

# Through the Lens of Israel's Interests

The Civil Administration in the West Bank

המנהל האזרחי לאיזור יהודה ושומרון  
הממונה על הרכוש הממשלתי  
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**Research and writing:** Yonatan Kanonich

**Editing:** Ziv Stahl

**Additional Editing:** Lior Amihai, Miryam Wijler

**Legal advice:** Atty. Michael Sfard, Atty. Ishai Shneidor

**Graphic design:** Yuda Dery Studio

**English translation:** Maya Johnston

**English editing:** Sharona Weiss

**Public Council:** Atty. Abeer Baker, Hannah Barag, Dan Bavli, Prof. Naomi Chazan, Ruth Cheshin, Akiva Eldar, Prof. Rachel Elinor, Dani Karavan, Atty. Yehudit Karp, Paul Kedar, Dr. Roy Peled, Yair Rotlevi, Prof. Uzi Smilansky, Joshua Sobol, Prof. Zeev Sternhell.

**Yesh Din Volunteers:** Rachel Afek, Dahlia Amit, Dr. Hanna Aviram, Maya Bailey, Hanna Barag, Michal Barak, Atty. Dr. Assnat Bartor, Osnat Ben-Shachar, Rochale Chayut, Beli Deutch, Dr. Yehudit Elkana, Rony Gilboa, Hana Gottlieb, Tami Gross, Chen Haklai, Dina Hecht, Niva Inbar, Daniel A. Kahn, Edna Kaldor, Nurit Karlin, Ruth Kedar, Dr. Joel Klemes, Yoram Lehmann, Judy Lots, Aryeh Magal, Sarah Marliss, Shmuel Nachmully, Amir Pansky, Talia Pecker Berio, Rina Plessner, Nava Polak, Dr. Nura Resh, Yael Rokni, Maya Rothschild, Eddie Saar, Idit Schlesinger, Ilana Meki Shapira, Dr. Tzvia Shapira, Dr. Hadas Shintel, Ayala Sussmann, Sara Toledano.

**Yesh Din Staff:** Firas Alami, Lior Amihai, Yudit Avidor, Maysoun Badawi, Birte Brodtkorb, Atty. Sophia Brodsky, Silan Dallal, Gilad Grossman, Yael Hadad, Mourad Jadallah, Moneer Kadus, Yonatan Kanonich, Atty. Michal Pasovsky, Atty. Emily Schaeffer Omer-Man, Atty. Michael Sfard, Atty. Muhammed Shuqier, Ziv Stahl, Alex Vinokorov, Sharona Weiss, Miryam Wijler, Atty. Shlomy Zachary, Atty. Michal Ziv.

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## INTRODUCTION

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The Civil Administration is the military unit responsible for implementing Israel's civilian policy in the West Bank. Its vast powers are touch upon most areas of life in the occupied territories: travel and work permits; infrastructure - water, electricity, transportation and communication; agriculture; trade and industry; environmental protection; archaeology and nature reserves.

According to international law, the Military Commander of an occupied territory has the power, in fact, the duty, to administer public life and, in doing so, he must protect the interests of the occupied population, while maintaining the security interests of the occupying power.

The Government of Israel, however, fails to comply with international law and openly uses the Civil Administration in the West Bank to initiate and advance "processes that shape the arena through the lens of Israel's Interests".<sup>1</sup> In this position paper, Yesh Din argues that the Civil Administration is effectively used as a means of oppression and domination over Palestinians in the West Bank. Moreover, the practices presented below reveal that the Civil Administration is a political tool designed to advance Israel's settlement policy in the Occupied Palestinian Territories (OPT); to institutionalize the segregation of populations along ethnic-national lines accompanied by discrimination and exploitation; and to implement practices of land grab and dispossession against Palestinian residents of the West Bank, attended by severe violations of their human rights.

## Background

After Israel occupied the Palestinian Territories in 1967, civilian matters in the West Bank were entrusted to the Coordinator of Government Activities in the Territories (COGAT), a senior military officer who reports directly to the Minister of Defense.

In October 1981, the Israeli government decided to create the Civil Administration, a division within the COGAT unit, with the object of separating security and civilian operations in the West Bank. The Civil Administration was meant to: "serve as a framework for civilian activity, with the aim of serving local residents and increasing their welfare".<sup>2</sup> A month later, the military issued an order determining that "the Civil Administration shall administer civilian affairs in the Area [the West Bank] [...] with regard to the welfare and benefit of the population, for

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1 [COGAT Freedom of Information Act Report for 2016](#) (June 2017), COGAT website (hereinafter: **COGAT Report 2016**), p.17 (in Hebrew).

2 State Comptroller, **Annual Report 56A** (2005), pp. 200-201 (in Hebrew).

the purpose of operating and providing public services and in consideration of the need to maintain good governance and public order in the Area”.<sup>3</sup>

COGAT was originally established to administer the civilian affairs of the West Bank’s Palestinian population. Over the years, Israel’s settlement enterprise in the OPT swelled to include more than 400,000 Israeli citizens living in the West Bank (not including East Jerusalem) in breach of international law.<sup>4</sup> Although Israel’s parliament, the Knesset, and the Military Commander have gradually applied Israeli law to Israeli settlers in the West Bank, since the territory itself is under military control, the Civil Administration is responsible for many administrative issues affecting the settlers and their communities.

In 1995, after the Interim Agreement was signed between Israel and the Palestinians as part of the Oslo Accords, some of the administrative powers in the West Bank were transferred to the Palestinian Authority (in Areas A and B), and the military set up a system of District Coordination and Liaison Centers (DCLs) for coordination with the Palestinian Authority. The Civil Administration retained all civilian powers in Area C, which constitutes some 60% of the territory of the West Bank, and is home to about 200,000 Palestinian residents.<sup>5</sup>

## The structure of the Civil Administration

The Civil Administration is headed by an officer with the rank of brigadier general, and is subject to a dual hierarchy. Organizationally and professionally, it operates as a unit within COGAT, which is accountable directly to the Ministry of Defense. However, its commanding powers come from the General Officer Commanding the Central Command (GOC Central Command) - an officer with the rank of major general, who serves as the Military Commander of the occupied territory.

