Undermining the Status Quo in the West Bank: Implications of Government Moves from the Perspective of Central Command

Tamir Hayman and Eden Kaduri | June 25, 2023

IDF Central Command is responsible for the ongoing campaign in a unique, complex reality in which it has both military control of territory and control over a population – an Israeli population alongside a Palestinian population with nationalist aspirations. The Command has successfully maintained control over the West Bank for the past 56 years, while aiming to preserve long-term stability through three wssential enabling principles: it is the sovereign with a systemic approach to the theater; it takes a force application approach that balances offense and defense; and it benefits from entities that have enabled it to fulfill its sovereignty responsibly and effectively. The actions taken by the current Israeli government have significant potential to undermine Central Command's facilitating parameters, which raises doubts as to its ability to maintain security stability in the West Bank.

This article describes the current situation and the emerging changes in the theater, without sketching a solution to the Israeli-Palestinian conflict. Hence, the political aspects of the conflict will not be discussed within the framework of this article. Nonetheless, it is clear – from both the left and right of the political map – that in the absence of an agreed-upon strategic vision, Israel's military control over the West Bank is highly problematic. Regardless of whether territorial annexation is the solution to the conflict or whether the preferred option involves dividing the territory between the Jordan River and the Mediterranean Sea into two states, it is evident that the current situation is temporary, and as long as it is not resolved it will grow increasingly complicated. Consequently, the situation poses significant challenges for Central Command.

The article presumes that Israeli policy aims to achieve prolonged security calm and buy time until the conditions for a political settlement are ripe, while assuring the international community that the West Bank is a disputed territory. Therefore, until agreements on the future of the territories are reached, Israel holds them under belligerent occupation; in other words, it views the situation as temporary.[1]

IDF Central Command is the command responsible for all IDF units and divisions in the West Bank. In essence it is the local sovereign and oversees the entire theater, as

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[1] See Udi Dekel, Anat Kurz, and Noa Shusterman. (2023). "The Palestinian Arena: Reshuffling the Cards." *Strategic Analysis for Israel 2023*, https://www.inss.org.il/publication/palestinian-arena-2023/

it is the element that directs all other entities operating in the sector: the Coordinator of Government Activities in the Territories (COGAT), the Civil Administration, and the West Bank Border Police. Because Israel has not declared sovereignty over the territories of the West Bank since 1967, according to international law, Israel's control over the territories it captured in the Six Day War is seen as "belligerent occupation." Within this framework, the territory is under military occupation managed by Central Command. The Civil Administration was established in 1981 following the peace agreement with Egypt, in order to transfer civil affairs in the territories from IDF responsibility.

The Oslo Accords, officially known as the Declaration of Principles, are a series of agreements signed between Israel and the Palestine Liberation Organization (PLO) between 1993 and 1995. The objective of these agreements was to resolve the Israeli-Palestinian conflict through political and territorial compromise. The Palestinian Authority, established by virtue of the first Oslo agreement, the Declaration of Principles on Interim Self-Government Arrangements, assumed authority over civil affairs in the West Bank and the Gaza Strip, along with security powers. Thus, the Palestinian Authority became the organizational infrastructure for governing the Palestinian entity (a kind of "state in the making"), which had government offices and operational authorities. The agreements divided the territory of the Palestinian Authority into 16 districts, 11 of which are in the West Bank. Within this framework, the territories of the West Bank and the Gaza Strip were divided into three categories: Area A, constituting 18 percent of the West Bank, under the civil and security control of the Palestinian Authority; Area B, constituting 22 percent of the West Bank, where the Palestinian Authority maintains civil control and Israel security control; and Area C, constituting 60 percent of the West Bank, which is under Israeli civil and security control, and includes Jewish settlements in the area.

Originally, the Oslo Accords stipulated the establishment of six security agencies for the Palestinian Authority, but these quickly developed into 10-15 separate security apparatuses.[2] These mechanisms required the establishment of a security coordination mechanism between the IDF and the security agencies, and this mechanism officially commenced operation in 1996. Over the years, security coordination has yielded significant achievements, and its existence is an important interest of both sides and helps maintain security stability in the West Bank. Coordination is conducted mostly by the Civil Administration and involves primarily coordination between intelligence agencies, between the counterpart internal security agencies, and between civilian police forces. This occurs in cooperation with the head of Central Command, which synchronizes the coordination.

After the Oslo Accords, the Civil Administration assumed responsibility for approval of construction in the settlements and in Palestinian communities in Area C. As such, it is also responsible for identification of illegal construction and enforcement against illegal outposts. It is likewise responsible for issuing work permits for Palestinians, as

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[2] There are presently five active Palestinian security apparatuses: General Intelligence, Preventive Security, National Security, Police, and Military Intelligence.

well as maintaining contacts with the Palestinian Authority on issues pertaining to security coordination and infrastructure work. The Civil Administration is commanded by an IDF officer with the rank of brigadier general, subordinate to the head of COGAT. In practice, the head of the Civil Administration is subordinate to COGAT but functions as a staff officer of Central Command, entrusted with coordinating and managing the command's civil operations, i.e., all aspects of Central Command's control over the civilian population. In addition, the Israel Security Agency (ISA, formerly the GSS or Shin Bet) and Border Police operate in the West Bank.

The policies of the current Israeli government, as reflected in the coalition agreements and their implementation thus far, have led to several measures that will dramatically affect how Central Command functions. The most important of these measures are the transfer of authority over the Civil Administration to the Ministry of Defense (under Minister Bezalel Smotrich); subordination of the Border Police to the Ministry of National Security; and expansion of the Jewish settlement enterprise through the regulation of the "young settlement" – in other words, legal recognition of illegal outposts. These measures emerge against the backdrop of the proposed judicial overhaul, which, if passed in its current format, will grant the Israeli government the power to implement its policy through legislation and ordinances that cannot be challenged or overruled by the Court. These are steps that may fundamentally change the reality in the West Bank that has been shaped over the years.

The implications of the actions already underway and those intended by the government should be examined, in light of the system established in 56 years of Israeli military control over the West Bank. This article analyzes the various elements that have enabled Central Command to maintain relative stability over the years, which has facilitated Israel's expansion of the thriving settlement enterprise, and enabled Israel to deal with two violent Palestinian uprisings (the first and second intifadas). In addition, the article explores the historical circumstances and processes that shaped Central Command's existing structure and its fundamental enabling components. Other issues discussed include the influence of the current government's actions on the future system and the ability of Central Command to fulfill its role.

"In the Sovereign's Shoes": Running a Campaign without a Political Objective

Weber and Biersteker define sovereignty as "a political entity's externally recognized right to exercise final authority over its affairs."[3] In many respects, Central Command serves as the sovereign in the West Bank. Unlike other IDF commands, