.⁸

Municipal tax money is also transferred to settlements through an amendment to the Municipality Ordinance. This amendment allows distributing industry and trade tax revenue to settlements adjacent to communities inside Israel. [The bill, approved on April 2, 2024](#), is an annexationist move that erases the Green Line and turns settlements into Israeli communities by giving them money from municipalities and local councils inside Israel. For instance, the city of Modi'in (inside Israel) would be forced to hand over some of its revenue to the settlement of Modi'in Illit, which is beyond the Green Line.

The Ministry of Transport and Road Safety

The [2023-2024 Ministry of Transport and Road Safety budgetary plan](#) earmarked **nearly four billion ILS (3,898 million)** of Israel's total 16.5 billion budget for road development in settlements. In other words, 24% of Israel's road budget was dedicated to encouraging the settlement enterprise. Even after the [budget cuts](#) approved in January 2024, about 20% of

7 For more information see: Peace Now, Billions for Settlements in the 2024 Budget, February 19, 2024

8 Zvi Zaria and Guy Nardi, "Local Authorities Forcibly Turned into Cash Cow for Settlements," ynet, April 3, 2024 (Hebrew).

Israel's total road budget (close to three billion ILS) is allocated for roads in the settlements. Notably, [in an interview on Israeli Television Channel 14, Minister Smotrich](#) claimed the settlements' road development budget would be seven billion ILS.

In addition, 160 million ILS for road upgrades in the OPT have been added to the [base budget](#), meaning, this amount would be earmarked for this purpose every year. Minister of Transport and Road Safety Miri Regev has [clarified](#) that "these projects reflect this government's priorities, which regards Judea and Samaria as the heart of the country, a place worthy of investment like anywhere else in Israel." The plan focuses heavily on bypass roads that connect settlements to one another, and to main roads inside Israel.

Massive Expansion of the Settlement Enterprise and Encouraging Israelis to Move to the Occupied Palestinian Territory

In accordance with the government's declared goal of doubling the settler population and completing the annexation, it is striving to massively expand the settlement enterprise while creating attractive conditions and improvements to the quality of life there that will encourage Israelis to settle in the West Bank.

Smotrich's dual appointment as Minister of Finance and Minister in the Ministry of Defense has awarded him tremendous power. It afforded him leverage, as Minister of Finance, over a multitude of parties towards realizing the vision of annexing the West Bank, erasing the Green Line, and normalizing the settlements. The new structural and legal reality described in the previous chapters - produced by the split within the Ministry of Defense and Smotrich's appointment as an additional minister there, along with transferring powers from the military to civilian hands, establishing the Settlement Administration, appointing a civilian deputy to the Head of the Civil Administration, and joining forces with the Ministry of Settlements and National Missions headed by Minister Strock - create a new physical reality on the ground in the West Bank.

On the ground, it is evident that the West Bank is rapidly changing with the goal of securing an Israeli territorial contiguity that creates buffer zones between the Palestinian areas and forces the Palestinian residents into small, separated enclaves.

One area Smotrich has focused on is what he terms ‘open spaces’ in the West Bank, i.e. its land reserves. Smotrich has set a target to combat Palestinian construction and development, which he views as no less important than promoting development and construction for the settlement enterprise. “The other side is actively working to seize land and we must do the same,” Smotrich said in a [Knesset Foreign Affairs and Security Committee hearing](#) devoted to the issue of Palestinian construction. All the while, the government is promoting an Israeli construction and development boom throughout the West Bank and a policy of expanding Israeli control all over the West Bank.

Establishing new outposts and farm outposts

Unauthorized outposts are settlements established by Israeli citizens in the Occupied Palestinian Territory. Unlike authorized settlements, these were established without a government resolution, but usually with the involvement, assistance and funding of various government bodies. Since the mid-late 1990s, outposts have been used as an effective measure for taking over land. Many of the outposts were built fully or in part on private Palestinian land and without building permits. A total of 201 unauthorized outposts have been built in the West Bank to date. Many of those have been retroactively authorized or are in the process of retroactive authorization.

According to Peace Now data, **since the current government was established, 41 new outposts were built, at least half of which are farm outposts: in 2023, 26 outposts were built and during the first half of 2024, 15 outposts were built.**⁹ In a recently exposed letter, outgoing Central Command Chief Yehuda Fox wrote that in 2023 the number of illegal buildings constructed by Israelis had increased, alongside a large number of instances of invasion to land. Fox also noted that since the outbreak of the war in Gaza, there has been a sharp increase of building structures and roads on land that is not state land - including on privately owned Palestinian land and in Area

⁹ Peace Now, Settlement Watch Data.

B. He noted that the Settlement Administration is blocking enforcement actions to remove this construction.¹⁰ So-called mini outposts were also established; these are sites where settlers have set up tents or established a partial presence, and settlers renewed their presence in Amona, Homesh and Evyatar.¹¹

Farm outposts

In recent years, Israel has also been advancing agricultural outposts (Individual farms/ Herding farms) whose declared goal is taking over hundreds of thousands of dunams of land in the Occupied Palestinian Territory.¹² Farm outposts - a relatively new phenomenon - are established without an official resolution by Israel to establish a new settlement, without construction permits, and like all other settlements and outposts in the West Bank, in violation of international law. Despite this, Israel supports these outposts and allocates grazing land exclusively for their use, provides financial grants, and infrastructure assistance. Aid is administered directly by government ministries or funneled through various bodies, which are also publicly funded. The 62 farm outposts established so far are mostly settled by a small number of people. The settlers take over expansive swathes of land around farm outposts by herding sheep in vast areas, appropriating water sources, and often by the use violence against local Palestinians.¹³

Smotrich described the purpose of establishing and regularizing the agricultural farms:

The farm outposts are a mega-strategic tool for the protection of land. We did not invent the wheel. Pasture has always been the most effective tool for preserving land in the State of Israel. Take one farmer, a thousand cows, an investment of a dime and

10 Letter from the GOC Central Command Major General Yehuda Fox to the Chief of Staff summarizing a meeting held in his office on “Lack of Enforcement on Illegal Construction in Judea and Samaria”, March 21, 2024. The document was first published in: Ronen Bergman, Mark Mazzetti, “The Unpunished: How Extremists Took Over Israel”, The New York Times, May 16, 2024.

11 Amona - an outpost evacuated in 2017 by order of the High Court of Justice; the settlement Amichai was built for the settlers evacuated from Amona. For more information about Amona see: Yesh Din, The illegal outpost of Amona – Theft of private Palestinian land - a chronology (1995 - ?), December 2020; Homesh - an outpost built after the settlement of Homesh in the northern West Bank was evacuated as part of the Disengagement Plan.

12 For example, in February 2021, Amana Secretary General Ze’ev Hever (Zambish) stated at the Amana Movement conference that “one farm can and does conserve thousands of dunams of land, therefore this is central.” He explained that the farms are a more effective instrument for seizing land compared to the settlements, since they control more area. Hagar Shezaf, “Secretary General of Amana: We will build ten more farms in the West Bank this year, they are more efficient than settlements”, Haaretz (Hebrew), February 22, 2021.

13 Yesh Din, Plundered Pastures: Israeli settler shepherding outposts in the West Bank and their infringement on Palestinians’ human rights, December 2021.

half, and it protects 40,000 dunams for you. A tool that, like everything else in the settlements, started from the bottom up. We are very close to a model for regularizing these farms. I think it should be authorized and with permission. There are still a few discussions, legal debates, but I think that within a few months we will have a model that will allow us to regularize the vast majority of the farms. This regularization will of course pave the way for government investment in infrastructure, like everywhere else, to bring them infrastructure such as water, electricity, roads, and participating in grants for herding. It is mega-strategic.¹⁴

In late June 2024, the Ministry of Settlements and National Missions and the Settlement Division organized a meeting during which the plan for security components for 2024 was launched. According to this plan, the Settlement Division in coordination with the Ministry of Defense and the local councils, will purchase various security measures for each farm, such as thermal imagers (“Rangers”) and thermal drones. The program’s budget is an unprecedented 75 million ILS (roughly).¹⁵

Establishing new settlements and retroactively authorizing dozens of outposts

In February 2023, the Cabinet decided to retroactively authorize ten unauthorized outposts immediately and move forward with procedures for retroactively authorizing dozens of additional outposts.¹⁶ These ten outposts are not quite close enough to existing settlements to qualify as neighborhoods; therefore they were selected to be retroactively authorized immediately as nine new independent settlements. Some are located on land whose status has not been settled that are possibly privately owned Palestinian land. In April 2024, four of these outposts received a permanent locality code, indicating that retroactive authorization is complete.¹⁷ In addition, during 2023, retroactive authorization

14 Peace Now, The Israeli Government’s Annexation Agenda, June 2024.

15 Hanan Greenwood, “Establish dozens of additional farms in the near future: a security program costing tens of millions launched in Judea and Samaria,” Israel Hayom (Hebrew), June 26, 2024.

16 The Committee of Ministers for National Security Affairs, Resolution No. Beth/6 (the Political-Security Cabinet, Hebrew), February 12, 2023. The outposts are: Asa’el, Avigayil, Beit Hogla, Givat Arnon, Givat Harel, Givat Haroeh, Malachei Hashalom, Mitzpe Yehuda, Sde Boaz and Shaharit. Givat Harel and Givat Haroeh will be retroactively authorized as a single settlement although they are not adjacent to each other.

17 A locality code, obtained from the Ministry of the Interior, is the final step in establishing a new locality in Israel. The outposts assigned a locality code are Asa’el, Beit Hogla, Mishmar Yehuda, and Shaharit.

proceedings were advanced for five additional outposts.¹⁸

In February 2024, Minister Smotrich [instructed](#) the Head of the Civil Administration to implement the Cabinet's decision from the previous year and recognize 63 sites, which include 70 outposts¹⁹ - including Evyatar and Homesh - as places "designated for regularization", connect them to the infrastructure, and refrain from exercising enforcement actions on illegal construction in them.²⁰ Later, Smotrich circulated a [directive](#) to the government ministries instructing them to recognize 68 outposts as "sites undergoing regularization"²¹ and work to connect them to water, electricity, sewage, and communication infrastructures, to build public buildings in them, and to provide them with municipal services. The significance of this directive is that although regularization has not been completed for these outposts, they will have a status comparable to lawful localities for the purpose of receiving budgets and services, establishing infrastructure, and approving the construction of new buildings.²²

This new status will enable outposts to continue to expand even without having been regularized, and to become de facto authorized settlements, whose status is similar to any locality within sovereign Israel. Additionally, enforcement measures will not be taken against illegal construction in the outposts slated for regularization. The same applies even to outposts with no legal or planning prospects for regularization because they are located on privately owned Palestinian land. On June 27, 2024, the Cabinet decided to regularize five outposts deep in the West Bank by way of establishing five new settlements, including the settlement Evyatar.²³ **The responsibility for regularizing the outposts was apparently transferred in full in early July 2024 to the Settlement Administration in**

18 Derech Ha'avot, Mevo'ot Jericho, Nofei Nehemiah and Pnei Kedem. Three plans have been approved for validation in these outposts: Mevo'ot Jericho, Nofei Nehemia and Pnei Kedem; and an additional plan was approved for deposit for the outpost Netiv Ha'avot. See: Peace Now, The government announced the promotion of 6,000 housing units in settlements: in practice, 7,157 units were promoted, including five additional outposts, February 19, 2023.

19 According to Peace Now, Smotrich's directive refers to a list of 63 sites that include 70 illegal outposts, see: Peace Now, The government promotes development and construction in 70 illegal outposts, June 19, 2024

20 Letter from the Minister in the Ministry of Defense Bezalel Smotrich to the Head of the Civil Administration, dated February 23, 2024 (Hebrew). The letter specifically notes that the list is not final, and that additional outposts may be added to it.

21 It appears that the 68 outposts include the 63 sites mentioned in Smotrich's letter to the Head of the Civil Administration and the other five outposts for which retroactive authorization was pursued in 2023.

22 Amit Segal, "The Government began retroactive authorization for 68 un-regularized West Bank outposts", Channel 12 News (Hebrew), April 21, 2024.