Hundreds of soldiers and civilians work together in eight divisions that make up the Civil Administration and include 24 professional units run by staff officers.<sup>6</sup> The Civil Administration

3 Order regarding the Establishment of the Civil Administration (Judea and Samaria Area) (No. 947) 5742-1981 (in Hebrew).

4 Israeli settlements were built in the West Bank in breach of international law. Article 49 of [the Fourth Geneva Convention \(1949\)](#) prohibits the occupying power from transferring parts of its population to the occupied territory. For more, see Yesh Din, [From Occupation to Annexation: The silent adoption of the Levy Report on retroactive authorization of illegal construction in the West Bank](#), (February 2006) pp. 33-34.

5 There are no official figures on the number of Palestinians living in Area C. The figure presented is an estimate by Bimkom - Planners for Planning Rights.

6 The Civil Administration does not publish updated figures on the number of staff it has. In October 2003, it employed 638 people, 463 military personnel and 175 civilians (State Comptroller, **Annual Report 56A** (2005), p. 201 [in Hebrew]). Makor Rishon reported that in August 2017, the Civil Administration employed about 200 civilians and that the military is planning to double the number to 400 civil servants who would provide services for the Israeli settlers, and 130 more employees

has eight DCLs throughout the West Bank, tasked with coordination with the Palestinian Authority and service provision to Palestinian residents. The Civil Administration's annual budget is roughly 375 million Israeli shekels (the equivalent of about 106 million USD).<sup>7</sup>

The staff officers, who are, for the most part, civilians working as civil servants, are the professional representatives of various government ministries and Israeli authorities in the West Bank. Most staff officers have a double, and sometimes vague, function.<sup>8</sup> On the one hand, they work within the Civil Administration, under the heads of the various divisions and, ultimately, the Head of the Civil Administration. On the other hand, they are appointed by the specific Israeli governmental authority they belong to, and receive their orders and salary from these agencies as well. So, for instance, the Agriculture Staff Officer works under the Head of the Civilian Division at the Civil Administration, and he is a civil servant who gets paid by the Ministry of Agriculture. The Nature Reserve Staff Officer works in the Infrastructure Division of the Civil Administration, and also holds the office of Director of the "Judea and Samaria Area" [West Bank] District at the Israel Nature and Parks Authority, and so forth.

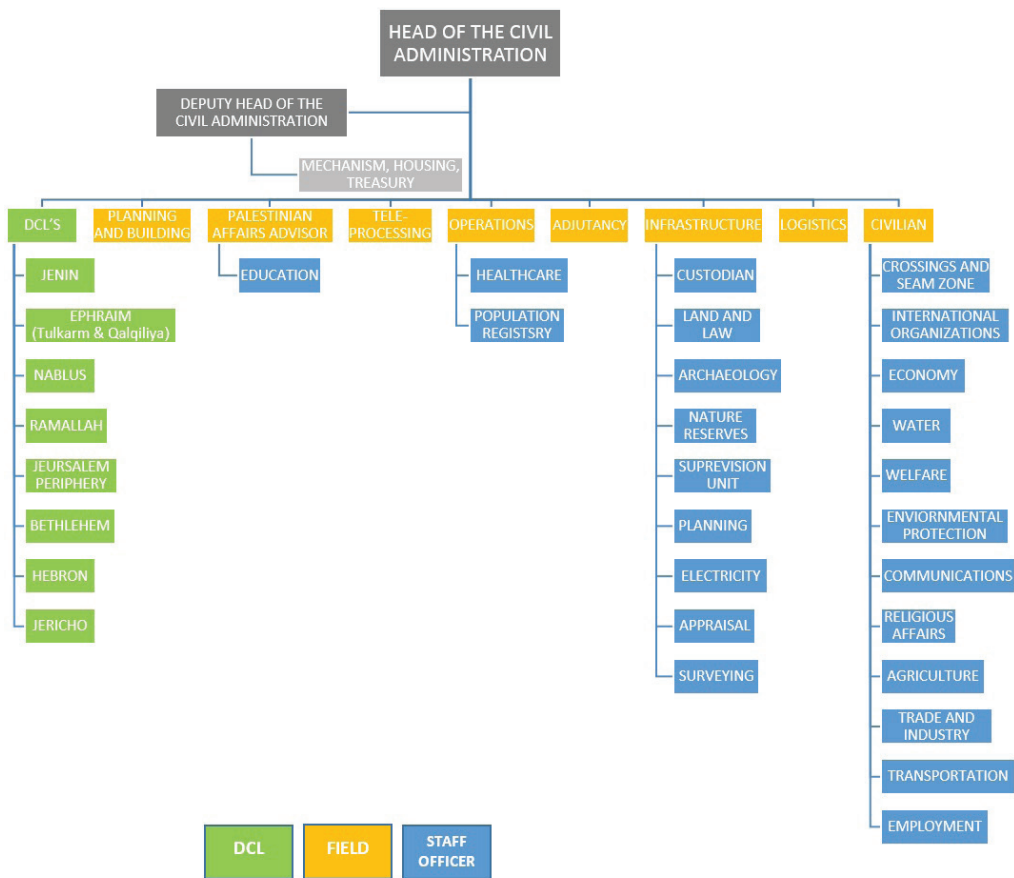
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who would provide services to the Palestinian residents (Ariel Kahane, "[Upgrades Planned for Civil Administration: more employees, less ties to the IDF](#)", NRG, August 11, 2017 [in Hebrew]).

