



Yesh Din, The Association for Civil Rights in Israel and Breaking the Silence: The agreement between Galant and Smotrich means legal annexation of the West Bank to Israel

The agreement signed today between Minister of Defense, Yoav Galant, and the minister in his office, Bezalel Smotrich, transfers governmental powers in the West Bank to the latter. Although the administrative authorities transferred to Smotrich do not include some military operational powers, this is a dramatic change in the structure of governance over the occupied territory. Very broad administrative authorities pertaining to the majority of the governing powers in the West Bank are being transferred into hands that are not the military commander of the occupied territory. From now on, those powers will be held by the minister in the Ministry of Defense, who will de facto serve as the governor of the West Bank. With this change, Israel has implemented legal, de jure annexation of the West Bank to Israel.

According to the agreement, the governor (Smotrich) will be authorized to appoint officials in the Civil Administration and COGAT who exercise civil authorities, the legal advisors who will advise them, and will be solely responsible for formulating policy.

The agreement includes two clauses aimed at obfuscating the transfer of powers by presenting the governor's alleged subordination to the Minister of Defense, but according to the document, the cases in which the Minister of Defense can override the governor are extreme cases and even when this is done, the military commander of the West Bank will be bypassed, as he no longer holds authority.

The agreement also states that the governor will work to deepen the powers of the Israeli governmental authorities in the areas of Israeli settlements, a process which will promote the unification of government powers and geographically expand their direct legal authority in the West Bank. In other words: stretching Israeli sovereignty beyond the Green Line.

The agreement also states that the governor will lead a process of expanding the dual legal system so that Israeli legislation by the Knesset will be applied more fully than it is today to the Israelis in the West Bank. This process will deepen the systemic discrimination between the two populations residing in the West Bank: Palestinians and Israeli settlers.

International laws of belligerent occupation state that an occupied territory will be temporarily administered by the occupying force (that is, the army) which, along with security considerations, will be obligated to promote the interests of the occupied people. Transferring these authorities to an Israeli minister, and therefore into the civilian bureaucracy, violates the obligations of an occupying power. The allegiance of Israeli public servants is to serve Israeli interests alone; they are not obligated to protect the rights and interests of Palestinian residents. Therefore, transferring powers into Israeli civilian hands is an act of de jure annexation as it entails removing power from the occupying military and placing it directly in the hands of the government - this is an expression of sovereignty. This entire process is intended to cement Jewish control and supremacy over Palestinians of the West Bank.

The bottom line is that the agreement signed today is simultaneously a giant leap of legal annexation of the West Bank and an act of perpetuating the regime's apartheid nature.