23 Tovah Lazaroff, "Smotrich: cabinet authorized 5 West Bank outposts, sanctions against PA", The Jerusalem Post, 28.06.2024. The outposts slated for retroactive authorization as new settlements are Adorayim, Evyatar, Givat Assaf, Helez, and Sde Efraim.

the Ministry of Defense.²⁴

In total, at the time of writing, the establishment of 16 new official settlements was announced: Adorayim, Asa'el, Avigayil, Beit Hogla, Evyatar, Givat Assaf, Givat Harel along with Givat Haroah, Givat Arnon, Heletz, Homesh, Malachei Hashalom, Mitzpe Yehuda, Sde Boaz, Sde Efraim, and Shaharit.

Establishing large new settlements

Several large-scale and unusual projects, meaning the establishment of new settlements, are already underway including:

- **Transforming the outpost Mitzpe Yehuda into a new settlement named Mishmar Yehuda:** The GOC Central Command signed an [order determining the jurisdiction area for a new settlement](#) north of the town of Al-Ubeidiya, east of Bethlehem. This marks the start of implementation of the [government's resolution from February 2023](#), in which the government decided to retroactively authorize ten unauthorized outposts and transform them into nine new settlements, including retroactively authorizing the outpost Mitzpe Yehuda (under its new name Mishmar Yehuda). During the first phase, the construction of approximately 3,600 housing units is planned on an area comprising approximately 417 dunams; during the second phase, the settlement is planned to expand to an additional 2,000 dunams approximately and approximately 10,000 additional housing units. According to Peace Now, the Ministry of Housing has already hired planners and architects to prepare plans for the new settlement at an estimated cost of 2.7 million ILS.²⁵
- **A new settlement - Ariel West:** The Ministry of Housing has begun building infrastructure for a new settlement west of the settlement Ariel, known as Amirim Neighborhood or Ariel West. Officially, the settlement is part of Ariel settlement, but it is located outside Ariel's fence, approximately two kilometers away. The new settlement is adjacent to the Palestinian town Salfit and will in effect cut off the Palestinian villages north of Salfit, such as Kifl Haris and Haris from Salfit, the district capital.

²⁴ Makor Rishon reporter Hodaya Karash-Hazoni tweeted the following from a conference in which Minister Smotrich participated on June 9, 2024 at Shaharit farm entitled: "The Defender of Israel - the overarching goal: Thwarting the establishment of a Palestinian state". https://x.com/karash_hodaya/status/1799842906049810718?t=X60bxjOhzyHbAT0Z6mMkqA&s=08 (Hebrew).

²⁵ Peace Now, The Israeli Government Promotes a New Settlement in the West Bank, February 28, 2024.

- **Expanding settlement in Hebron:** In July 2023, Israeli settlers established a new settlement on Shuhada Street in the heart of Hebron, south of the Tomb of the Patriarchs, between the Shiloh Pool and the settlement Avraham Avinu. This is an area inhabited by Palestinians and far from the settlements that exist so far in Hebron. In addition, a new settlement was also established in Beit Hatkuma - a residential building on Zion Route in A-Ras neighborhood in Hebron.

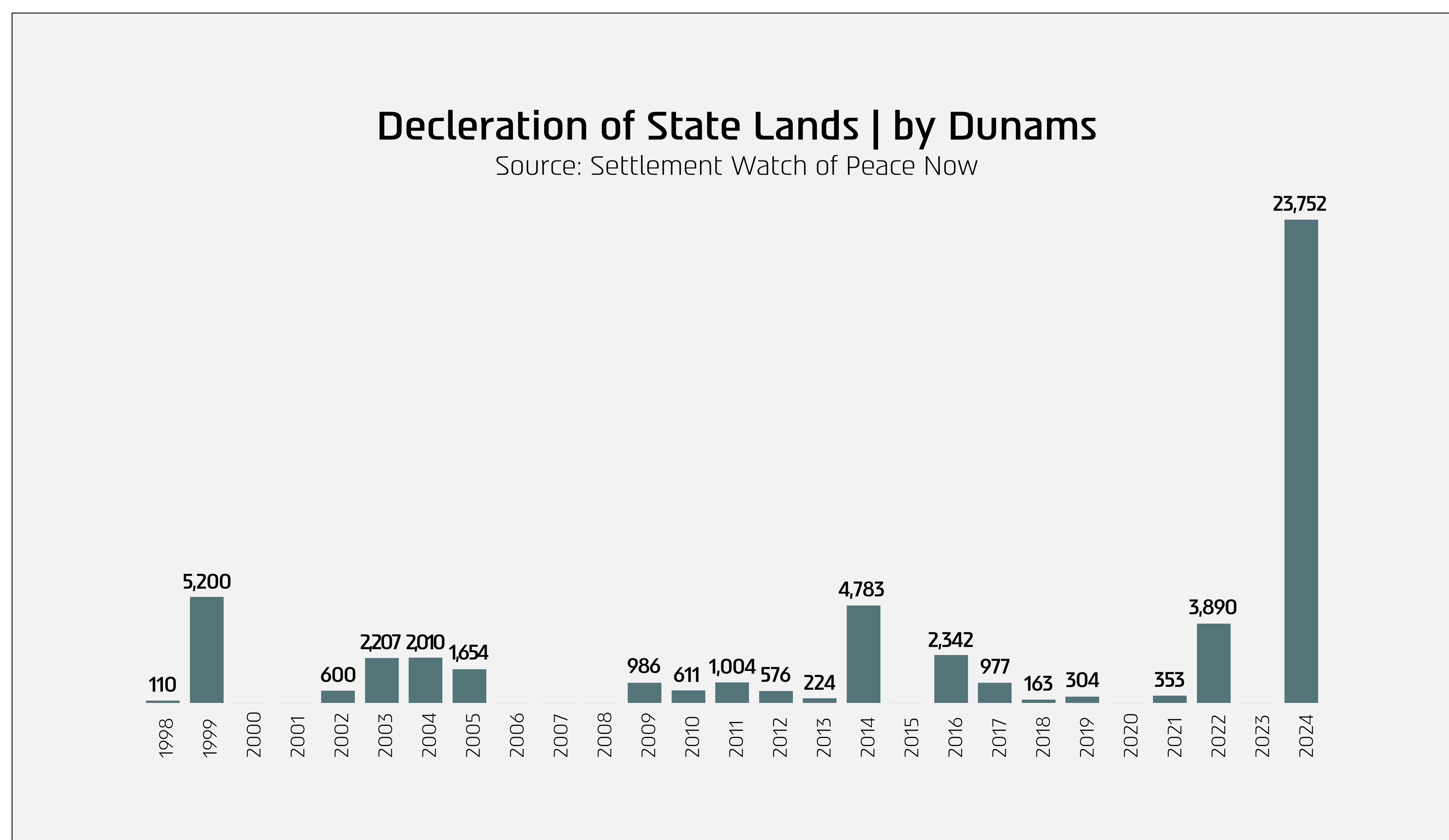
Declaring “State Land”

Public land, also known as “state land” is land that is not privately owned, entrusted to the sovereign to administer. This land is supposed to be used for public needs, such as establishing towns or developing infrastructure. Under international law, the occupying power is not authorized to do as it wishes with such land; rather, this land belongs to the local population and is intended for its needs. Formally speaking, any land in the West Bank that is not private land is considered public land, regardless of whether the land is registered as such or not. Under the Israeli occupation regime, this land is defined as ‘government property’, and the Civil Administration is entrusted with its management. The Civil Administration may administer a certain area or assign it to other entities on the condition that the Supervisor of Governmental and Abandoned Property in the West Bank actively takes possession of that area. Declaration of “state land” is the mechanism the Israeli military regime has adopted in order to take possession of land it considers government property.

Until 1979, Israel seized private Palestinian land through military orders and then allocated them for building settlements, arguing that this was for security needs. After the High Court of Justice’ ruled in the Elon Moreh petition, banning this practice, Israel adopted a policy of establishing settlements on land that was declared “state land”. Since the 1980s, the Civil Administration has declared nearly a million dunams of land in the West Bank “state land”. Israel uses land declared as “state land” almost exclusively for the benefit of the Israeli settlement enterprise in the OPT and excludes Palestinian individuals and communities from them. By 2018, just 0.25% of all the “state land” the Civil Administration allocated for any type of use since 1967 has been allocated for the use of Palestinians.²⁶

26 Yotam Berger, “Palestinians Have Received 0.25% of State Land Israel Has Allocated in the West Bank Since 1967”, Haaretz English website, July 19, 2018; Yesh Din, Ill-Gotten Gains: Theft of Palestinian land – declaring “state land” where

During the first half of 2024, over 23,700 dunams of land were declared “state land” - a record number in at least 25 years.²⁷ In comparison, during the entire decade between 2014 and 2023, 13,000 dunams were declared “state land”.



The list of declarations includes:

- 2,600 dunams near Abu Dis, between the settlements Ma’ale Adumim and Kedar on February 29, 2024.²⁸
- 170 dunams around the Herodium archaeological site in April 2024.²⁹
- 8,000 dunams in the Jordan Valley on June 20, 2024.
- Roughly 12,700 additional dunams in the Jordan Valley on June 25, 2024.
- 65 dunams in Evyatar on July 9, 2024.

Between 2018 and 2023, approximately 24,000 dunams of “state land” were re-surveyed, mostly in areas deep within the West Bank. This could possibly indicate plans for

settlement of title was halted when Israel occupied the West Bank, 2021.

27 For details regarding the declarations, see Appendix A.

28 Declaration order al-‘Eizariyah and Abu Dis , February 29, 2024 (Hebrew).

29 Declaration order Herodium, January 4, 2024 (Hebrew).

future construction in settlements deep inside the West Bank.³⁰ In addition, since the establishment of the Settlement Administration, the Civil Administration’s “Blue Line” team, responsible for surveying state land, has been led by Yehuda Eliyahu, the Head of the Settlement Administration, and its activity has significantly accelerated. According to media reports, Eliyahu has been pursuing an active policy of declaring “anything possible” despite opposition by members of the security establishment who have cautioned against the unrest the declarations create on the ground.³¹

Minister Smotrich’s response to the declaration of “state land” in the Jordan Valley reflects his overall approach. According to Smotrich, “promoting declaration of state land is an important and strategic issue”, and “while there are persons in Israel and in the world seeking to undermine our right to Judea and Samaria and the country in general, we are promoting settlement with hard work - and strategically, all over the country.”³²

Declaring nature reserves, parks, and forests, and developing nature and tourism sites

Declaring areas as nature reserves is one of the many measures Israel uses to transfer land to Israeli control, drive Palestinians away, and dispossess them of their land. Declaring a nature reserve in the West Bank restricts the permitted ways in which land may be used, and over time Israel has declared hundreds of thousands of dunams in the West Bank as nature reserves and began enforcing prohibitions in them.

The national parks and nature reserves in Area C of the West Bank are managed by the Civil Administration, through the National Parks and Nature Reserves Staff Officer. In practice, the Staff Officer has appointed the Israel Nature and Parks Authority to administer some of the reserves and parks.

The 37th government has so far declared tens of thousands of dunams as parks, nature

30 Hagar Shezaf, Israel Has Declared Record Amount of West Bank Land as State-owned in 2024, Haaretz English Website, April 11, 2024.

31 Hanan Greenwood, “Who’s the Boss? The struggle over control of Judea and Samaria between Smotrich and Gallant”, Israel Hayom, May 24, 2024 (Hebrew).

32 Dikla Aharon Shafran, “With Smotrich’s Permission: Land in the Jordan Valley was declared state land”, Kan 11 (Hebrew), March 22, 2024.

reserves, and forests.³³ The largest declaration yet was in the Umm Zuqa (Nahal Og) reserve near Jericho: 22,000 dunams,³⁴ some of it privately owned Palestinian land. The landowners will now require the Civil Administration's approval in order to cultivate their land or herd sheep and cattle on it.³⁵ In the area of Umm Zuqa, the outpost Uri's Farm was established several years ago. Until recently, the farm was within an area designated as a nature reserve, and now it is included in the expanded reserve's area.