7 COGAT Report 2016, p. 35.

8 See infra note 31.

## The Civil Administration's organizational structure<sup>9</sup>



9 COGAT Report 2016, p. 18.



## INTERNATIONAL LAW

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Occupation is a regime of temporary trusteeship which gives the occupying power governmental powers, but not sovereignty. According to international law, governmental powers in an occupied territory (in this case, the West Bank) lie with the Military Commander (The GOC Central Command), not the occupying power of which he is an agent (Israel).<sup>10</sup>

The Hague Convention of 1907, which reflects customary international law and therefore applies to the actions of the Israeli military in the OPT and is binding on Israeli state authorities, outlines the fundamental principles governing relations between occupier and occupied and sets limits on the powers of the occupier in occupied land.

Article 43 of Regulations annexed to the Hague Convention sets forth the general framework for the activities of the occupying power and acts as a peremptory norm for the relationship between the regime and the resident in occupied territory. The provision grants the occupying army governmental powers and authorities and enunciates the main consideration that should guide their use by the occupying power - the benefit of the local population and the preservation of the status quo:

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.<sup>11</sup>

Accepted interpretation of Article 43 has complemented the peremptory norm of the laws of occupation expressly enunciated in it - i.e., care for the welfare of the protected occupied population<sup>12</sup> - with the seemingly opposite pole, - i.e., safeguarding the security interests of the occupying power - which emanates from the fact that the laws of occupation, and Article 43 within them, are contained within the laws of war and armed conflict. These two magnetic poles, the welfare of the occupied and the security of the occupier, form the axis that drives the laws of occupation, presenting the array of factors an occupying power must take into

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10 Israel acknowledges these principles of international law (although constitutionally, the Israeli military is subject to the Government of Israel), see [The Laws of Belligerent Occupation](#), MAG Corps website (in Hebrew).

11 [Convention \(IV\) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land](#) (The Hague 1907), Annex to the Convention: Regulations respecting the Laws and Customs of War on Land, Regulations: [Art. 43](#).

12 Article 4 of the [Fourth Geneva Convention](#) (1949) stipulates: "Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals".

consideration when using its governmental powers in the administration of the occupied territory.

The jurisprudence of Israel's Supreme Court also acknowledges that the Israeli Military Commander in the West Bank may use his powers only to benefit the occupied territory, and may make only relevant considerations - the benefit of the protected persons on the one hand, and security interests on the other. The instructive judgment that laid the groundwork for case law on this matter was given in 1983 by Justice Aharon Barak, who later became the President of the Supreme Court, in the Iscan case:

The Military Commander may not weigh the national, economic and social interests of his own country, insofar as they do not affect his security interest in the Area or the interest of the local population.<sup>13</sup>

**The Civil Administration, which has been put in charge of running civilian life in the OPT on behalf of the Military Commander, is obligated, under international law, to respect and promote the welfare of the Palestinian residents, subject to Israel's security needs.**



The separation wall and a “fabric of life” road near Beit 'Ur al-Fauqa (Courtesy of Peace Now). For more see pp. 15-16.

13 HCJ 393/82, *Jam'iat Iscan Al-Ma'al'moun Al-Tha'auniya Al-Mahduda Al-Mauliya v. IDF Commander in the Judea and Samaria Area*, judgment, December 28, 1983 ([unofficial translation](#) on HaMoked website).

## "THROUGH THE LENS OF ISRAEL'S INTERESTS"

The Civil Administration, as stated in official military documents, and contrary to international law, works to initiate and advance processes that would shape the West Bank according to the interests of the Government of Israel.

The missions of the Civil Administration, as listed in the COGAT's annual report are: "To lead and implement civilian policy" in the West Bank, "to serve as a liaising body to the Palestinian administration and delegates of the international community", to serve as "an authority on land and infrastructure issues in Area C", and to "lead civilian, humanitarian efforts" in the West Bank. The report also provides a long list of Civil Administration functions, most notably "implementation of the organization's authorities vis-à-vis the Palestinian population and the Israeli settlement".<sup>14</sup>

COGAT asserts that one of the Civil Administration's functions is to "**initiate and advance processes that shape the arena through the lens of Israel's Interests**".<sup>15</sup> As such, the military explicitly declares that it is breaching its obligation as a trustee of the occupied territories, in which it is expected to advance the interests of the protected persons. Moreover, the Civil Administration uses extraneous and unacceptable considerations in its work, subverting the aforesaid High Court ruling that the Military Commander, who delegated the management of civilian life in the West Bank to the Civil Administration, may not take the "national, economic and social interests of his own country" into consideration. The one exception to this is the security interest.<sup>16</sup>

Israeli interests are promoted through the delegates of various government ministries who work within the Civil Administration. The Head of the Civil Administration is subordinate to the Minister of Defense, and the staff officers are, as stated, civil servants who receive professional guidance from Israeli government ministries, according to their area of expertise. In addition, many settlers, both civilians and soldiers, serve in the Civil Administration, and the leaders of the settler movement have direct access to top-ranking officials within the Civil Administration, with whom they hold regularly scheduled meetings to "coordinate expectations" and create a "shared dialogue".<sup>17</sup>

14 [COGAT Freedom of Information Act Report for 2015](#) (March 2016), COGAT website (hereinafter: **COGAT Report 2015**), p.18 (in Hebrew); **COGAT Report 2016**, p. 17.

15 **Ibid.**

16 See supra note 13.

17 See, e.g., Mordechai Sones, "[Civil Administration declares: 'Development year for settlement'](#)", **Arutz 7**, September 18, 2017; Hezki Baruch, "[Civil Administration meets with Settlement Secretaries](#)", **Arutz 7**, December 5, 2017 (in Hebrew).

