

Maximum Authority, Minimum Responsibility

Implications of Israel's 37th Government's Policy on Palestinian Human Rights in the Occupied Territories

Introduction

In the eight months since its establishment, Israel's 37th government has been trying to promote a set of legislative measures whose stated purpose is to weaken the judiciary and impair its ability to inspect and review the decisions of the executive branch. The proposed bills seek to alter the balance of power between the executive and judicial branches in such a fundamental way as to actually change the regime in the State of Israel.¹ In parallel, the government has taken a series of steps with regard to its control of the West Bank, such as appointments, transfers of powers, administrative directives, and budget allocations that amount to changing the system of government enforced in the Occupied Palestinian Territories (OPT). These steps, which structurally, deliberately, and declaratively entrench Israel's grip on the West Bank and the use of apartheid-like practices benefiting the Jews living in the OPT at the expense of the Palestinians, are based on the first clause in the government's basic guidelines, whereby "the Jewish people possess an exclusive and inalienable right to all parts of the Land of Israel. The government shall promote and develop Jewish settlement in all parts of the Land of Israel in the Galilee, the Negev, the Golan, Judea, and Samaria."²

These two moves, "the judicial reform" and the steps to deepen control and Jewish settlement in the West Bank, allow the government to expand the powers of the State of Israel and its proxies in the OPT, and concurrently reduce their responsibility for safeguarding the rights of the Palestinians in an unbridled and unbalanced manner. This outcome contradicts a fundamental principle in international law whereby control comes with responsibility.

It has already been said by others that all these moves are intended to fashion a Jewish supremacy regime in the area controlled by Israel spanning from the Mediterranean Sea to the Jordan River.³ The purpose of this paper is to elaborate on the two-fold process of

¹ Eitay Mack, [Pseudo Democracy: State of the Regime in Israel](#), *Zulat*, 20 June 2022.

² [Basic Guidelines and Coalition Agreements: Israel's 37th Government Headed by Binyamin Netanyahu](#), *Knesset*, 29 December 2022 (Hebrew); [Likud-Religious Zionism Coalition Agreement](#), *Knesset*, 28 December 2022 (Hebrew).

³ [Analysis of New Israeli Government's Guiding Principles and Coalition Agreements and Their Implications on Palestinians' Rights](#), *Adalah*, 10 January 2023.

rule expansion and abdication of responsibility across several facets and to ascertain its repercussions on the status of the OPT and the rights of the Palestinians.

Less Living Space, More Basic Rights Violations Along With Relief Denial

Since its establishment, the government has worked vigorously to realize the first goal in its basic guidelines, which is to promote Jewish settlement throughout the area between the Mediterranean Sea and the Jordan River, and more specifically in the West Bank. The appointment of Finance Minister Bezalel Smotrich as an additional minister in the Ministry of Defense, in charge of the Coordination of Government Activities in the Territories (COGAT) and the Civil Administration,⁴ is intended to speed up these processes.

Indeed, decisions to expand settlements⁵ and legalize outposts⁶ were passed in recent months, pursuant to the abolishment of restrictions on settling in northern Samaria.⁷ It has now become evident that the government is determined to legalize Homesh and similar outposts and to establish facts on the ground, even if they run counter to military law and to the stance of the military commander in the West Bank.⁸

In the same spirit and in accordance with the government's basic guidelines and the coalition agreements, the government is encouraging Jews to move to the West Bank by fully applying Israel's laws to the area, brandishing economic incentives, and ensuring a high quality of life.⁹ The purpose of these moves is to double the settler population, as clearly illustrated by Minister Smotrich's instruction to government ministries to lay the

⁴ Appointment enabled by Amendment No. 11 to Basic Law: The Government and memorandum of understandings signed by Gallant and Smotrich on 23 February 2023; [Division of Responsibilities Saga: Smotrich-Gallant Memorandum of Understandings Revealed](#), *Reshet 13*, 26 March 2023 (Hebrew).

⁵ [The Occupation and the Rights of Palestinians in the Territories](#), p. 8 of "The Attack on Democracy," *ACRI (Association for Civil Rights in Israel)*, April 2023. The Settlement Subcommittee in the Civil Administration's Supreme Planning Council has approved 43 building plans in 37 settlements and outposts, which translates into construction of over 7,000 housing units (including an industrial zone).