In addition, Minister of Environmental Protection Idit Silman, who is entrusted with the Nature and National Parks Authority, is investing unprecedented sums in development and regularizing land for nature sites in the West Bank and transforming them into tourist sites. Examples include the archaeological site of Sebastia in the northern West Bank, and the site of Nahal Oujah (Yitav) in the Jordan Valley.³⁶

Expanding jurisdiction areas and special security areas

Jurisdiction areas of regional councils and settlements are their municipal boundaries, determined by order of the military commander (the GOC Central Command). West Bank settlements and regional councils have official jurisdiction areas that are much greater than the area they use in practice. In 2013, these areas spanned approximately 1.2 million dunams, approximately 63% of Areas C. The settlements' jurisdiction areas include most of the land that Israel defines as "state land". In March and July 2024, the Civil Administration announced the expansion of the following areas of jurisdiction:

The Jordan Valley Regional Council by approximately 206 dunams that are located in the heart of the Palestinian village of al-Jiftlik in Area C. According to the Civil Administration's statement, the area slated to be incorporated in the Council's area of jurisdiction is defined as an archaeological site called Tel al-Mazar.³⁷

33 For details regarding the declarations, see Appendix A

34 Order concerning Nature Protection (Judea and Samaria) (No. 363), 5730 - 1969, Declaration of Umm Zuqa nature reserve (Boundary amendment), February 11, 2024.

35 TOI Staff and AFP, "Israel appropriates 1,976 acres of land in Jordan Valley, declaring it state land", The Times of Israel, May 22, 2024.

36 Avi Bar-Eli, "If the hostages are returned, the government will fall. Isn't that clear?", The Marker (Hebrew), March 31, 2024.

37 The Civil Administration, Notice of intention to amend the area of jurisdiction of the Jordan Valley Council, March 17, 2024 (Hebrew).

Shilo - expanding the settlement's jurisdiction area to include the unauthorized outpost Ahiya, as part of procedures for regularizing the outpost.³⁸

Defining the jurisdiction area for a new settlement - Nahal Heletz near Bethlehem.³⁹

Along with the expanding areas of jurisdiction, the settlements' special security areas too are being expanded under the pretense of a security needs following the October 7 massacre. Special security areas are buffer zones or security strips surrounding the settlements. They are designed to be used as a security warning zone and entry is prohibited. In practice, these areas are closed to Palestinians only, even though these are large areas that include pastures, crops, and agriculture. In November 2023, during the olive harvest season, Minister Smotrich addressed Defense Minister Gallant and the Prime Minister, demanding the political ranks instruct the army "to create sterile security areas around the settlements and roads, and prevent Arabs from entering them."⁴⁰

Roads and Paths

As mentioned in the previous chapter, the Ministry of Transport and Road Safety is investing huge sums in promoting extensive road construction projects in the West Bank.⁴¹ Transportation infrastructure – roads and paths – is another measure used to cement Israeli control in the West Bank. Such development is designed to improve the quality of life and attract more Israelis to settle in the West Bank. The road development boom seeks to facilitate travel inside the West Bank through a road network connecting the Israeli settlements and outposts, and ease travel to and from the West Bank. This enables the settlements to function as suburbs, where most residents work in Israel. Many of the new roads are created as 'bypass roads,' a euphemism for roads designed to serve the settlers' needs. These road systems exacerbate the inequality between the settlers and the Palestinian residents of the West Bank and the fragmentation of the Palestinian areas in the West Bank.⁴² An example of such a road is the Huwarah bypass road called Heart

38 The Civil Administration, Notice of the intention to amend the area of jurisdiction of the settlement Shilo, March 17, 2024 (Hebrew).

39 Order regarding Administration of Regional Councils (Judea and Samaria) (No. 782), 5739 - 1979, Amendment of the addendum – addition of the settlement Nahal Heletz (Gush Etzion Regional Council), 5784-2024 (Hebrew).

40 Reuters staff, Israeli minister calls for security zones around West Bank settlements to keep Palestinians away, Reuters, November 6, 2024.

41 For details regarding the main projects, see Appendix B

42 Ofek - The Israeli Center for Public Policy in Israel and Breaking the Silence, Highway to Annexation: Israeli Road and Transportation Infrastructure Development in the West Bank, December 2020.

of Samaria. This road links Tapuah/ Za'tara Junction to the settlements located on the mountain range east of the watershed, planned as an alternative Route 60, which crosses the Palestinian town of Huwarah. For the purpose of its construction, the Civil Administration expropriated 406 dunams of Palestinians privately-owned land. Minister of Transport and Road Safety Miri Regev has listed the transportation projects her office is promoting in the West Bank in an official press release and stated that all these “reflect this government’s priorities, which regards Judea and Samaria as the heart of the country, a place worthy of investment like anywhere else in Israel.”⁴³

Unauthorized Roads Built by Settlers

In addition to the “authorized” roads planned and paved by state authorities and the army, new unauthorized roads around settlements and outposts are another measure used for dispossessing Palestinians and driving them from their land in the West Bank. Hundreds of roads built without authorization have been paved during the years Israel has controlled the West Bank, cumulatively extending over thousands of kilometers. Some roads were designed as “security roads” around the settlements, some are “escape routes” or roads designed to connect settlements and outposts.⁴⁴ In 2023, Kerem Navot documented the construction of several such paths and roads, some by farm outposts. For example, in July 2023, a new unauthorized road system west of Magnezi Farm was documented.⁴⁵ Peace Now documented at least 18 unauthorized roads built by settlers throughout the West Bank during the first months of the war in Gaza.⁴⁶ Since the formation of the current government, dozens of unauthorized roads were built, an issue also addressed in the letter sent by GOC Central Command Major General Yehuda Fox summarizing a meeting held during March

43 Spokesperson Announcements, Huge news for the residents of Judea and Samaria Area - Minister of Transport Miri Regev launches the a-Lubban bypass road in Western Samaria, Ministry of Transport and Road Safety (Hebrew), August 9, 2023.

44 Kerem Navot, An Israeli roadblock - how Israel took over the Bethlehem area, May 23, 2024

45 Kerem Navot, Facebook Post, July 18, 2023 (Hebrew).

46 Peace now, Unmatched Surge in Settlement Activity in the West Bank since the onset of the war in Gaza, January 2024. The list of unauthorized roads includes the road between Sneh Yaakov and the Palestinian village Burin, a road inside the Nahal Qana Reserve, an emergency escape route for the settlement Immanuel, road south of the settlement Peduel, road east of the Shilo bloc, a road leading to the Makuch farm in Wadi al-Seeq, road leading to the outpost Sde Yonatan, road to the new outpost by the settlement Negohot, road south of the settlement Yair Farm on private Palestinian land, road west of the settlement Revava partly on private land, road north of the outpost Kida West; road south of the Palestinian village Beit 'Awwa, road east of the settlement Shim'a in the Southern Hebron Hills, road east of the settlement Itamar and northeast of the outpost Itamar farm, road from Ein al-Rashah to Allon Road by the outpost Malachei Hashalom, road south of the settlement Susiya, road by the outpost Avigayil eastwards, and a road northwest of the settlement Ateret on private land.

2024. The letter specifically stated that roads necessary for security reasons are paved “lawfully” by the army.⁴⁷

Some unauthorized roads built by settlers ultimately become official projects and are retroactively authorized. When it comes to roads on privately owned Palestinian land, land must be seized by way of a military requisition order. For example, in 2023 the military commander signed Requisition Order 51/23 for an authorized road near the settlement Eli, and Requisition Order 24/23 for an unauthorized road built by settlers near Kiryat Arba.⁴⁸ International law permits the use of requisition orders for an urgent security need, but these cases demonstrate how **the term security need is employed rather flexibly in order to advance the interests of settlements.**

Promoting and approving construction plans

Since forming this government, construction plans in the settlements have been advanced at a rate and on a scale never seen before.⁴⁹ In 2023, Israel promoted a record number of 12,349 housing units in the settlements. These plans were approved for deposit or validation. In addition, during this period the Ministry of Housing published new tenders for 1,289 units in the West Bank.⁵⁰ Early in 2024, the Ministry of Housing published additional tenders for the construction of 520 housing units in eight settlements in the West Bank in just a month and a half.⁵¹ Alongside this record speed in approving plans for settlements, the Israeli planning authorities rejected 98% of Palestinian applications for building permits in Area C.

Furthermore, two plans were approved - for building Sha’ar HaShomrom Industrial Zone and expanding Ariel Industrial Zone. The plan to establish Sha’ar HaShomrom Industrial Zone will result in an enormous industrial area - the largest in the West Bank - on approximately 2,700 dunams south of Qalqilya and west of the industrial zones Ariel and Barkan. It will be mainly on land belonging to the Palestinian villages Sanniriya,

47 Letter from GOC Central Command Major General Yehuda Fox to the Chief of Staff summarizing a meeting held in his office on “Lack of Enforcement on Illegal Construction in Judea and Samaria”, March 21, 2024. The document was first published in: Ronen Bergman, Mark Mazzetti, “The Unpunished: How Extremists Took Over Israel”, The New York Times, May 16, 2024.

48 For further reading see: Kerem Navot, Binyamin Center Cluster, January 23, 2024 (Hebrew).

49 For details on the main plans promoted, see Appendix C.

50 Peace Now, A Good Year for Settlements; A Bad Year for Israel: Summary of Settlement Activity in 2023, February 15, 2024.

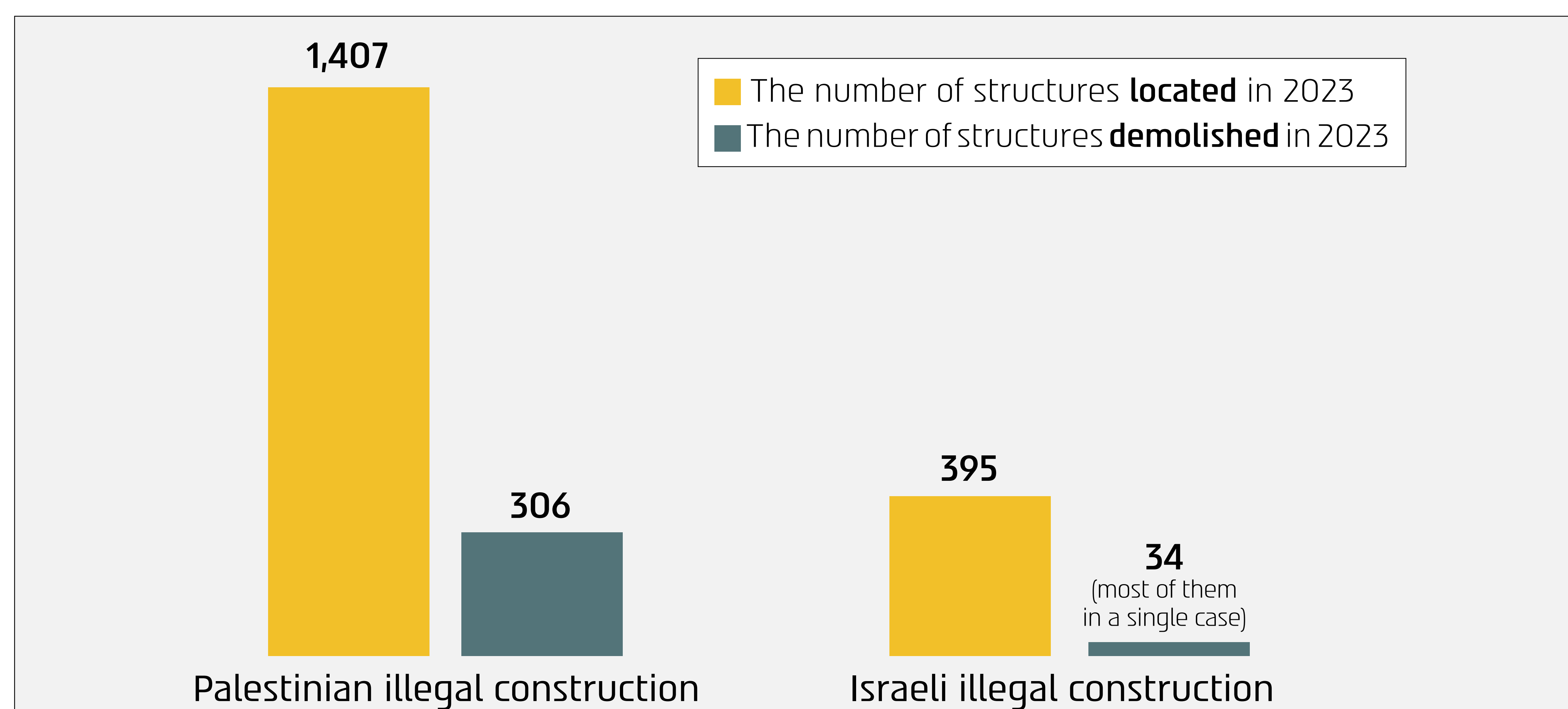
51 Peace Now, 523 Tenders Issued by the Ministry of Housing Since the Beginning of the Year, February 14, 2024.