It can be said that the Civil Administration, headquartered in a base near the settlement of Beit El in the West Bank, and ostensibly charged with administering civilian affairs in the OPT to the benefit of the protected Palestinian residents, is guided by Israeli political interests, and, in effect, serves as a branch, or “mini-government” of the government sitting in Jerusalem. The Civil Administration and Israeli settlers share an affinity on many issues and work closely together, exchanging ideas and collaborating on planning and implementation. In practical terms, the military simply coordinates the work of the civilian delegates and, only in rare cases, if at all, does it question ministry-level decisions.<sup>18</sup>

Israeli interests in the West Bank are obviously entirely different from Palestinian interests, and sometimes contradictory. This position paper does not purport to list and examine all of these interests, but rather give an analysis of the functions and operations of the Civil Administration in order to draw a clear picture of the goals Israel is pursuing through the administration of civilian life in the West Bank.

So, for instance, the Civil Administration took upon itself the role of “leading public diplomacy and awareness raising efforts, while supporting legitimization efforts”.<sup>19</sup> In other words, the Civil Administration sees itself as tasked with the work of public relations and public diplomacy for Israel’s policies in the OPT in the face of criticism in Israel and around the world. Not only is this function patently political and irrelevant to civilian policies in the West Bank, but it also seeks to legitimize and advocate for Israeli presence in the OPT.

Below, we present a brief overview of six areas under the purview of the Civil Administration that serve as examples of its powers and the profound impact it has on life in the West Bank. Most of the facts and figures presented here are not new, and have been reported by Yesh Din and other human rights organizations in the past. However, viewed as a whole, they point to a system: The Civil Administration is utilized both as a means of domination and oppression of Palestinians in the West Bank and as a political tool designed to institutionalize segregation along ethnic-national lines and to advance Israel’s settlement enterprise in the West Bank. These efforts contribute to the ongoing exploitation, dispossession and discrimination against Palestinian residents, all pursued through the lens of Israel’s interests and in breach of international law.

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18 According to Maj. Gen. (reserves) Shlomo Gazit, who served as the first Coordinator of Government Activities in the Territories, civilian life in the OPT was managed by professional and political functionaries in Jerusalem from as early as 1967. Formal responsibility for civilian activity in the West Bank rested with the Military Commander (GOC Central Command), but in practice the Ministry of Defense and the military addressed only the general questions surrounding civilian management of the West Bank, while each government ministry acted on issues that were part of its purview in Israel in the West Bank as well (Shlomo Gazit, **Trapped Fools: Thirty years of Israeli policy in the Territories**, Frank Cass [London 2003], pp. 36, 45 [in Hebrew edition]).

19 COGAT Report 2016, p. 17.

## The permit regime

The COGAT report clarifies that one of the Civil Administration's functions is to "serve as an authority on the issuance of permits and the coordination of the **Palestinian movement regime**" in the West Bank.<sup>20</sup> This short sentence entails dramatic interference with Palestinian life in the OPT.

For every "exceptional" travel, which, for any free person, is a natural, routine endeavor, Palestinians are required to obtain a special permit from the Civil Administration. This is the case, for instance, if they wish to travel abroad for academic studies, to Gaza for a family visit, or to any part of the West Bank that they have been cut off from for whatever reason, such as to farm in the so-called seam zone, or to pray in east Jerusalem. It is certainly the case if they wish to enter Israel or the settlements in order to work. For any of these endeavors, Palestinians are at the mercy of the Civil Administration, which is tasked with issuing them a special permit and approving travel. All told, there are more than 100 types of permits.<sup>21</sup>

In contrast, Israeli citizens can enter and leave the West Bank as they please, and may travel freely inside it as well (with the exception of Area A), sailing through the checkpoints scattered inside the territories and on their borders.

The permit regime employed by the Civil Administration forces Palestinians who wish to lead a reasonable life into dependency on a military agency, and produces control and oppression using a "carrot and stick" system, where Palestinians' human rights act as bargaining chips. The Civil Administration can "grant" what it calls "benefits", or "gestures", or "lifting restrictions", such as allowing prayers at al-Haram al-Sharif (the Noble Sanctuary, the Temple Mount) on Muslim holy days, or giving permits for relocation from Gaza to the West Bank for family unification as part of negotiations with the Palestinian Authority; just as easily it can withhold basic rights, such as cultivating privately owned farmland, as part of collective punishment measures following acts of violence by individuals or specific groups.

Israel also uses its complete control over the freedom of movement of West Bank residents to threaten and extort Palestinians. This is mostly carried out by the Israel Security Agency (ISA), which attempts to recruit collaborators in return for permits.<sup>22</sup> Aside from that, the

<sup>20</sup> COGAT Report 2015, p. 18, emphasis added.

<sup>21</sup> Chaim Levinson, "[Israel Has 101 Different Types of Permits Governing Palestinian Movement](#)", [Haaretz English website](#), December 23, 2011. There is no information regarding the absolute number of permits issued by the Civil Administration, but according to COGAT figures, more than 100,000 applications are filed each year just for permits to work in Israel and the settlements (COGAT Report 2016, p. 23).

<sup>22</sup> See, e.g., Machsom Watch, "[Invisible Prisoners \(Continued\) - No Reason Why Nowhere to Turn, June 2007 to September 2011](#)" (September 2011), pp. 29-31 (in Hebrew).

red-tape and lack of transparency on the criteria for permit eligibility leave an opening for demands for bribes from Civil Administration officers.<sup>23</sup>

All of this reveals the arbitrary nature of the permit regime and the degree to which it depends on the particular Civil Administration personnel involved, as well as the current political climate and level of tension between Israelis and Palestinians. This, in turn, proves that the permit regime is not primarily guided by security needs, but instead forms part of a system designed to further establish and entrench control over the occupied Palestinian population.