⁶ *Ibid.* On 12 February 2023 the political-security cabinet regularized 10 illegal outposts, which immediately legalized 335 housing units spread over 1,100 dunams, of which 420 dunams is private land owned by Palestinians.

⁷ [Bill No. 69/25 Law on Implementation of Disengagement Plan \(Amendment No. 7\)-2023](#), *Knesset*, 13 March 2023 (Hebrew).

⁸ Hanan Greenwood, [Without Required Permits and With Gallant's Approval: Homesh Yeshiva Reestablished at New Location](#), *Israel Hayom*, 29 May 2023 (Hebrew); Amos Harel, [How the Israeli Army Broke the Law by Capitulating to Settler Pressure on Homesh](#), *Haaretz*, 30 May 2023.

⁹ In charge of settlement construction and reinforcement, the Ministry of National Missions under Orit Struk has been assigned a dedicated budget for infrastructure development, improving quality of life in the settlements, five-year plans, etc. See [Likud-Religious Zionism Coalition Agreement](#), Clauses 120, 123-130.

groundwork for another 500,000 settlers and to improve the infrastructure of all Jewish locales in the West Bank, both settlements and outposts.¹⁰

Additional steps agreed upon in the coalition agreements, such as building roads to improve access to the settlements,¹¹ encouraging Israeli agriculture in Area C, and appropriating open spaces (for example, by promoting a plan to plant olive trees¹² or declaring natural reserves and parks national heritage sites governed by Israeli law¹³) will inevitably lead to further fragmentation of the West Bank, prevent unimpeded circulation of Palestinians, and further damage their ability to have a normal life.

Deeper control of the space and circulation comes hand in hand with a growing abdication of responsibility toward the Palestinians. According to the basic guidelines and the coalition agreements, the government plans to create additional bureaucratic mechanisms that will allow the transfer of land ownership to Jews¹⁴ or to the state, and deprive the Palestinians of any real channel to oppose such moves or to prove their own ownership.¹⁵ These moves are intended to seize additional territory in the West Bank in order to expand the settlement enterprise and push the Palestinians out.

Furthermore, alongside the regularization and encouragement of Jewish construction, Israel is openly thwarting Palestinian construction by blocking development plans and Civil Administration supervision of "illegal" building activities.¹⁶ This policy is expected to intensify as the planning authority in the West Bank shifts under Minister Smotrich's purview.¹⁷ It goes without saying that the Palestinians cannot really obtain building permits from the Civil Administration, nor can they effectively turn to administrative channels to

¹⁰ Yaniv Kubovich and Ben Samuels, [Far-Right Israeli Minister Lays Groundwork for Doubling West Bank Settler Population](#), *Haaretz*, 18 May 2023.

¹¹ [Likud-Religious Zionism Coalition Agreement](#), Clause 129.

¹² *Ibid*, Clause 143.

¹³ [Bill No. 2738/25 on National Parks, Nature Reserves, and Memorials \(Amendment – Preventing Theft and Destruction of Heritage Sites and Strengthening Infrastructures in Judea Desert, Judea and Samaria, and Jordan Valley\)-2023](#), *Knesset*, 6 March 2023. See Noa Shpigel and Amir Tibon, [Israeli Government Introduces Bills Advancing West Bank Annexation, Hampering Academic Freedom](#), *Haaretz*, 24 May 2023.

¹⁴ [Likud-Religious Zionism Coalition Agreement](#), Clause 127. Military orders will be amended to enable the "return" of land purchased by Jews before 1948.

¹⁵ *Ibid*, Clause 139. For expansion on implications of this move, see [What 37th Government's Guiding Principles and Coalition Agreements Mean for the West Bank](#), *Yesh Din, Ofek, Breaking the Silence, ACRI*, January 2023.

¹⁶ *Ibid*.

¹⁷ According to the Smotrich-Gallant memorandum of understandings, as the additional minister in the Defense Ministry, Smotrich will be in charge of most of the civilian aspects of running the West Bank, including real estate registration, planning and construction, supervision of illegal construction, development of infrastructure, nature reserves, archaeology, environment, economy, as well as municipal-level decisions.

appeal demolition orders issued against "illegal" construction (that is, built without a permit that is a priori unobtainable).¹⁸ As evident from his remarks at a recent meeting of the Foreign Affairs and Defense Committee, Smotrich does not see enforcement stopping at the borders of Area C but rather extending to Areas A and B as well, even though the Oslo Accords assign the Palestinian Authority exclusive authority over planning and supervision in these areas.¹⁹