Rafat and a-Zawiya, including at least one enclave of privately owned Palestinian land located at the very heart of the plan. The plan was deposited with the Higher Planning Committee in June 2023.⁵² The heads of the councils in the West Bank view the plan as another step on the way to creating a continuous stretch of built-up land between the West Bank settlements and the Green Line. Following the Planning Committee meeting, Head of Samaria Regional Council Yossi Dagan said “Sha’ar Shomron industrial zone is expected to change the equation, leading the way to a million Jews in Judea and Samaria”.⁵³

Enforcement on illegal construction

Despite the increase in the number of illegal structures built by Israeli settlers in the West Bank, the outgoing GOC Central Command Yehuda Fox recently pointed to a “large and growing gap” between enforcement on Palestinian illegal construction and Israeli illegal construction. Simply put, **Fox pointed to the discriminatory policy of increased enforcement on Palestinian construction and no enforcement on Jewish construction, led by Smotrich and the Settlement Administration he established.**

Below are data presented in the summary of a meeting held by the Central Command in March 2024 regarding discriminatory enforcement in 2023:



52 Notice of Deposit of Detailed Outline Plan No. 192 for the Industrial Zone “Sha’ar Shomron” (Nahal Raba), Civil Administration, May 30, 2023.

53 Jerusalem Post Staff, “New industrial zone threatens to destroy Israel’s most vulnerable wildlife”, The Jerusalem Post, August 18, 2023.

Demolition of Palestinian construction

As noted, **since Smotrich assumed his position as Additional Minister in the Ministry of Defense and established the Settlement Administration, a vigorous enforcement policy has been applied against unauthorized Palestinian construction in the West Bank. Smotrich also seeks to extend the enforcement powers on illegal construction to Areas A and B too, where Israel does not have planning powers.**⁵⁴

Smotrich is promoting a broad plan with Defense Minister Gallant concerning enforcement on illegal construction, requiring the military commander to authorize the Israel Land Authority (an Israeli body that formally has no authority in the West Bank Area) to operate with regards to enforcement issues; and simultaneously, Smotrich (in his capacity as Minister of Finance) will allocate budget for 70 new additional employees in the Israel Land Authority. If the plan moves forward, enforcement will greatly increase in terms of detection and supervision because the Israel Land Authority has the experience, manpower and technological means, which the Civil Administration lacks. An additional measure Smotrich is promoting is that Border Police forces would carry out enforcement against Palestinian illegal construction. In his capacity as Finance Minister, Smotrich offered to fund three new Border Police companies devoted to executing demolition orders and providing security for enforcement forces.⁵⁵

No demolition of Jewish construction

In his letter, former GOC Central Command Fox stated that **enforcement against the illegal Israeli construction has been “reduced to the point where it has disappeared”**. He also noted that as of March 2023, a decision-making mechanism on illegal construction is in place which the GOC Central Command and Minister Smotrich agreed upon. According to it, the Civil Administration submits a weekly enforcement plan against illegal construction to the Settlement Administration for approval. In the letter, Fox emphasized that since the mechanism began to operate, and especially during the first quarter of 2024, the Administration has refrained from approving enforcement procedures against illegal Israeli construction, including avoiding enforcement actions the state had committed to before the Supreme Court. It has, however, regularly approved the enforcement plan on illegal

⁵⁴ Roni Pelli, “While Israelis were in the streets, Smotrich unveiled his annexation plans”, +972, July 27, 2023

⁵⁵ Hanan Greenwood, “Who’s the Boss? The struggle over control of Judea and Samaria between Smotrich and Gallant”, Israel Hayom, May 24, 2024 (Hebrew).

Palestinian construction in full. The army now only has enforcement authority on Jewish construction in cases the GOC Central Command defines as a security need or in the event of a new settler invasion to Palestinian land.⁵⁶

Settlement of title and registration of land in the Occupied Palestinian Territory

Settlement of title - or land settlement - is the process of registering rights to land in the land registry, known as tabu. Only one-third of the lands in the West Bank are currently registered in the tabu. The procedure for settlement of title and registration began during the British Mandate and continued under Jordanian rule. After the Israeli occupation, in 1968, the military commander froze the process of settlement of title.

Settlement of title proceedings were frozen after the occupation of the West Bank because they constitute a long-term change, prohibited by the laws of occupation. Another reason for halting settlement of title was that many of the residents of the West Bank and owners of land there have been absent from the area since 1967. Furthermore, in many cases, even persons not absent from the West Bank do not have their documents because they are in Jordan.

Settlement of title begins with a phase of claims to title. In it, persons who claim title to a certain area may present evidence of this. All claims are recorded in a schedule of claims and after its publication, the claims are examined and finally a schedule of rights is published. This is in practice the last step during which settlement of title can be challenged. The final step of the procedure is the registration in the tabu. Registration in tabu is the final registration and can rarely be contested.

Land for which there is no ownership claim is registered under the state's name. Contrary to the procedure of declaring "state land" that is practiced today, registration of such lands in the tabu is almost impossible to appeal.

⁵⁶ Letter from GOC Central Command Major General Yehuda Fox to the Chief of Staff summarizing a meeting held in his office on "Lack of Enforcement on Illegal Construction in Judea and Samaria", March 21, 2024. The document was first published in: Ronen Bergman, Mark Mazzetti, "The Unpunished: How Extremists Took Over Israel", The New York Times, May 16, 2024; Hanan Greenwood, "Who's the Boss? The struggle over control of Judea and Samaria between Smotrich and Gallant", Israel Hayom, May 24, 2024 (Hebrew).

Already in [2020, the Civil Administration recommended](#) the moratorium on settlement of title be reversed in order to preclude legal discussions on the practice of declaring “state land”. The Civil Administration argued that, legally speaking, Israel must continue the registration process pursuant to Article 43 of the Hague Regulations, while ignoring the fact that all the considerations that led the army to halt settlement of title are still valid, and perhaps even more so now. Settlement of title is a matter for a permanent rather than temporary regime; [the very existence of settlement of title is itself a feature of sovereignty](#), therefore such registration is an act of annexation.

To the best of our knowledge, the preparations necessary for reversing the moratorium have already been completed, and now all that is needed to advance this measure is the Minister of Defense’s approval. In the previous government, then Minister of Defense Benny Gantz refrained from approving reversal of the moratorium, apparently due to the diplomatic consequences. But **now Smotrich has the authority to reverse the moratorium by virtue of the power sharing memorandum of understanding. It is therefore likely that settlement of title and land registration in the West Bank will soon be advanced and implemented.**

Renewing the settlement of title process has extensive ramifications on the future of the West Bank, diplomatically and legally. The move aims to settle ownership of hundreds of thousands of dunams of land, and as a result, will harm the human rights of hundreds of thousands of Palestinians, who may lose their rights to their land.⁵⁷

Land owned by Jews before 1948

Jewish land is a term for land owned privately by Jews before 1948 and which was transferred to the hands of the Jordanian Custodian of Enemy Property after the war. In 1967, this land was transferred to the management of the Supervisor of Governmental and Abandoned Property and administered as state land. Most of this land is located in the area of Gush Etzion and Hebron.

The Jordanian Custodian of Enemy Property used such land in several ways, some for public use such as a central bus station in Hebron or establishing markets in Hebron, others for private use - allocation for agricultural or residential use.

57 See: Yesh Din, Renewing settlement of title in Area C in the West Bank: A breach of international law and violation of Palestinians’ rights, August 2021.

Similar to the [arrangement](#) stipulated by the Law and Administration Procedures Law that applies in Israel and in East Jerusalem, pursuant to which many Palestinian families were expelled from neighborhoods in East Jerusalem and the houses they lived in were transferred to Jewish associations, the government is attempting [to enable the transfer of property](#) owned by Jews prior to 1948 to Jews. This is a dangerous step that could lead to widespread dispossession, particularly in Hebron.

Improving settlers' quality of life

The government's stated goal is to double the number of Israelis in the West Bank. Minister of Finance and Minister in the Ministry of Defense Bezalel Smotrich defines the issue as a "core mission", and in May 2023 he ordered representatives of government ministries [to prepare for half a million additional settlers in the West Bank](#) and to improve settlement infrastructure. To do so, the government has gradually been using a number of measures designed to improve quality of life in the West Bank and blur the differences between living in Israeli settlements in the Occupied Palestinian Territory and living in Israel, thus encouraging more Israelis to settle in the West Bank. Therefore, alongside the construction boom in the settlements, improvements to the roads, and declaration of nature reserves, the government is taking additional measures:

- **Facilitating movement for Israelis traveling from the West Bank to the Green Line:** Smotrich demanded that the Ministry of Defense facilitate settlers' passage through the checkpoints into areas inside the Green Line, and present him with a plan for increasing the number of checkpoints (referred to as 'crossings') from the West Bank. Several months ago, the Ministry of Defense Crossing Points Authority, in partnership with Gallant and Smotrich, began a massive upgrade to the 16 crossings between the West Bank and Israel.⁵⁸
- **Improving the cellular communication network:** In November 2023, in his capacity as Minister of Finance, Smotrich ordered NIS 50 million ILS be allocated to improving cellular reception in the West Bank.⁵⁹ In March 2024, sanctioning orders, signed by the military commander, came into effect, obliging Israeli cellular companies to provide consumers with 95% reception and coverage on all West Bank roads, similar to their commitment

⁵⁸ Hanan Greenwood, "Who's the Boss? The struggle over control of Judea and Samaria between Smotrich and Gallant", Israel Hayom, May 24, 2024 (Hebrew).

⁵⁹ Gad Peretz, "Smotrich directed that the establishment of shared cellular sites in Judea and Samaria Area be budgeted NIS 50 million", Zman Avir [Airtime] November 7, 2023 (Hebrew).

inside Israel. These orders allow cellular companies to be fined if they breach their commitment.⁶⁰

- **Erasing the Green Line, from a financial perspective:** Thanks to two new laws, transferring municipal tax revenues from localities within Israel to the settlements is now possible.⁶¹
- **A plan to relocate Civil Administration offices that handle Israelis' affairs:** According to reports, construction of a new building for the Civil Administration in the Sha'ar Binyamin Industrial Park will likely begin soon.
- **Environmental affairs - "environmental governance":** Alongside declaring nature reserves and parks and developing tourist and heritage sites, in June 2023 the government approved a draft resolution proposed by the Minister of Environmental Protection, Idit Silman, and the Minister of Finance and Minister in the Ministry of Defense, Bezalel Smotrich, to promote treatment of environmental hazards and improve environmental enforcement in the West Bank. The resolution enables expanding the Israeli environmental legislation to the occupied Palestinian territory. Minister Silman said in response to the resolution that she seeks "environmental governance".⁶²

Violence as a Means for Annexation and Expulsion

Settler violence is a term that refers to ideologically motivated crime and includes practices of physical violence, damaging crops and property, sowing terror and fear, and disrupting Palestinians' daily lives. These are crimes perpetrated by Israeli citizens (individuals and groups) that amount to systematic ideological crime designed to drive the Palestinians from their lands and expand Israeli control in the West Bank.

Israel's 37th government is pursuing a clear policy whereby it backs and supports

⁶⁰ Spokesperson Announcements, Cellular reception or a fine – also in Judea and Samaria, Ministry of Communications, March 5, 2024.

⁶¹ For details, see the previous chapter on eliminating barriers and budgetary support

⁶² Strategic plan for handling environmental hazards in the Judea and Samaria region and cross-border hazards Government Resolution No. 592 dated June 4, 2023 (Hebrew), Prime Minister's Office.

violence perpetrated by Israeli citizens against Palestinians, and exercises state-sponsored use of force and violence against Palestinian individuals and communities. As a result of this policy, and since this government was inaugurated, there has been a clear increase in the scope of violence and the severity of its consequences. Settler violence is supported through physical protection that assailants receive from the army; near complete impunity from prosecution; financial and material support for agricultural farms and unauthorized outposts, many of which are hubs for violence and harm to Palestinians; a declared policy pursuing retroactive authorization for unauthorized outposts; and framing ideologically-motivated violence as part of the struggle for control in Areas C. Along with these, senior ministers deny the existence of this violence while also supporting it and its perpetrators.