**The movement and permit regime - or, more accurately, the roadblock and prohibition regime - run by the Civil Administration, serves as a tool for realizing Israel's objective of control and oppression of the Palestinian population in the OPT. It severely violates the right of Palestinians to freedom of movement and their rights to equality and dignity, and results in additional violations of the rights to family life, health, education, property, a livelihood and culture.**

## Roads

The requirement to obtain a military permit for any so-called exceptional travel is not the only feature of the separation between the populations in the West Bank and the curtailment of Palestinians' freedom of movement.<sup>24</sup> The Transportation Staff Officer at the Civil Administration, who is tasked with "the promotion and development of transportation infrastructures",<sup>25</sup> is responsible for the creation of separate road systems for Palestinians and Israelis in the OPT.

According to B'Tselem figures, as of the end of January 2017, about 60 kilometers of West Bank roads are off limits to Palestinians and designated for exclusive, or near exclusive, use by Israeli citizens. On some of the city roads within Hebron, Palestinians are further banned from even traveling by foot. The military enforces the forbidden road policy on the ground, yet it is not anchored in military orders or in any other legislation.<sup>26</sup> Speaking about these roads in 2001, then Head of the Civil Administration Brig. Gen. Dov Sedaka said: "The State of Israel has decided that only the lords of the land will travel on this road, the enlightened occupiers

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23 See, e.g., Amir Bouhbout, "[5 Year Prison Sentence for Civil Administration Officer Who Took Bribes from Palestinians](#)", *Walla*, January 18, 2016 (in Hebrew).

24 It is worth noting that the separation on the basis of ethnicity-nationality, which privileges settlers compared to Palestinian residents of the West Bank, is manifest in many other aspects, some of which are beyond the purview of the Civil Administration, for instance, civil and political rights, legal systems, etc.

25 [COGAT website](#).

26 [B'Tselem website](#), last updated February 8, 2017.

[...] I'll stick my neck out and say that it sometimes even brings me to loathe those [top military commanders and the government] who will not let them [the Palestinians] (travel on the road)".<sup>27</sup>



Army checkpoint at the entrance to a road for the exclusive use of Israeli citizens, paved on Palestinian land (Photo: Yesh Din).

The Civil Administration also boasts of “maintaining and improving the Palestinian **fabric of life**”.<sup>28</sup> This last phrase is a euphemism cynically used by the military.<sup>29</sup> The military created what it refers to as “fabric-of-life” roads for Palestinians in many places in the West Bank. These roads are presented as allowing Palestinians to continue their daily lives when, in fact, they form part of a multilevel traffic separation system using overpasses and underpasses. The upper level of more modern, faster roads is designated for use mostly by Israeli citizens, and the lower level roads are designated for Palestinian use only. The lower level includes longer, winding roads running on separate routes from the main road system - on which the military denies access for Palestinian travel, as well as roads meant to replace those to which access has been blocked by Israel’s separation wall, which was built mostly inside the West Bank.

27 Akiva Eldar, “[What the Head of the Civil Administration Really Thinks about the Occupation](#)”, **Haaretz**, January 7, 2002 (in Hebrew).

28 **COGAT Report 2016**, p. 3, emphasis added.

29 Another cynical use made by the Civil Administration of the phrase “fabric of life” appears in the standing orders for the “seam zone” (the area of the West Bank that has been trapped between the Green Line and the separation wall), where the military refers to barriers that prevent Palestinian farmers from reaching their lands as “fabric-of-life” gates ([Standing Orders for the Seam Zone 2014](#), MAG Crops website, p. 26 [in Hebrew]).

**These “fabric-of-life” roads were also planned by the Civil Administration through the lens of Israel's interests and with no connection or thought to Palestinian needs. These roads not only increase travel times and distances for Palestinians, but they exclude and marginalize them from the main West Bank road system in a discriminatory fashion. Aside from the severe disruption to daily life, this separation enables the military to impose additional restrictions on travel for Palestinians only and severely violates their freedom of movement in their own land.**

## Land

Land is one of the most valuable resource in the West Bank. Aside from the obvious physical uses it possesses - e.g. transportation, residential uses, work, natural resources, among others - land is also significant for administration and security and for the identities of both individuals and communities. The powers of the Civil Administration include control over land in the West Bank as well.

The Custodian Staff Officer of the Civil Administration is the representative of the Israel Land Authority to the West Bank. He also holds the title of Supervisor of Governmental and Abandoned Property in "Judea and Samaria" (the Supervisor). His field of work includes land allocation, declaration of public land (also referred to as “state land”), planning approval, construction and development, transfer of rights and more.<sup>30</sup>

The position of Supervisor of Governmental and Abandoned Property has been filled by Mr. Yossi Segal since 1998. Responses received from the Civil Administration to applications made by Yesh Din under the Freedom of Information Act indicate that, though the Supervisor has broad powers giving him a great deal of influence, there is a lack of clarity around his professional and administrative hierarchical position. It seems to be made up of some sort of mix of the Civil Administration, the Israel Land Authority and the Ministry of Defense.<sup>31</sup>

30 Another significant function with respect to land issues in the Civil Administration is the Law and Land Registry Staff Officer (a civil servant who reports to the Director General of the Ministry of Justice), who is responsible for registration and regulation of land in Area C.

31 According to the response of the Civil Administration: “The employer of the Supervisor and his staff is the Civil Administration through the Israel Land Authority, which pays their salaries from the Civil Administration budget”; “Hiring and firing of Israeli employees is conducted by the Civil Administration, the Israel Land Authority and the Civil Service Commission”; “The agency providing the Supervisor with professional guidance is the Israel Land Authority”; “The agencies that formulate the policy followed by the Supervisor are the Civil Administration and the Ministry of Defense”; “The Supervisor reports to the Civil Administration and the Israel Land Authority” (Response of the Public Liaison Officer - Office of the Head of the Civil Administration to Yesh Din’s letter, **Operating Procedures for Law and Land Registration Staff Officer and Supervisor of Governmental and Abandoned Property at the Civil Administration - Freedom of Information Application**, June 7, 2017). According to the response of the Israel Land Authority: “The agency that employs the Supervisor and his staff and is responsible for payment of their salaries is the Israel Land Authority”; “The agency responsible for hiring and firing is the