All these measures are aimed at deepening Jewish control in the West Bank and reducing the living space of Palestinians, especially in Area C, amid intensified violation of their property rights and severe restriction of their freedom of movement to the point of denying them the ability to earn a living, a normal family life, and access to basic services, injustices that have been described in countless reports and papers.²⁰

Over the years, the Supreme Court has been asked to conduct judicial reviews of basic humanitarian violations, such as the right to have a roof over one's head or enjoy freedom of movement to earn a living, get an education, receive medical treatment, or maintain family ties. Although it usually abstained from interfering with the policy of the military commander in the OPT or taking a position against the legality of the use of force and means of control except in very rare cases, the Supreme Court did offer relief at the individual level, either through its rulings or by virtue of the incentive that the proceedings provided to the state to settle with the petitioners. Limiting the Supreme Court's authority to conduct judicial review pursuant to the regime revolution sought by the current government will damage the ability of Palestinians to seek relief directly and will remove the few remaining obstacles impeding the Civil Administration's efforts to push them out of Area C.

¹⁸ Dror Feitelson, [Kafka in the Territories: How Civil Administration Turns Ordinary People Into Criminals](#), *TheMarker*, 8 September 2022 (Hebrew); [Most Palestinian Plans To Build in Area C Not Approved](#), *OCHA (UN Office for Coordination of Humanitarian Affairs)*, 22 June 2021.

¹⁹ Smotrich thus threatens to erase the few remaining boundaries of the Civil Administration in the OPT and to annul the Oslo Accords ahead of the implementation of the annexation plan. See Attorney Roni Pelli, [While You Were Busy Protesting Smotrich Announced Annexation](#), *Ynet*, 23 July 2023 (Hebrew).

²⁰ Nir Shalev and Alon Cohen-Lipshitz, [The Prohibited Zone: Israeli Planning Policy in Palestinian Villages in Area C](#), *Bimkom*, June 2008; Yonatan Kanonich, [Over the Border: The Institutionalized Israelization of Area C and the Violation of Palestinians' Human Rights](#), *Yesh Din*, 24 October 2022; [Planning Policy in the West Bank](#), *B'tselem*, 6 February 2019.

Restrictions on the activities of human rights organizations in Israel, primarily through massive taxation of donations from abroad,²¹ is expected to further damage the ability of Palestinians to seek relief from the courts, given that they lack the language skills, knowledge, and means to do so on their own. The documentation and legal representation provided by Israeli human rights groups has to date been a restraining, albeit limited, factor against the predatory power of the military commander in the West Bank.

In the absence of inhibitions, the Israeli government is pushing to the limit the disparity between its powers and stranglehold on the West Bank and the abdication of responsibility to protect the rights of its residents.

Neither Transparency Nor Judicial Review in Changing OPT Status and Regime Policy

As described above, the 37th government has been intensively promoting the expansion of the settlement enterprise and the use of the West Bank for its needs at the expense of the Palestinians, who are deprived of basic rights in the face of the occupation. However, it is not fundamentally different from all its predecessors in this respect, other than in unprecedented bluntness and scope. The most vital difference is that this government has crossed the Rubicon and decided to move from creeping/de facto to de jure annexation, overtly founded on the principles of Jewish supremacy; that is, a shift to an open and formal use of apartheid practices.²²

Through a series of appointments and transfers of powers, the government has actually wrested away from the military commander many of his administrative powers in the OPT. Of course, the most unusual appointment is that of Finance Minister Bezael Smotrich as an additional minister in the Ministry of Defense in charge of COGAT and the Civil Administration²³ by means of an amendment to Basic Law: The Government. According to the agreement between the sides, extensive governmental powers in the West Bank that had previously been vested in the military commander were transferred to Smotrich,

²¹ [Bill No. 2329/25 for Amendment of Income Tax Ordinance \(Taxation of Donations from Foreign Political Entity\)-2023](#), Knesset, 13 February 2023 (Hebrew).

²² Prof. Yael Ronen, et al, [Position Paper No. 24: Implications of the Agreement Subordinating the Civil Administration to the Additional Minister in the Ministry of Defense](#), *Israeli Law Professors' Forum for Democracy*, 5 March 2023 (hereinafter: "[Professors' Position Paper](#)").