In practice, violence perpetrated by individuals who are encouraged and incentivized by the government and by state practices work in tandem to promote identical goals: driving the Palestinians away from the area, expanding the areas under Israeli control in the occupied West Bank, and annexing it to Israel.

The dramatic increase in ideologically-motivated violence ("settler violence")

The entry of Ben Gvir to the office of Minister of National Security in late December 2022 marked an escalation in the number of settler violence incidents. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), in January-September 2023, 835 incidents of settler violence were documented in the West Bank, compared with 474 incidents recorded during the same period in 2022.⁶³ In addition to the increase in the number of incidents, violence has been characterized by numerous raids by settlers on Palestinian villages ([Huwarah](#), [Duma](#), [Turmusaya](#), [al-Mughayir](#) and others) as well as an increase in the severity of the incidents and their outcomes - including many incidents in which settlers used firearms.

October 7, 2023 marked another escalation in the scope and severity of the violence, especially during the first months of the war in Gaza. Between October 7 and November 20, 2023, Yesh Din documented 225 incidents of settler violence in 93 villages and towns throughout the West Bank. OCHA recorded [324 incidents of violence](#) in October

⁶³ OCHA, Protection of Civilians Report: 13-26 September 2022, September 30, 2022.

and November 2023. At least 34 Palestinians were fatally shot during violent incidents involving settlers between January 2023 and June 2024 (some were shot to death by armed settlers and some by Israeli security forces who responded to incidents of settler violence by shooting at Palestinians).⁶⁴

Settler violence along with state violence affect Palestinian pastoral communities in particular. Since the government was sworn in, at least 18 pastoral communities have been forcefully displaced their place of residence as a result of attacks and harassment (for more details, see below).

The **olive harvest**, which takes place in the fall, is a hotbed for settler violence against Palestinians in the West Bank each year. In 2023, the war in Gaza led to an unprecedented wave of violence perpetrated by Israeli settlers and soldiers. These, along with a blanket policy of roadblocks, restrictions on freedom of movement, and prevention of access exercised by the military, significantly undermined the ability of many Palestinians to harvest their olive trees. According to Yesh Din's data, the scope of violence during the olive harvest in 2023 was 2.5 times greater than the past five years.⁶⁵

Settler violence against Palestinian harvesters was both organized and severe, and soldiers aided the assailants instead of protecting the harvesters, preventing many Palestinians from harvesting olives even in plots that are not subject to the "coordination mechanism" (land for which coordination is required before accessing it). The Israeli law enforcement authorities in the West Bank failed their duty intentionally or by omission, and failed to prevent Israeli citizens from harming the Palestinian harvesters and their property. In addition, contrary to the policy the army itself had established, soldiers were involved systematically and directly in assaults, threats, and preventing access of Palestinian farmers to their land.⁶⁶

The harvest season was also characterized by the great difficulties Palestinian farmers faced while attempting to reach their land to harvest crops. This is due to the roadblocks and restrictions on freedom of movement (see below) by the army throughout the

64 OCHA, Data on casualties database, last update: April 27, 2024. At least ten people were killed by Israeli civilians, 20 by Israeli security forces in incidents related to settler violence, and an additional four people who were killed either by civilians or by security forces.

65 Yesh Din, Summary of the 2023 Harvest Season, February 1, 2024.

66 Ibid.

West Bank, and to the army's policy of not coordinating farmers' access to their land for harvesting (many of the agricultural plots in the West Bank are closed to their Palestinians owners, and accessing them requires prior coordination and approval from the army).

Settler violence: lack of enforcement, denial, and encouragement

Minister of National Security, Itamar Ben Gvir, who oversees the police and the Samaria and Judea District Police - which is entrusted with the enforcing criminal law in the West Bank and especially with conducting investigations in incidents involving suspected crimes – is dictating a policy of denying settler violence and lack of enforcement.

For a long time and under various governments, the policy on law enforcement regarding settlers who harm Palestinians and their property has been lax and permissive. Yesh Din's monitoring data show that only 3% of the investigation files opened between 2005 and 2023 led to a conviction, and that only a fraction of investigations lead to indictments and criminal proceedings against the perpetrators following a police investigation.⁶⁷ This data clearly indicates that the State of Israel consistently rejects its obligations under international law to protect Palestinians in the West Bank from Israelis who seek to harm them. The fact that the minister in charge of law enforcement explicitly states that “there is no settler violence”⁶⁸ demonstrates the policy he is dictating: full impunity for these offenses.

In order to implement his policy, Minister Ben Gvir has instructed police not to investigate incidents of settler violence. **In a classified document sent by GOC Central Command Yehuda Fox to the Chief of Staff in the fall of 2023, Fox stated that, following Minister Ben Gvir's directive to the senior police command in the Samaria and Judea District Police, Israel does not address Jewish terrorism.** An opinion by the head of the Shin Bet was attached to the letter, which notes that **the police hardly enforce against nationalist crime, and that this policy is based on the Minister's directive to refrain from enforcement against extreme right-wing persons.** The document brings examples of cases in which the Shin Bet provided information to the police but the latter did not act as required, as

67 Yesh Din, Data Sheet, December 2023: Law Enforcement on Israeli Civilians in the West Bank (Settler violence) 2005-2023. 93.7% of the police investigation files were closed without serving an indictment. Of the cases closed, at least 81% were closed due to negligent or failed investigations.

68 “The police presented clear data, there is no ‘settler violence’ – Ben Gvir in a meeting closed to the public: The IDF published incorrect data on “settler violence” - and demanded clarification from Gallant”, Kan 11 (Hebrew), December 20, 2023.

well as an example in which the police avoided classifying crimes as nationalist crimes. In his response to disclosure of the document on Channel 12 News, Ben Gvir did not deny the existence of the directive but instead denied the existence of settler violence: “The fake news campaign about ‘settler violence’ is in full swing.”⁶⁹

In line with the Minister’s policy, police representatives have also denied the scope and severity of settlers’ violence. In a meeting held in March 2024 in a subcommittee of the Knesset Foreign Affairs and Defense Committee, headed by MK Tzvi Sukkot entitled “Agitating activities by activists in the Judea and Samaria Area”, the Samaria and Judea District Police Chief represented the police. He claimed that since the war began, the number of nationalist crime incidents (a term analogous to settler violence) dropped by 50%. He also stated that half of the complaints filed by Palestinians against settlers since the beginning of the war turned out to be false, and claimed that “anarchists and extreme left-wing organizations who are generally based in Tel Aviv” are responsible for these complaints.

As a result of the government’s policy, since its inauguration, more Palestinians have expressed lack of faith in the Israeli law enforcement agencies in the West Bank. According to Yesh Din’ data, in 2023, 57.5% of Palestinian victims of crime the organization spoke to relinquished their right to file a police complaint against Israelis who harmed them, compared to 40% in 2022.⁷⁰ It is noteworthy that the Foreign Affairs and Defense Committee and the current government have never devoted a discussion to settler violence. The very fact that a discussion was held about left-wing activists and human rights organizations, during which false allegations were made that violence has decreased and that a significant part of the violence results from the presence of these activists and organizations in the field, is part of the denial of the phenomenon.⁷¹

Senior ministers and other Knesset members in the coalition are party to denying the

69 The document itself was classified and was not published. Journalist Ilana Dayan exposed the letter on Channel 12 news. Ilana Dayan, “The Document Submitted to the Chief of Staff and the Shin Bet Heads’ Opinion of Ben Gvir’s Instructions”, N12, November 23, 2023 (Hebrew).

70 Yesh Din, Data Sheet, December 2023: Law Enforcement on Israeli Civilians in the West Bank (Settler violence) 2005-2023.

71 Transcript no.14 of the meeting of the Subcommittee on Judea and Samaria Area Affairs: Agitating activity of activists in Judea and Samaria Area whose life is not based in the Area, Knesset website (Hebrew), March 12, 2024. For example, committee chair MK Tzvi Sukkot opened the meeting by remarking: “There has been so much unnecessary talk about ‘the settlers’ violence’, but the Knesset has yet to address the people who are really causing a great deal of grave violence in Judea and Samaria - extreme left-wing activists who harass IDF soldiers and heroic settlers.”

phenomenon of settler violence, its scope, and effects. Most prominent is Minister Smotrich, who often speaks sharply on the matter. For example, Smotrich posted the following on his X (Twitter) account: “The ‘settler violence’ campaign is an anti-Semitic lie spread by Israel’s enemies to defame the pioneer settlers and the settlement enterprise and harm them, and thereby damage the reputation of the entire State of Israel. This is an immoral BDS campaign that turns the victim into an aggressor and makes the settlers fair game.”⁷² Ministers and Knesset members even express and act in ways that can be interpreted as inciting or encouraging violence. For example, on March 1, 2023, following an attack in which two young brothers from the settlement Har Bracha were murdered, Smotrich said that “the village of Huwarah should be wiped out” and that “the State of Israel should do this”;⁷³ Smotrich also aids settlers sanctioned by the US and other countries for their involvement in violent activity.⁷⁴ 41 Knesset members signed a petition to improve prison conditions for Amiram Ben-Uliel, who was convicted of murdering three members of the Dawabsheh family - both parents and their infant son, and seriously injuring their toddler son in the village of Duma in 2015. MK Limor Sonn Har Melech visited Ben-Uliel in prison, spoke at the launch of a fundraising campaign for his release, and claimed that he is a “righteous man” whose imprisonment was a mistake and that he is innocent.⁷⁵

During this government’s term, there has been a worsening of scope of the phenomena of soldiers “standing idly by”, in which soldiers present during an incident of violence against Palestinians do not operate as they are required in order to stop the violence. **Although the army has a range of powers, including the authority to detain suspects and hand them over to the police for investigation, during incidents of settler violence, soldiers systematically fail to act in this way, thereby failing to meet their obligation to protect the Palestinians.** Despite this, apart from public condemnation in extreme cases, the army does not act decisively to address the phenomenon. Moreover, since the outbreak of the war in Gaza, the number of incidents in which soldiers took an active part in attacking Palestinians has increased dramatically.

72 Minister Bezalel Smotrich’s post on X (Twitter), February 1, 2024 (Hebrew).

73 Ayelet Baron, Smotrich: “Israel should erase the village of Huwarah”, N12, March 1, 2023 (Hebrew).

74 Gad Lior, Moran Azulay, “Smotrich admits that he is working to circumvent Biden’s sanctions: ‘In conversation with the Supervisor of Banks’, Ynet (Hebrew), February 5, 2024.

75 Sam Sokol, “Far-right Israeli Lawmaker Calls Settler Convicted of Murdering Palestinian Family ‘Holy Righteous Man’”, Ha’aretz, September 20, 2023; X (Twitter) post by Channel 2 reporter Dafna Liel, September 19, 2023 (Hebrew).

Recruiting and arming settlers

Since the war, settlers have used the authority, weapons, and uniforms they received from the army against the local Palestinians in a great many incidents. In addition, during the months since the war began, many cases were documented in which settler-soldiers (settlers in uniform who do not necessarily belong to the Regional Defense battalions) were involved in harming Palestinians.

Deploying the Regional Defense Battalions

Following the events of October 7, 2023 and the war in Gaza, thousands of settlers were rapidly recruited for reserve service in the regional defense battalions (or *hagmarin* in Hebrew) in the settlements and outposts where they reside, and near the neighboring Palestinian villages. During the peak period, approximately 8,000 regional defense soldiers were deployed in the West Bank (at least 5,500 of them were residents of settlements), new military posts were established, and more military patrols were routinely conducted.