This lack of transparency is also a feature of Israeli policy on the allocation of public land in the West Bank, which is formulated, to one degree or another, by all the aforementioned agencies.<sup>32</sup>

Israel's State Comptroller's report for 2013 addresses the office of the Supervisor of Governmental and Abandoned Property in the Civil Administration: "Findings have been made, some serious, which point to failed management of state and abandoned land" in the West Bank, "which may indicate deficient work practices within the Supervisor's office". The State Comptroller found, among other things, that the Supervisor had failed to require Israelis living in settlements built by the World Zionist Organization Settlement Division<sup>33</sup> to sign lease agreements, and that he did not collect leasing fees from them. This resulted in financial losses of hundreds of millions of Israeli shekels, and has prevented the Civil Administration from adequately monitoring and supervising public land in the West Bank and its used. The Comptroller found there was "ongoing delinquency" which translated into "a breach of the rule of law and [...] concern regarding violations of international law".<sup>34</sup>

Whatever the decision-making process at the Supervisor's unit may be, the facts on the ground draw a clear picture. Over the course of the fifty years of Israeli military rule in the West Bank, 132 settlements were officially built by the government, and 97 unauthorized outposts were built without a government decision.<sup>35</sup> Figures presented by the State indicate that between 1967 and 2011, the Supervisor of Governmental and Abandoned Property at the Civil Administration allocated about 400,000 dunams of land (31% of all public land in Area C) to the World Zionist Organization Settlement Division, which engages in the development

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Israel Land Authority and the Civil Administration"; "The Supervisor is not subordinate to any Authority official in the Israel Land Authority"; "Professional guidance is provided to the Supervisor by the Israel Land Authority"; "The Supervisor works according to the dictates of the security establishment"; "The Supervisor reports his activities to the Civil Administration" (Response of Israel Land Authority to Yesh Din's letter, **Relationship between Israel Land Authority and the Supervisor of Governmental and Abandoned Property at the Civil Administration, and the Operations of the Authority in the West Bank - Freedom of Information Application**, June 29, 2017).

- 32 **Ibid.** In December 2015, Peace Now petitioned the Supreme Court (HCJ 8217/15) to have the Supervisor of Governmental and Abandoned Property in the West Bank publicly announce any land allocation in the OPT, and provide the public with an opportunity for due process with respect to the allocation of the public resource. As of December 2017, the petition is pending ([Peace Now website](#)).
- 33 The Settlement Division is an agency working on behalf of the government to establish and support Israeli communities, including settlements in the West Bank. The division operates as part of the World Zionist Organization and is under the responsibility of the Prime Minister's Office. It is fully funded by the State. For more, see: Yesh Din, [The Road to Dispossession A Case Study - The Outpost of Adei Ad](#) (February 2013) pp. 44-54.
- 34 State Comptroller, **Annual Report 63B** (2013), pp. 160-163 (in Hebrew).
- 35 [Peace Now website](#). In recent years, the Government of Israel has been engaging in efforts to retroactively approve outposts and turn them into official settlements. For more see Yesh Din, [From Occupation to Annexation: The silent adoption of the Levy Report on retroactive authorization of illegal construction in the West Bank](#) (February 2016).

of settlements, and 270,000 additional dunams of land (about 20% of all public land in Area C) were allocated to other Israeli entities, such as Israel's telecom company Bezeq, the Israel Electric Corporation, Israel's water company Mekorot, and Israeli cellular companies.<sup>36</sup> In contrast, during these years, the Civil Administration allocated only 8,600 dunams - about 0.7% of public land in Area C - to Palestinians.<sup>37</sup>

**The land allocation policy pursued by the Supervisor of Governmental and Abandoned Property at the Civil Administration - as dictated by Israel - is indicative of a deliberate exclusion of Palestinians from public land in Area C, with the broad ramifications this entails, as well as Israeli efforts toward de-facto annexation of the area, in breach of international law.**

## Building and enforcement

The Civil Administration's powers in the field of construction in the West Bank are not limited to land allocation. All planning and building processes required for a structure to be built in Area C and to be considered legal by the Israeli authorities go through the Civil Administration.<sup>38</sup> Likewise, all enforcement and monitoring of building and planning laws are conducted by the Civil Administration, including the issuance and execution of stop-work orders, and of demolition orders.

Construction without a permit is illegal construction. Building permits can be issued pursuant to a master plan, which regulates use of land - residential, public, commercial, etc. West Bank master plans are approved by the Supreme Planning Council of the Civil Administration. The Council has broad powers (parallel to the National Planning and Building Council inside Israel), and its membership includes Civil Administration staff officers, Ministry of Defense delegates and military legal officers. The Supreme Planning Council has no Palestinian members.

36 Note that settlements and, all the more so, unauthorized outposts, were not built only on public land, but also on privately owned Palestinian land and on survey land. Some 63% of the land in Area C is located within the jurisdictions of local and regional settlement councils ([B'Tselem website](#)). For more on the allocation of land to settlements and outposts see: Yesh Din, [The Road to Dispossession A Case Study - The Outpost of Adei Ad](#) (February 2013) pp. 46-54.

37 The figures were provided following an administrative petition filed under the Freedom of Information Act by The Association for Civil Rights in Israel (ACRI) and Bimkom - Planners for Planning Rights (40223-03-10). See [ACRI website](#). It is important to note that even in the small areas the Civil Administration has allocated to Palestinians, the move was partly motivated by Israeli settlement interests in the West Bank, for instance, in the case of land allocated to build a neighborhood for the Jahalin tribe, parts of which were forcibly transferred from their localities in favor of Israeli settlement expansion in the Mishor Adumim area.