²³ Smotrich-Gallant memorandum of understandings.

including construction and development (for Jews) and supervision (over Palestinian construction).²⁴

This transfer of powers is not a technical matter but a real structural change in the way the military government operates. The agreement signed by the sides effectively relieves the military commander of the powers exclusively reserved for him under international law and introduces Smotrich as a would-be "governor" holding most of the governing powers in the West Bank, except the authority to use military force.²⁵

In addition, the expansion of National Security Minister Itamar Ben-Gvir's powers over the activities of the Border Police and other bodies operating in the West Bank allows for a major increase in selective enforcement in the area.²⁶ Finally, the creation of a Ministry of National Missions under Orit Struk, in charge of settlement construction and with a dedicated budget for infrastructure development and improving the quality of life in the settlements, completes the process of direct government control of the civilian powers in the OPT.²⁷

The transfer of administrative responsibility for the OPT to civilian hands explicitly and openly subsumes the administration of the OPT to Israel's national and social considerations in violation of international law and Supreme Court rulings throughout decades of occupation.²⁸ The divestment of powers from the military commander and their official transfer to the government and its representatives denotes an open and absolute withdrawal from the commitment to uphold the laws of occupation, crosses the line toward annexation, and may even be considered an act of aggression, with all that this implies in terms of the responsibility of the state and its leaders under international law.²⁹

Next, the government intends to fully apply Israeli law to the settlers living in the West Bank.³⁰ The "equalization of the law," which will be implemented through orders issued by

²⁴ The formal transfer of the planning and decision-making mechanisms to Minister Smotrich was completed recently and the construction approval process was simplified to facilitate and accelerate the planning of Jewish settlements in the West Bank. See [Government Resolution No. 657: Planning and Construction in Judea and Samaria – Amendment of Government Resolution](#), Prime Minister's Office, 18 June 2023 (Hebrew).

²⁵ [What 37th Government's Guiding Principles and Coalition Agreements Mean](#), Yesh Din, Ofek, Breaking the Silence, ACRI, January 2023, p 2.

²⁶ Ibid.

²⁷ Ibid.

²⁸ See footnotes 5-8 in [Professors' Position Paper](#).

²⁹ See footnotes 11-14 in [Professors' Position Paper](#).

³⁰ [Likud-Religious Zionism Coalition Agreement](#), Clause 21.6 of appendix on assignment of jobs; [Likud- Otzma Yehudit Coalition Agreement](#), Clause 96, Knesset, 28 December 2022 (Hebrew).

an IDF general, will lead to a complete separation between the two legal systems based on nationality: Israeli "civilian" law for Jews and military law for Palestinians.³¹ This system, which will favor Jews at the expense of Palestinians, is intended to establish and maintain control over the territory, its resources, and its administration by Jews, while oppressing its Palestinian inhabitants.³² The combination of the transfer of powers with a declared policy that grants inherent privileges to one group at the expense of the other on the basis of nationality gives validity to the claims that Israel practices apartheid, defined as a crime under international law.³³

In parallel, as we know, the government intends to neutralize the Supreme Court as the ultimate judicial instance examining the legality of its moves based on Israeli and international law, in a way that will hinder its ability to invalidate legislation even if it violates fundamental rights³⁴ or to revoke administrative actions deemed extremely unreasonable.³⁵ Moreover, it is feared that the politicization of the selection of judges will not only affect the Supreme Court but lower courts as well and will obstruct various administrative procedures, such as freedom of information actions. The lack of judicial review will lead to a lack of transparency with regard to the policies implemented in the OPT, which anyway are not subject to public review other than through the relentless efforts of civil society organizations.³⁶ If sunlight is the best disinfectant to ensure good governance, then darkness is the greatest corrupter enabling unbridled power.

Lower Threshold for Use of Lethal Force, Higher Immunity from Accountability

To entrench its sovereignty in the OPT and suppress resistance, the current Israeli government is also trying to expand the use of military and police force against the Palestinians. The coalition agreements state that National Security Minister Ben-Gvir will

³¹ [One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank](#), ACRI, 24 November 2014.

³² [What 37th Government's Guiding Principles and Coalition Agreements Mean](#), *Yesh Din, Ofek, Breaking the Silence*, ACRI, January 2023, p 3.

³³ See footnote 12 in [Professors' Position Paper](#).

³⁴ Bill No. 1537/25 Amendment to Basic Law: Human Dignity and Liberty (Validity of Extraordinary Law)-2023; Bill No. 459/25 Amendment to Basic Law: Human Dignity and Liberty (Override Clause)-2023.