In routine times, the regional defense battalions are allowed to operate within the “security area of the settlement”; during the war, their activity was extended to more distant areas. Since October 2023, many cases have been documented of settlers in these battalions acting violently, harassing, attacking and threatening Palestinians or damaging their property. In some cases, the settlers recruited have a history of violent activity and harming Palestinians and left-wing activists. Some such incidents took place within the Palestinian villages and communities adjacent to the settlements. In response to certain incidents, the army instructed that the violent soldiers be dismissed, their weapons confiscated or protocols be reviewed. At a certain point the army restricted the battalions’ area of activity to the settlements and determined that activity outside this area required approval from the battalion commander. In practice, these restrictions were not applied, and cases were documented in which the regional defense battalion forces operated inside Palestinian villages without permission.⁷⁶

The activity of the regional defense battalions was recently reduced, and as of early May 2024 these forces included roughly 1,000 soldiers, and now there are several such soldiers

⁷⁶ Hagar Shezaf, “Israel’s Army Drafted and Armed Thousands of Settlers. Accounts of Their Violence Are Piling Up”, Haaretz English website, January 17, 2024.

in every settlement in the West Bank.⁷⁷ In addition, there are “emergency response units” in every settlement and outpost, a fixed number of soldiers are stationed in every settlement with regular patrols and military positions, and firearms are more common compared to the period before the war.

Arming Settlers

Along with large-scale recruitment for the regional defense battalions, many additional settlers were given firearms by the army. By January 2024, the army had distributed a total of approximately 7,000 weapons to settlers in the West Bank. The procedures for firearm distribution enable almost any settler to receive a weapon subject to a recommendation from the settlement civilian security coordinator (CSC), participation in training, and the approval from security forces, including the Shin Bet. Among those defined by the army as entitled to weapons are settlers who live in outposts and farm outposts - places that are not only defined as illegal by Israeli law but are also known as hubs for violence and harassment of Palestinians.⁷⁸ During a hearing at the Subcommittee on Judea and Samaria Area Affairs of the Foreign Affairs and Defense Committee, a representative on behalf of the Central Command stated that the army intends to distribute additional weapons to residents who are not members of the emergency response units, and that the settlement CSCs and regional divisions would coordinate distribution of firearms.

The results of the massive distribution of firearms are clearly tangible on the ground. As stated, during the war, many incidents of violence were recorded in which live fire was used against Palestinians, some of which even led to fatalities. In some of the violent incidents, settlers without army uniforms took part alongside settlers in uniform or soldiers.

Displacement of communities and creating conditions that do not enable safe return

As part of the Israeli annexation policy and takeover of Area C while forcing the Palestinians away, many cases of settler violence have been documented, along with the measures the Israeli army and authorities have undertaken, all in order to force Palestinian communities in Area C - most of them marginalized pastoral communities - to leave their homes.

⁷⁷ Bar Peleg, “Israeli Army Slashes Number of Soldiers Guarding West Bank Settlements”, Haaretz English website, May 1, 2024.

⁷⁸ Hagar Shezaf, “Israel’s Army Drafted and Armed Thousands of Settlers. Accounts of Their Violence Are Piling Up”, Haaretz English website, January 17, 2024.

The establishment of farm outposts in areas adjacent to these Palestinian communities greatly increased the violence around them. The settlers apply a declared policy of grazing in large areas to prevent access and reduce Palestinian communities' grazing land.⁷⁹ The number of settler violence incidents has greatly increased under the war's auspices. These included assault, destruction of property, harm to animals, harassment, and explicit threats by armed settlers who demanded that the communities leave. Alongside the settlers' violence, the army carries out the policy of [increased enforcement](#) of demolition orders against Palestinian structures, including cisterns, agricultural structures, public buildings, and residences.

Thus, **by April 2024, 18 isolated Palestinian communities were displaced from their homes in Area C.** In seven additional communities, some families were displaced.⁸⁰ According to UN OCHA, in 2023 alone, at least 1,539 Palestinians, including 756 children, were displaced from their homes and communities in Area C due to settler violence, restriction of access, house demolitions, and reduced access to grazing areas. Approximately 200 additional Palestinians were displaced from H2 in Hebron and from the Masafer Yatta area in South Hebron Hills following restrictions on freedom of movement the army imposed on them. These are the highest annual figures ever recorded by the United Nations.⁸¹

While there is no official ban preventing the displaced communities from returning to the places they were forced to leave, [there is no real possibility of returning](#) since the same threats that caused their displacement continue. In the event that the communities do return, the army will continue to abandon them to settler violence, and the state's increased enforcement against illegal construction will continue as long as the planning authorities in the West Bank refrain from approving zoning plans for these places, by virtue of which building permits can be obtained. In other words, there is no real possibility for these communities to live safely in these places as long as the policy applied to them remains unchanged. Such a change is not anticipated because the displacement of these communities is in line with the government's policy, which strives to empty Area

79 For further reading see: Yesh Din, Plundered Pastures: Israeli settler shepherding outposts in the West Bank and their infringement on Palestinians' human rights, December 2021.

80 B'Tselem, Forcible transfer of isolated Palestinian communities and families in Area C under cover of Gaza fighting, updated in April 2024.

81 OCHA, About 4,000 Palestinians displaced in the West Bank in 2023, February 21, 2024.

C of Palestinian residents and thus fulfill its vision of annexing the territory without its Palestinian residents.

Within this framework of persecuting pastoral communities, the Jordan Valley Regional Council recently resorted to a new and illegal practice: confiscating Palestinian sheep and cattle herds, and then demanding the owners pay huge sums in exchange for their release. A new and predatory type of economic violence by settlers, this practice is subject to [an interim order](#) as part of Yesh Din's petition to the High Court.⁸²

Attack on Democracy and Human Rights inside Israel

After the 37th government was sworn in, it began [promoting a wave of legislative initiatives](#) designed to eliminate the checks and balances that restrain the executive branch, with a particular focus on limiting the independence of the Supreme Court and its oversight powers. The impact of these actions is not limited to Israel proper, and they deeply affect the human rights of Palestinians in the OPT and their protection. Moreover, [one of the key motivations](#) for a so-called “judicial overhaul”, which would weaken the judiciary, is **the desire to remove the legal barriers to annexing the Occupied Palestinian Territory.**

The government is simultaneously working to shrink democratic space by curtailing freedom of expression and protest. In this regard too, the harm is not confined to people living inside the Green Line in Israel, but impacts the ability to criticize and challenge government actions with respect to the OPT.

Another noteworthy aspect is the increasing persecution of and discrimination against Palestinian citizens of Israel. A liberal democracy protects the rights of the minority and prevents a tyranny of the majority. The current government, however, is driven by politicians who champion Jewish supremacy and espouse racist worldviews. As such, it promotes actions poised to apply its extremist ideologies against all Palestinians, regardless of whether they live in the OPT or inside the Green Line.⁸³

82 HCJ 1974/24 Darajmeh et al. v. The Commander of the Army Forces in the West Bank et al.

83 Association for Civil Rights in Israel, The Attack on Democracy: Monitoring Initiatives that Damage Human Rights and Democracy, The 25th Knesset and 37th Government, August 2023.

The “judicial overhaul” continued

Even before the current government began promoting what has been referred to as a ‘judicial overhaul,’ the Israeli government had always been an extremely powerful elected institution compared to other democracies. The president has no veto powers; there is a single parliament (compared to other democracies with two houses of elected officials that balance each other), and in it, the government has a built-in majority. There are no districts with independent judicial and legislative powers. Without regional parliamentary elections, elected officials have few, if any, considerations beyond party loyalty. Israel is not subject to external international courts or supranational unions such as the European Union. The only institution that curbs the power of decision makers in Israel is the Supreme Court.

This ‘constitutional coup’ is led by Minister of Justice Yariv Levin, who [declared](#) a “judicial overhaul,” on January 4, 2023, and MK Simcha Rothman, Chair of the Constitution, Law and Justice Committee. **The plan was to undermine the judicial system incrementally, through several layers of legislation.** Each could be destructive on its own; combined, these layers threaten to transform Israel’s legal system and its regime. The components of this reform were:

- Adding an override clause that would allow the Knesset to pass a law repealed by the Supreme Court with a majority of 61 (out of a total 120) Knesset members.
- Abolishing judicial review over basic laws, meaning the Supreme Court would not be able to repeal basic laws.
- Eliminating the reasonableness standard, meaning that the courts would not be able to make a finding that an administrative decision is unreasonable. This frees policymakers and civil servants to make arbitrary and discriminatory decisions based on personal or political interests, without taking essential considerations into account.
- Transforming legal advisor positions in government ministries into positions of trust. Legal advisors would be appointed by the minister, meaning they would be political appointments in service of the minister’s agenda. This is a departure from current practice, whereby legal advisors are appointed based on professional skills and tasked with representing the law without bias.
- Changing the judicial appointment system: the composition of the Judicial Appointment Committee would be altered such that the majority of its members are politicians; the judicial appointment process would include public hearings for candidates; the president

of the Supreme Court would be appointed by the government and the current system, whereby the Court president is appointed based on professional seniority, would be abolished.

Under the pretense of a so-called “governability problem,” the government is pursuing an alleged reform that would change Israel from a country whose government must present justifications for its actions into a regime free to act arbitrarily and capriciously; it would transform the system of separation of powers and checks and balances into a regime of absolute power, as the judiciary’s independence is destroyed; judges would no longer be professionals but cronies and instead of professional civil servants, positions in government ministries would be filled by henchmen politically loyal to the minister. **Promoting this reform or any of its parts would directly impact the nature of Israel’s control over the occupied Palestinian territory because the few safeguards still standing preventing annexation of the West Bank and dispossession of its Palestinian residents would be eliminated.**

The mass protests that erupted after the reform was announced, which lasted until October 7, 2023, managed to stave off most of the initiatives. The key legislative initiative the government did manage to pass in 2023 was amending Basic Law: The Judiciary, which eliminated the reasonableness standard and denied judicial review over the reasonableness of decisions made by the government, the Prime Minister, and the ministers. In January 2024, however, following several petitions filed against the amendment, the High Court of Justice [ruled](#) it has jurisdiction to perform judicial review of basic laws and intervene in exceptional cases where the Knesset overstepped its constitutive authority. The Court further ruled that the amendment revoking the reasonableness standard was null and void due to the grievous, unprecedented harm it causes to the core features of the State of Israel as a democracy.

Some of the initiatives designed to take over the judicial system have been suspended since the war broke out, along with some of the initiatives designed to further undermine Israel’s fragile democracy. The government’s agenda, however, has not changed, and the war has made it easier to advance it in some areas. **And so, as it accelerates efforts towards annexation, the government is also driving further existing exclusion and oppression of Arab society and is reducing freedom of expression and protest.** Given the public sentiment in a time of war, many government initiatives encounter less public opposition. In other areas, such as prisoners’ rights, particularly security prisoners, the state of human

rights has severely regressed while the public remains entirely indifferent. When the war began, human rights were often violated using [emergency regulations](#), an [undemocratic measure](#) that allows the government to legislate laws without the Knesset and gravely violates the principle of separation of powers. Gradually, the emergency regulations were replaced by temporary or permanent legislation, but often human rights violations continue to be incorporated into these laws as well.

Disasters and emergencies have always been fertile ground for anti-democratic measures, abusing human rights and questioning the principles underlying them, inciting against minorities, silencing dissent, and practicing intimidation. Measures taken during emergencies normalize human rights violations and offenses against democracy; even when introduced as temporary measures to address a crisis, they sometimes become permanent or have long-lasting effects. The combination of the “judicial overhaul”, the state of emergency, and the war, create perfect conditions for extremely alarming processes to unfold at an increasing rate, set to give the government unchecked powers, chief among them are promoting annexation and expropriation policies.⁸⁴

Anti-democratic legislation

Most of the bills that seek to promote government policy are private bills - bills brought to the Knesset directly by a member of the Knesset. Unlike government bills, they are not drafted by expert staff or the legal advisor to the relevant government ministry. Without going into the intricacies of the Israeli legislative mechanism, it is important to understand that in the current state of affairs, the government is using private member bills to advance legislation that was blocked or changed by expert staff and legal advisors due to potential human rights violations or breaches of the rule of law.

Numerous bills designed to reduce democratic space in Israel and chip away at basic principles such as freedom of speech and protection of minorities from majority tyranny have been proposed during this Knesset’s term. Many of them are making their way through the legislative process and it is impossible to say which of them will ultimately pass. However, an overview of the pending bills reflects a clear trend of weakening Israeli democracy, including protections for civil and human rights. This trend includes

⁸⁴ Association for Civil Rights in Israel, *The Judicial Overhaul in the Shadow of the War: Attack on Democracy and Human Rights Continues*, December 9, 2023.