38 As noted, all settlements are unlawful under international law, see supra note 4.

The master plans of most Israeli settlements<sup>39</sup> in the West Bank were approved by the Civil Administration. Settlement master plans cover a total of nearly one million dunams, forming about 26% of Area C.<sup>40</sup> On the other hand, Palestinian master plans cover only 0.6% of Area C, some 20,485 dunams, some of which are still in proceedings for approval.<sup>41</sup> In general, the master plans that have been approved were prepared by the Civil Administration without consultation with Palestinian residents. In this manner, the Civil Administration approves construction and expansion in settlements only, and blocks any practical possibility for Palestinians to build legally in Area C, under master plans and approved building plans, leaving them no option but to build without permits.

The Civil Administration Enforcement Unit oversees the application of building and planning laws on both Palestinians and settlers in Area C. Civil Administration data indicate that from 1997 to 2013, the enforcement unit found 13,481 incidents of illegal Palestinian construction, and demolished 3,813 (28%) of these structures. In that same timeframe, the Civil Administration found 6,605 incidents of illegal construction by Israeli settlers, and demolished 1,807 of the structures (27%).<sup>42</sup> The apparent parity in enforcement rates is, in fact, indicative of discrimination, given the differences between the two types of permit-less construction. Settlers not only build on occupied territory, but also have representation at the Civil Administration planning councils and receive permits for construction, development and expansion in many localities throughout the West Bank. Palestinians, on the other hand, are forced to build without permits in their own land due to Civil Administration policies that deny them legal avenues for construction.

B'Tselem figures reveal that from 2006 to the end of September 2017, the Civil Administration demolished at least 1,299 Palestinian residential units in the West Bank (not including East Jerusalem). At least 5,849 people have lost their homes as a result, including at least 2,948 minors.<sup>43</sup>

**The Civil Administration employs corresponding policies on the issue of land allocation and on the issue of building and planning, both of which serve to promote Israel's agenda in Area C: A well-developed, thriving settlement enterprise with the**

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39 Unlike unauthorized outposts, which were built in breach of Israeli law and without a master plan.

40 Figures courtesy of Bimkom - Planners for Planning Rights.

41 State Comptroller, **Annual Report 66B** (2016), p. 93 (in Hebrew).

42 The State Comptroller uncovered contradictory data in the Civil Administration computer database, indicating that only 14% of all incidents of illegal construction were demolished by the enforcement unit. The ratio between the number of orders issued and the number of structures demolished remains similar for both population. *Ibid.*, pp. 85-86.

43 [B'Tselem website](#).

**attendant marginalization and dispossession of Palestinians from their lands and their ultimate displacement from the area - maximum land, minimum Palestinians.**<sup>44</sup>

## Archaeology<sup>45</sup>

The Archaeology Staff Officer at the Civil Administration oversees archaeological affairs in Area C of the West Bank, where some 2,300 archaeological sites are located.<sup>46</sup>

The Archaeology Staff Officer has the power to decide where and what to excavate, how the excavation is managed, what information is published about it, what happens to the site once the excavation is complete, how the site is presented to the public, what is highlighted and what is played down, which audiences the site targets and how to design visitor experiences.

The principles of the laws of occupation, human rights law and international conventions specific to archaeology hold that the cultural assets of occupied land form part of the local heritage.<sup>47</sup> An analysis of Israeli practices in the field of archaeology reveals the opposite approach. Israel uses the Civil Administration as a tool for appropriating cultural assets in the West Bank and dispossessing Palestinians of them, and, as if this were not enough, Israel also employs archaeology as another method to take over land.

The process by which Palestinians are dispossessed of their archeological and cultural heritage assets in the West Bank and in which Israel appropriates them has two reciprocal facets: **Physical exclusion** - The control the Civil Administration has over archeological sites and the findings uncovered in them enables the denial of Palestinian access to these sites, which ultimately weakens the connection Palestinians have to their heritage; and **shaping the historical narrative** - Israel highlights and glorifies Jewish heritage ties to archaeological sites and findings, and tends to obfuscate the roles played by other nations and cultures in the history of the West Bank.<sup>48</sup>

In addition to this, archaeological activities conducted by the Civil Administration offer Israel another avenue for the implementation of its policy of dispossession of Palestinians of both public and private land. For instance, archaeological digs are used to cover up the establishment of settlements (as was the case in both the settlement of Shiloh and the

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44 See, e.g., Moran Azulay, "["Israel should annex 60% of Area C"](#)", [ynetnews.com](#), February 23, 2012.

45 The facts and figures presented in this section are based on Yesh Din and Emek Shaveh, [Appropriating the Past - Israel's use of archaeological sites and artifacts in the West Bank](#) (December 2017) (hereinafter: **Appropriating the Past**).

46 The Archaeology Staff Officer operates under the Head of Infrastructure at the Civil Administration. However, he is an employee of the Israeli Ministry of Education and follows the guidelines of the Israel Antiquities Authority.

47 **Appropriating the Past**, pp. 5-11.

48 **Ibid.**, pp. 23-31.

unauthorized outpost of Amona, for example), and archaeological sites are added to the jurisdictions of settlements, which automatically brings a ban on Palestinian entry to these sites.<sup>49</sup> In addition, the Civil Administration takes no action to remove settlers who illegally invade and take over archaeological sites.<sup>50</sup>

**Through the Archaeology Staff Officer at the Civil Administration, Israel leverages archaeology to tighten its control over land in the occupied West Bank and expand the settlement enterprise, while violating international law and the human rights of the protected Palestinian residents, and dispossessing them of their land's culture and heritage.**

## Quarries<sup>51</sup>

The Trade and Industry Staff Officer of the Civil Administration is in charge of licensing and monitoring of quarrying activity in Area C. About ten Israeli-owned quarries operate in the West Bank. They transfer millions of tons of stone, gravel and other quarried substances into Israel. Most of the area covered by these quarries is state land, allocated for this specific purpose by the Civil Administration and approved by its planning institutions. Israeli corporations involved in quarrying pay set licensing fees for use of the land, as well as royalties commensurate with the amount of quarried materials. From 2009 to 2015, the Civil Administration collected more than 285 million Israeli shekels (roughly USD 80 million) from Israeli quarries operating in the West Bank.<sup>52</sup>