³⁵ [Basic Law: The Judiciary \(Amendment No. 3\)](#), *Knesset*, 26 July 2023 (Hebrew); Adv. Anat Thon-Ashkenazy, [How Will Abolishment of Reasonableness Standard Affect Government](#), *Israel Democracy Institute*, 5 January 2023 (Hebrew).

³⁶ As noted, the effectiveness of civil society groups is under threat as a result of restrictions on funding (see footnote 19), ability to document events (see footnote 41), and their locus standi (Bill No. 547/25 Amendment to Basic Law: The Judiciary-Restriction of Locus Standi-2022).

revise the open-fire rules and change them if he deems it appropriate.³⁷ Ben-Gvir's directives and public statements about firearms licensing³⁸ leave no room for doubt as to his intentions to relax the use of weapons by soldiers, policemen, and even civilians. Accordingly, he has demanded to expand the "Dromi Law"³⁹ [absolving homeowners from criminal responsibility for shooting intruders] to apply to cases of hacking into military bases and training areas, police stations, and security facilities, and to examine its application to car thefts as well. According to the coalition agreements, the government committed to promote the amendment of the law within 90 days from its establishment.⁴⁰

Although these legislative measures have yet to be adopted and the open-fire rules have yet to be officially changed, the transfer to Ben-Gvir of overall authority for the Israel Police, including for the Border Police's operations in the OPT,⁴¹ along with the coalition agreements convey the message to the troops operating in the area that they are expected to use lethal force even in the absence of a clear and present danger. The public statements of Ben-Gvir and other MKs and ministers definitely reinforce this impression.⁴²

Furthermore, the introduction of bills to grant immunity from prosecution to soldiers and police officers operating in the OPT further heighten the fear that the use of lethal force might be legitimized, even if it is unjustified or disproportionate to the threat. No fewer than five such bills have been submitted since the establishment of the 37th government,⁴³ in addition to a bill that seeks to forbid human rights groups from filming soldiers.⁴⁴ Although these are private bills, in the current political climate and against the backdrop

³⁷ [Likud-Otzma Yehudit Coalition Agreement](#), Clause 115.

³⁸ Sheila Fried, [Arms License Application Shortened: Ben-Gvir Announces Reform in Firearm Department](#), *Makor Rishon*, 2 February 2023 (Hebrew). The reform in the National Security Ministry includes more staff for the Firearm Licensing Department, longer operating hours, and abolishing mandatory interviews for security forces personnel. For additional measures adopted by Ben-Gvir to shorten the application process and increase the number of firearm carriers, see also Eli Sinyor, [At Ben-Gvir's Orders: Soon It'll Be Easier To Get Gun License](#), *Reshet 13*, 30 April 2023 (Hebrew).

³⁹ [Penal Code-1977](#), Article 34J1, *Nevo*.

⁴⁰ [Likud-Otzma Yehudit Coalition Agreement](#), Clause 104.

⁴¹ [Amendment No. 37 of Police Ordinance-2022](#), 28 December 2022 (Hebrew).

⁴² Carrie Keller-Lynn, [Far-Right Ben-Gvir Vows To 'Teach Our Enemies a Lesson' as Police Minister](#), *The Times of Israel*, 15 November 2022; Unattributed report, [Far-Right Netanyahu Ally 'Pleased With Deterrence' After Settlers Riot in West Bank](#), *Haaretz*, 27 February 2023; [Gallant Unfazed by Criticism: Ben-Gvir Has Seen Less Bodies of Terrorists Than Me](#), *Arutz 7*, 7 May 2023 (Hebrew).

⁴³ Bill No. 25/2351 Immunity for IDF Soldiers in Action-2023; Bill No. 25/718 Immunity for Security Forces in Action-2022; Bill No. 1784/25 Immunity for Security Forces in Action-2023; Bill No. 1265/25 Immunity for IDF Soldiers in Action-2023; Bill No. 313/25 Approval of Investigation of Police Officers Involved in Nationalist Incident-2022.