[bills to amend the Counter-Terrorism Law](#) such that almost any form of expression, including on social media, could be considered incitement; bills seeking to [monitor and punish teachers and schools](#) in order to prevent critical discourse, [legislative initiatives](#) designed to serve the personal interests of politicians and undermine the quality of government and good governance, legislative initiatives that seek to [politicize](#) the law enforcement system, and a host of bills seeking to silence and exclude Israel's Arab public (more detail below).

Another aspect of the promotion of anti-democratic legislation is the growing violation of prisoners' rights in general and security prisoners' rights in particular. When Minister of National Security Itamar Ben Gvir assumed office, he began advancing initiatives driven by a nationalistic political agenda, designed to downgrade Palestinians' prison conditions even at the cost of [increasing the Israel Prison Service's expenses](#) and causing [security tensions](#). Minister Ben Gvir has been promoting [far-reaching changes](#) in prisons ever since the war broke out. While defined as temporary measures to address the emergency, there is genuine concern that these changes will become permanent over time. They include overcrowding in the already overpopulated prisons; applying an [emergency policy](#) involving harsher prison conditions for security prisoners; restricting or denying meetings with counsel; power and water shutdowns for hours; denying access to medical care; [starvation](#); a [ban on ICRC visits](#) in IPS and military prison facilities; and no longer providing the ICRC with information about Palestinian prisoners. This policy is inseparable from the government's broad agenda, which advances a racist, vindictive worldview while violating basic human rights and the tenets of international law.

Undermining the status of legal advisors

The coalition agreements made public once the government was formed include an agreement to promote a bill that would make the position of legal advisor in government ministries a position of trust. Currently, ministry legal advisors are selected by tender, based on professional criteria. The bill is part of a move to [undermine the independence and non-partisanship of legal advisors](#), who help with the legal aspects of applying ministry policy and act as gatekeepers for the rule of law, good governance, and public interests inside government ministries.

While the plan itself has not been [fully implemented](#), since the 37th government was formed, legal advisors in ministries and in the Knesset have come under incessant attack

from ministers and coalition members. Ministers [disregard opinions presented to them by legal advisors' office](#), Knesset committee chairs [bully](#) legal advisors responsible for the conduct of the committee, Cabinet members [attack](#) the Attorney General; and tolerance is growing for [external legal counsel](#) acting on behalf of the government, ministries and ministers in petitions against government decisions and policies, rapidly [eroding the status of legal advisor's office](#).

Dismantling Israel's civil service

Transforming the civil service from a system charged with implementing government decisions and work plans professionally, effectively and without bias into one whose actions are based on political and sectorial loyalties is a process that has been [underway for several years](#). Still, one issue that has received little if any public attention, which has far-reaching, destructive implications, is the attempt to complete this process through the “judicial reform” and create a new civil service where appointments are made by politicians with little to no oversight, based on political loyalty rather than skills and professional ability. The reasonableness standard was eliminated in part to allow ministers to appoint senior officials with no judicial oversight. Public servants who perform their duties professionally, without bowing to politicians' whims, are bullied or threatened with dismissal. Key positions are filled with unqualified political appointments, and ministers keep critical positions unfilled to minimize opposition to steps taken as part of the “constitutional coup.” Disturbing evidence of this process can be found in [remarks Attorney General Gali Barhav-Miara's made at the Israeli Bar Association conference](#) on May 27, 2024:

The government's attempt to politicize the professional systems in the country... crushes the duty of trust to the public. It undoes public servants' ability to say no to government power where the law requires it. It is reflected, in part, in the undesirable shift from the concept of civil servants as carrying a duty of trust to the entire public to an expectation of personal loyalty to the people who appoint them.

Attacks on freedom of speech

Freedom of expression is a basic right and a pillar of a democratic society. Encroaching on the ability to exercise freedom of speech primarily hurts minority groups and potential critics of the regime: the media, artists, cultural institutions, social justice activists, and human rights organizations. Even if plans to reduce freedom of expression ultimately fail to materialize, the declared intent to pursue them and the attendant labeling of certain

groups and views as illegitimate or dangerous creates a chilling effect and self-censorship.

Freedom of speech is especially important when the public is deeply divided, and for minority groups whose voices are heard only thanks to the ability to exercise their right to publicly express their views.

[Freedom of speech was being eroded](#) even before the war as part of the larger trend of reducing democratic space. The police made extensive use of violence and false arrests to disperse anti-government protests. One early conspicuous warning sign of this was police harassment of demonstrators who carried [Palestinian flags](#) and the flag itself being turned into a publicly unacceptable symbol.

Since October 2023, silencing of critical voices has grown. Politicians, elected officials, and the police lash out at anything that can be construed as sympathizing with the population in Gaza and calls to end the war. As a discourse of so-called “unity” takes over, and sharper lines are drawn between “us” and “them,” even the semblance of tolerance for a pluralistic public discourse has crumbled. The attack on freedom of speech focuses on Arab society but does not stop there, and there is real danger that intolerance for and criminalization of positions and statements that lie outside the consensus will become the norm.

Attacks on freedom of the press

A free press is fundamental to a functioning democracy. It serves as the main avenue for exercising the public’s right to know. Early into the current government’s term, various reforms and initiatives were [launched](#) designed to dismantle public broadcasting and media regulatory bodies. The threats to free press made Israel [fall 11 spots](#) on the Reporters without Borders World Press Freedom Index in 2023.

Violence against journalists

Violence against journalists is not rare in the West Bank and East Jerusalem, where Israeli armed forces often exercise severe violence against members of the press. But in 2023 there was a significant increase in incidents of violence against journalists inside Israel as well. The [Union of Journalists in Israel](#) reported 61 violent attacks against journalists in 2023 (half of them by the security forces) - more than twice the number of cases reported in 2022. A particularly worrying trend is increased use of violence and arrests to [prevent press coverage of protests](#).

Sanctions on Foreign Broadcasters ("the Al Jazeera Law")

The [Temporary Order](#) popularly referred to as the "Al Jazeera Law" empowers the Minister of Communications, with the consent of the Prime Minister and the government or the Ministerial Committee for National Security Affairs, to stop foreign media outlets or Israeli content providers from broadcasting, to restrict access to their websites, to shut down their Israeli offices and to seize equipment used to provide content, including cell phones. The law prevents courts from overturning the decision, even if they believe it should be overturned.

The law infringes on freedom of expression, the right to information, and freedom of the press, and impedes citizens and residents of Israel from receiving varied information that does not align with the Israeli narrative or information not broadcast by Israeli media outlets. It also tramples on the principles of the rule of law and the independence of the judiciary, as it includes an override clause that precludes the court from striking down an illegal decision.

The true purpose of the Temporary Order is to label and punish foreign media outlets for the content of their broadcasts, of which the government disapproves, and their critical views of how Israel has conducted the war. As the Temporary Order was debated in the Knesset, the media outlets that politicians mentioned as their targets were consistently Arabic-language outlets widely viewed by the Arab public in Israel. The law, therefore, tarnishes an entire segment of the citizenry, implying that their viewing habits may threaten national security. Following the enactment of the Temporary Order, on May 5, 2024, the government [imposed sanctions on Al Jazeera in Israel](#). On June 23, 2024, the Ministerial Legislation Committee approved the promotion of a private member bill designed to transform the Temporary Order into a permanent law.

Attack on freedom of protest

Protest is a key avenue for expressing opinions and raising issues to the public agenda. For this reason, Israel's Supreme Court held, in numerous decisions, that the right to protest is "a fundamental human right in Israel. It is recognized, along with or as a derivative of freedom of expression, as belonging to the freedoms that shape the nature of the regime in Israel as a democratic regime."⁸⁵ It is, therefore, hardly surprising that a government that seeks to change the nature of the regime in Israel would curtail freedom of protest. As soon

⁸⁵ H CJ 153/83 Levy v. Commander of the Southern District, IsrSC 38(2) 393, 398 (1984) (Hebrew).

as the government was established, [several bills were promoted](#) seeking to criminalize symbols of Palestinian identity, remove them from public spaces, and depict any expression of Palestinian national protest as sympathizing with terrorist organizations.

Faced with widespread protest against the government's constitutional coup, the Minister of National Security, who had amended the Police Ordinance to give himself the power to direct police policies and activities upon taking office, has given the police [politically-motivated orders](#) designed to crush the protests, including with violence, on many occasions. The minister did not desist from political interference in the professional considerations of law enforcement officials even after the Court issued an interim order against this conduct in a petition filed against the law.

Suppression of protests during war

In turbulent times, especially after the events of October 7 and the outbreak of war, many citizens wish to make their voices heard and cry out in protest. Multiple testimonies and visual records show that protestors who were taking part in vigils have faced restrictions imposed by the police without legal basis; violent attacks by civilians that were ignored by police officers present on the scene; police violence directed at them; anti-government or anti-war signs confiscated and torn down; and [improper use](#) of undercover police officers to surveil and arrest protestors.

The [attack on freedom of protest](#) is not limited to violent dispersal of protests and demonstrations, but also takes the form of bureaucratic barriers, such as requiring protest permits where no such legal requirement exists, refusing to allow approved protests go ahead, and sending [warning letters](#) to protest leaders.

Restrictions on freedom of protest include silencing as well as reducing physical space by using crowd-control weapons and exercising violent practices. These not only create a chilling effect that limits democratic space in Israel, but by making anti-war or anti-occupation messaging illegitimate, they also impair the ability of different and diverse groups to organize in order to legally express legitimate criticism and work for change.

Initiatives targeting human rights and civil society organizations

As it pursues changes to the legal system, the government is also advancing a slew of initiatives that, while not officially part of the reform, are integral to its effort to alter the

nature of the regime in Israel and are poised to further curtail human rights and democracy. The government's agenda openly includes [persecuting human rights and civil society organizations](#) through a campaign of delegitimization and incitement, as well as initiatives intended to intimidate organizations and harm their work through taxation and economic restrictions. Bureaucratic measures against organizations are already being taken, even though the legislation has not been completed. For example, by order of Finance Minister Smotrich, [Amnesty Israel](#) was forced to go before a committee that considered revoking its tax status as a public institution.

Persecution of Arab society

The current government is driven by politicians who champion Jewish supremacy and espouse racist worldviews. As a result, since its inception, the government has promoted a [slew of bills](#) aimed at repressing Arab society and discriminating against it. These bills are a grave threat to Arab citizens' rights to equality, freedom of expression, housing, employment, higher education, and more. This adds to the criminal negligence displayed towards Arab citizens' personal safety, as reflected in the unprecedented number of crime and violence related deaths in Arab society in 2023.

Since the beginning of the war, incitement and racism towards Arab society in Israel have grown,⁸⁶ and violent incidents have been recorded. Grievously and unsurprisingly, these are amplified by remarks from senior officials and elected representatives. So, for example, [Minister of National Security](#) Ben Gvir referred to Arab judges as "enemies from within," while the [Israel Police Commissioner](#) called for Arab citizens to board buses to Gaza, and [mayors](#) announced construction sites would shut down to stop Arab workers from entering their cities.

Unlike the complete absence of enforcement on incitement by Jews against Arabs, since the beginning of the war, the Israel Police has employed a heavy-handed, stringent and particularly zealous enforcement policy when it comes to expression by Arabs suspected as sympathy for terrorism. According to data collected by Arab Civil Society Emergency Coalition, from the start of the war until November 12, 2013, the police made 219 arrests of Arab citizens of Israel, at least 156 (about 71%) over social media posts. Media reports

86 Association for Civil Rights in Israel, The Judicial Overhaul in the Shadow of the War: Attack on Democracy and Human Rights Continues - The continued violation of democracy and human rights - special document for International Human Rights Day 2023, December 9, 2023

suggest that in many cases, the post that prompted the arrest and interrogation [did not amount to an offense](#).

At times, the arrests are made using violence or by a large contingent of police officers for no reason whatsoever, raising concern that they are meant entirely to terrorize, silence and intimidate Arab society. The police also [degrade and humiliate](#) detainees by making sure their photos appear publicly. Photos of detainees in detention cells and police stations, in handcuffs, forced to wave the Israeli flag or with the Israeli flag in the background, have been circulated on social media and by the press. In addition to police suppression of freedom of expression, Arab students are persecuted by academic institutions, [spurred by the Minister of Education](#).