Israeli quarrying activity in the OPT, regulated through the Civil Administration, is not undertaken for military purposes, for the benefit of the protected persons, or for the advancement of the local economy, as required under the international laws of occupation. The quarries transfer the natural resources of the West Bank into the State of Israel, supplying raw materials for the Israeli construction sector, and generating massive profits for the Israeli economy and the Civil Administration. These motivations, which relate exclusively to Israeli interests, are extraneous considerations and taint quarrying activity in the West Bank with illegality. Still, in

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49 Note that in early 2016, following legal proceedings with Yesh Din's involvement, the Military Commander signed a declaration permitting Palestinian entry to the Tel Shilo - Khirbet Sailun archeological site, located inside the jurisdiction of the settlement of Shilo and the Binyamin Regional Council. *Ibid.*, p. 16.

50 *Ibid.*, pp. 14-22.

51 The facts and figures presented in this section are based on Yesh Din, [The Great Drain Israeli quarries in the West Bank: High Court sanctioned institutionalized theft](#) (September 2017) (hereinafter: **The Great Drain**).

52 Response of Public Liaison Officer - Office of the Head of the Civil Administration to Yesh Din's letter, [Application under the Freedom of Information Act - Israeli Quarry Activity in the West Bank](#) (in Hebrew), August 8, 2016.

2011, the Supreme Court of Israel dismissed a petition filed by Yesh Din (HCJ 2164/09) and sanctioned the continued irreversible exploitation of the occupied territory for Israel's needs.<sup>53</sup>

According to a report published by Human Rights Watch, until 1994, the Civil Administration issued licenses to Palestinian-owned quarries. Since then, that is, around the time the Interim Agreement was signed, Israel has almost completely stopped issuing licenses for the operation of Palestinian-owned quarries in Area C. According to the Palestinian Union of Stone and Marble, since 2012, the Civil Administration has also stopped renewing existing licenses. With no possibility to obtain a license, many Palestinian quarries in Area C have either chosen to cease operations, or have been forced to shut down after the Civil Administration issued fines or confiscated equipment. The World Bank estimates that the effective ban the Civil Administration imposes on the operation of Palestinian quarries costs the Palestinian economy at least 241 million USD per year.<sup>54</sup>

**Quarrying policies in the West Bank reveal how Israel uses the Civil Administration as a tool for economic exploitation of the West Bank, while irreversibly violating Palestinians' collective right to exclusive use of their natural resources.**

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53 For more see, **The Great Drain**, pp. 11-26.

54 Human Rights Watch, [Occupation, Inc.: How Settlement Businesses Contribute to Israel's Violations of Palestinian Rights](#) (January 2016); The World Bank, [Report No. AUS2922, West Bank and Gaza - Area C and the Future of the Palestinian Economy](#) (October 2013), pp. 13-15.

## CONCLUSION

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The outbreak of the al-Aqsa intifada put to rest the internal dispute within the [Civil] Administration between supporters of the Agreement [the Oslo Accord] and those who opposed it, which had been going on for more than five years; and the Israeli bureaucracy developed a sense of legitimacy for using the administrative powers of the [Civil] Administration as a governmental weapon against the Palestinian population, which was perceived as an enemy.

Brig. Gen (reserves) Dov Sedaka, Head of the Civil Administration 1998-2002<sup>55</sup>

According to international law, the Israeli military's actions must be guided by the benefit of the protected Palestinian residents, as well as Israel's security interests - and by these interests alone. In stark contrast to this provision, the Civil Administration is a military agency openly working to initiate and advance processes that would shape the West Bank "Through the Lens of Israel's Interests",<sup>56</sup>

Israeli interests in the administration of the West Bank are different, and sometimes contrary, to the interests of the Palestinian residents, and the Civil Administration is the agency that translates these interests into everyday life. The wide array of authority granted it conveys a great deal of power and dramatic influence over the lives of West Bank residents. The fields of activity briefly presented in this position paper are merely examples used to illustrate the pattern and policy.

At the most basic and evident level, the Civil Administration functions as a tool for controlling West Bank Palestinians. As the agency that makes and executes decisions, it has control over Palestinians' travel and work opportunities, over construction and development of infrastructure, health, education and welfare, to name some. The Civil Administration uses this control arbitrarily, relying on bureaucratic justifications, or wielding it in a "carrot and stick" fashion - as a means of oppression and domination over the Palestinians.

The Civil Administration also functions as an executive arm and a political tool serving Israel's ambitions in the OPT - pushing the settlement project forward and dispossessing Palestinians of their land. One of the practices that serves this goal is the institutionalization of ethnic-national segregation, privileging the settlers and discriminating against the Palestinians and exploiting them.

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55 From an interview conducted by Yael Berda (Yael Berda, **The Bureaucracy of the Occupation: the permit regime in the West Bank 2000- 2006**, Van Leer Institute and Hakibutz Hameuhad publishers [Jerusalem 2012], p. 52 [in Hebrew]).

56 COGAT Report 2016, p. 17.

The Civil Administration, established to serve “the welfare and benefit of the population” and “for the purpose of operating and providing public services”,<sup>57</sup> betrays its professed role. Instead of ensuring public order and safety in a temporary trusteeship, as required by international law, the Civil Administration uses administrative tools to effect long-term, irreversible changes in the OPT and to impose restrictions and bans on the protected persons, in a severe, systemic and widespread abuse of the human rights of Palestinians in the West Bank.

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57 Order regarding the Establishment of the Civil Administration (Judea and Samaria Area) (No. 947) 5742-1981 (in Hebrew).