⁴⁴ Bill No. 2400/25 Amendment to Penal Code (Prohibition of Filming IDF Soldier)-2023.

of explicit statements by ministers, these proposals reflect the government's intention to allow the use of force without any accountability. As attested by the riots in recent months in Hawara, Turmus Ayya, Umm Safa, and other villages, the dire physical, mental, and material damage suffered by the villagers resulted in zero consequences for the rioters and the security forces, who allowed the rioters to go on a vicious rampage time and time again.⁴⁵

Since full immunity from criminal responsibility exposes the troops to prosecution by the International Criminal Court (ICC) in The Hague,⁴⁶ a bill has also been submitted seeking protection from this tribunal.⁴⁷ This bill proposes to forbid any contact by an Israeli entity with a hostile international institution, seeks to establish that any approach to the ICC would constitute a criminal offense punishable by seven years in prison, to prevent the extradition of a person living in Israel to the ICC, and to prohibit the entry into Israel of ICC officials or anybody suspected of gathering information related to an ICC proceeding against Israel.⁴⁸

The government's legislative moves to weaken the judiciary further contribute to reducing the accountability of the security forces. Although the Supreme Court usually steers clear of the Military Advocate General's (MAG) decisions not to prosecute Israeli perpetrators and intervenes only in very rare cases of extreme implausibility,⁴⁹ the very existence of a formal judicial review authority over the MAG's decisions has been a restraining factor for the soldiers and police officers operating in the territories. Its removal may lead to a complete divestment of accountability, which in its crudest form means condoning summary executions.⁵⁰

⁴⁵ Einav Halabi, [Umm Safa Unable To Calm Down After Rioting: 'We Are Quiet and Nonviolent Village, Settlers Tried To Stage Pogrom'](#), *Ynet*, 26 June 2023 (Hebrew); Hanan Greenwood, [Three Settlers Arrested After Riots Near Ateret Released by Court](#), *Israel Hayom*, 26 June 2023 (Hebrew); Hagar Shezaf, [Videos From Hawara Rampage Indicate Depth of Israeli Authorities' Failure](#), *Haaretz*, 14 March 2023; Oren Ziv and Matan Golan, [Villagers Start Returning to Hawara, Police Investigators Yet To Show Up](#), *Siha Mekomit*, 1 March 2023 (Hebrew).

⁴⁶ The ICC may exercise its jurisdiction over persons only if the state fails to conduct an independent and impartial criminal investigation in accordance with the norms of due process, *Rome Statute of the International Criminal Court*, 17 July 1998 (last amended 2010).

⁴⁷ Bill No. 1545/25 Defense of Israelis from Hostile International Institutions-2023.

⁴⁸ *Ibid*, Clauses 5 and 6.

⁴⁹ Supreme Court Ruling 7195/08 Ashraf Abu-Rahma v. MAG Brig. Gen. Avihay Mandelblit refers to the authority to subject a prosecutor's decisions to judicial review, 1 July 2009. See Supreme Court Ruling 9850/16 Subhiya Abu-Rahma v. Attorney General, 16 September 2018.

⁵⁰ [Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions](#), *UN Economic and Social Council*, 1989.

The aforementioned steps will broaden the authority to use force on the one hand and weaken control and supervision mechanisms, which already today provide extremely limited accountability, on the other hand. Thus, the government is legitimizing the uncontrolled use of lethal force that may result in unjustified and disproportionate harm to the lives and bodies of Palestinians in contravention of international law, current Israeli law, and present-day open-fire rules.

Summary

Since its establishment, the 37th government has promoted two major systemic moves: "the judicial reform" (or regime revolution) and the entrenchment of Israeli sovereignty in the West Bank. The two moves are interconnected in a Gordian knot, stem from the same basic assumptions, and are guided by the same rationale, which is the aspiration to embed an unbridled regime free of any inhibitions in the space between the Jordan River and the Mediterranean Sea.

As we have shown, the regime revolution not only reflects the spillover of authoritarian concepts and practices from the OPT into Israel, but is a tool for loosening the reins of authoritarian rule in the territories and frees Israel's military commander, security forces, and government of any responsibility for the fate and basic rights of the Palestinians, who are defined as a "protected population" under international law.

The changes in government structure, limits of power, and use of force in the West Bank solidify Israel's control over the area and change its status de jure. At the same time, the abolishment of judicial review and the impaired independence and accessibility of the judiciary in effect perpetrate the status of the Palestinians as subjects devoid of rights. The combination of territorial control and degradation of judicial review allows Israel to rule over the area without any limitations or responsibility for its inhabitants, to solidify its sovereignty without caring for the rights of the local population: to exercise maximum authority with minimum responsibility, this time both in theory and in practice.

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