Appendix A - Details of the Civil Administration Declarations

Declarations of "State Land"

2,600 dunams located in the area between the Israeli settlements of Ma'ale Adumim and Kedar, near the Palestinian villages of Abu Dis and al-'Eizariya were declared state land in February 2024. The declaration was made a day after the GOC Central Command signed an order establishing a new settlement south of Kedar, named Mishmar Yehuda.⁸⁷

Over 8,000 dunams in the northern Jordan Valley were declared state land by the Civil Administration in March 2024 - a vast area that partly constitutes land belonging to the Palestinian village of 'Aqraba. The declared areas are intended for constructing hundreds of residential units in the settlement of Yafit, as well as an area zoned for industry, commerce, and employment. The move was promoted by the Settlement Administration. The Head of the Civil Administration opposed the declaration, but it was ultimately approved by the Prime Minister.

170 dunams around the Herodium archaeological site were declared state land in April 2024.⁸⁸

Approximately 12,000 more dunams in the Jordan Valley were declared state land in June 2024, including an expansive area of 2,000 dunams extending from Sde Efraim and the Talmonim Bloc to Modi'in Illit and Kfar Oranim. This declaration would create territorial contiguity between the Talmonim Bloc, which is deep inside the occupied Palestinian territory, and the Green Line.

87 See: Declaration order al-'Eizariyah and Abu Dis , February 29, 2024 (Hebrew).

88 See: Declaration order Herodium, January 4, 2024 (Hebrew).

Declaration of nature reserves, parks and forests, and developing nature and tourism sites

- The declaration of Umm Zuqa nature (Nahal Og) reserve, near Jericho: 22,000 dunams,⁸⁹ part of which is privately owned Palestinian land. The landowners will now require approval from the Civil Administration in order to cultivate their land or use it for their sheep and cattle to graze on. Several years ago, the outpost Uri's Farm was established in the area of Umm Zuqa, which until recently was located within an area designated as a nature reserve and it is now included in the area of the expanded reserve.
- Declaration of the Petza'el nature reserve in the Jordan Valley: 13,134 dunams.⁹⁰
- Declaration of the Haruva nature reserve: 12,320 dunams.⁹¹
- Declaration of Kane and Samar nature reserve near the northern shores of the Dead Sea: 7,306 dunams.⁹²
- Declaration of the nature reserve Enot Tsukim (Ein Fashkha): 8,857 dunams.⁹³
- In addition, the following have also been declared: Qumran National Park in the Judean Desert: roughly 410 dunams,⁹⁴ the Persian Salvadora nature reserve in the Jordan Valley: approximately 20 dunams⁹⁵ and a forest reserve - Dotan Forest.⁹⁶

89 Order concerning Nature Protection (Judea and Samaria) (No. 363), 5730 - 1969, Declaration of Umm Zuqa nature reserve (Boundary amendment), February 11, 2024 (Hebrew).

90 Order concerning Nature Protection (Judea and Samaria) (No. 363), 5730 - 1969, Declaration of Petza'el nature reserve (Boundary amendment), February 1, 2024 (Hebrew).

91 Order concerning Nature Protection (Judea and Samaria) (No. 363), 5730 - 1969, Declaration of Haruva nature reserve (Boundary amendment), March 26, 2024

92 Order concerning Nature Protection (Judea and Samaria) (No. 363), 5730 - 1969, Declaration of Kane and Samar nature reserve (Boundary amendment), February 1, 2024.

93 Order concerning Nature Protection (Judea and Samaria) (No. 363), 5730 - 1969, Declaration of Enot Tsukim nature reserve (Boundary amendment), September 3, 2024.

94 Order concerning Nature Protection (Judea and Samaria) (No. 373), 5730 - 1970, Declaration of Qumran national park (Boundary amendment), September 3, 2024.

95 Order concerning Nature Protection (Judea and Samaria) (No. 363), 5730 - 1969, Declaration of Persian Salvadora nature reserve (Boundary amendment), February 1, 2024.

96 Order concerning Forestry and Forestry Laws (Judea and Samaria) (No. 306), 5729-1969, Declaration of a Forest Reserve (Dotan Forest), August 17, 2023.

Appendix B - Government Development of Transportation Infrastructure in the West Bank

Major projects currently promoted:

- **Huwarah Bypass Road, or Heart of Samaria Road:** Designed to link Tapuah/Za'tara Junction to the settlements located on the mountain range east of the watershed as an alternative Route 60, which crosses the Palestinian town of Huwarah. To build it, the Civil Administration expropriated 406 dunams of land privately owned by Palestinians. The first section of the road opened in November 2023. The estimated cost of the project is ILS 350 million.⁹⁷
- **Sovereignty Road:** In April 2023, the Civil Administration announced testing was being carried out ahead of building a road between al-'Eizariyah and a-Za'ayem in the Ma'ale Adumim area. The planned road is critical for annexing the Ma'ale Adumim bloc to Israel and for advancing construction plans in E1. Once built, the road would effectively create a separate road system for Israelis and Palestinians (an apartheid road). The Civil Administration considers it a "fabric of life" road (the Israeli term for roads designated for Palestinians and intended to divert them away from settlers), once Israel closes the entire area to them.⁹⁸
- **Al-Funduq Bypass Road:** In March 2023, the Military Commander signed a military requisition order for 216 dunams for constructing a road intended to divert traffic on Route 55 away from the Palestinian village of al-Funduq.⁹⁹ The road is designed to serve residents of Israeli settlements and outposts in the Nablus area - Kedumim, Gilad Farm, Yizhar, Har Bracha, Itamar, and Elon Moreh, and allow for their population to grow. Work

97 Daniel Shmil, "Miri Regev cuts another political ribbon - inaugurates Huwarah bypass road", The Marker, November 12, 2023 (Hebrew).

98 Peace Now, The "Sovereignty Road" in the area of Al-Azariya-Ma'ale Adumim is advancing to the implementation stage, April 30, 2023; Kerem Navot, al-Funduq Bypass Road, March 28, 2023 (Hebrew).

99 Order regarding Land Seizure No. 10/23 (Judea and Samaria 5783-2023).

to build a section of the road, temporarily, began in January 2024. Meanwhile, the Ministry of Finance and Ministry of Transport and Road Safety continue to work on plans to build a permanent bypass road adjacent to the temporary road.¹⁰⁰

- **A-Lubban Bypass Road:** In August 2023, the Ministry of Transport and Road Safety reported on the Minister's decision to transfer the project to Israel's national roads company for immediate implementation. The Ministry's website states that the road would be built "to a high standard, have two traffic lanes, one for each direction, with rigid separation and innovative lighting." The website notes the road is expected to open in two years.¹⁰¹
- **Al-'Arrub Bypass Road:** Inaugurated in July 2023 and named the Levinger Rabbis Road, this road stretched over 7.5 kilometers, improving travel between the Gush Etzion intersection and junction and the Halhul intersection, as well as south to Kiryat Arba and Mount Hebron. Building cost is about ILS 300 million.¹⁰²
- **Talmonim Road:** In March 2024, Finance Minister Bezalel Smotrich and Transport Minister Miri Regev announced the advancement of planning and implementation of Route 935, connecting the settlements of Gush Talmonim, west of Ramallah, to Jerusalem and Route 443.¹⁰³
- **Other transportation projects the Ministry of Transport and Road Safety is promoting in the West Bank:**
 - Qalandiya underpass, expanding Route 437 Adam-Hizma - work is underway.
 - Route 446 Modi'in Illit.
 - Route 375 Tzur Hadassah-Husan.
 - Route 60 to Sha'ar Binyamin and from Ariel junction to Tapuah junction; expanding Route 60 until the British Police junction, and continued work towards doubling the

100 Channel 7 Staff, "History made in Samaria: Work begins on initial route in al-Funduq Bypass", Channel 7, January 7, 2024 (Hebrew).

101 Spokesperson Announcements, "Huge news for the residents of Judea and Samaria Area - Minister of Transport Miri Regev launches the a-Lubban bypass road in Western Samaria," Ministry of Transport and Road Safety (Hebrew), August 9, 2023.

102 Hanan Greenwood, "Great news for Judea and Samaria commuters: al-'Arrub Bypass Road inaugurated today", Israel Hayom, July 10, 2023 (Hebrew).

103 Hizki Baruch, "Response to terrorist attack: New road connecting Gush Talmonim to Route 443", Channel 7, March 22, 2024 (Hebrew).

Tunnel Road doubling.¹⁰⁴

- Additional roads have been approved and promoted by the Higher Planning Council, including: Route 367 Jaba' Bypasses, from the Green Line through the settlement of Gva'ot to Kfar Etzion (Plan No. 941/3), [Beitar Illit - Gva'ot Road \(Plan No. 840\)](#), [Route 45 between Migron and Qalandiya \(Quarries Road\) \(Plan No. 926 /1\)](#), Route 55 upgrading and broadening (Plan No. 927/6 and 927/7).¹⁰⁵

104 Spokesperson Announcements, "Huge news for the residents of Judea and Samaria Area - Minister of Transport Miri Regev launches the a-Lubban bypass road in Western Samaria," Ministry of Transport and Road Safety (Hebrew), August 9, 2023.

105 Peace Now, A Good Year for Settlements; A Bad Year for Israel: Summary of Settlement Activity in 2023, February 15, 2024.

Appendix C - Construction Plans in the Settlements Approved since the Inauguration of the 37th Government

Industrial zones:

• **Sha’ar Shomron Industrial Zone:** A plan to build a huge industrial area, spanning about 2,700 dunams south of Qalqiliyah and west of the industrial zones Ariel and Barkan was deposited to the Higher Planning Council in June 2023.¹⁰⁶ Sha’ar Shomron will be the largest industrial area in the West Bank, with two million square meters of land, built mainly on land belonging to the Palestinian villages of Sanniriya, Rafat, and a-Zawiya, including at least one enclave of private land located at the very heart of the plan. Under the title “Shared Israeli-Arab Industrial Zone” the authorities are promoting a plan that makes the settlements rich and relies on cheap, unprotected Palestinian labor. The industrial zone is expected to seriously damage nature in the area.¹⁰⁷

• **Ariel Industrial Zone east expansion covering 324 dunams:** Plan to expand the Ariel Industrial Zone eastward. Coupled with the planned establishment of the settlement of [Ariel West](#), the aim is to create territorial contiguity of settlements that would block any possibility for development in Palestinian communities, mainly Salfit, Haris, and Kafr Haris. The plan effectively cuts off Salfit - the urban hub - from the villages around it, which rely on its services. A detailed plan was submitted to the Higher Planning Council in December 2023.¹⁰⁸

Settlement expansion and approval for construction units:

• **Hebron:** In April 2024, a plan to build 234 residential units in Kiryat Arba was deposited.

106 Notice of Deposit of Detailed Outline Plan No. 192 for the industrial zone “Sha’ar Shomron” (Nahal Raba), Civil Administration, May 30, 2023.

107 Bimkom - Planners for Human Rights, Objection to Sha’ar Shomron industrial zone (Hebrew); Peace Now, A plan was deposited for the “Sha’ar Shomron” Industrial Zone, June 6, 2023.

108 Notice of Deposit of Detailed Outline Plan No. 11/6/T/130 Ariel, Civil Administration, December 20, 2023 (Hebrew).

The plan (510/6/2) proposes changing the zoning of the area from industrial to residential. Although the plan is part of the Kiryat Arba settlement, it is effectively a separate neighborhood, far from the settlement and adjacent to the City of Hebron, and close to the Palestinian village of Beit 'Einun.

- Promoting 3,426 residential units in the settlements of Efrat, Ma'ale Adumim, and Kedar, February 2024.
- **Ma'ale Adumim:** Nevo East neighborhood, 340 residential units, a detailed plan has been deposited (No. 420/1/6/25).

During July 2024, the Higher Planning Council will discuss promoting a plan to build 6,016 residential units in dozens of settlements in the West Bank, some of which will effectively create new settlements.¹⁰⁹

109 Yael Freidson, "Israel Advances Over 6,000 Housing Units in West Bank Settlements", Haaretz English website, July 3, 2024.



אופק OFEK
THE ISRAELI CENTER FOR PUBLIC AFFAIRS
מרכז הישראלי לענייני ציבורית



האגודה לזכויות האזרח בישראל
جمعية حقوق المواطن في اسرائيل
The Association for Civil Rights in Israel

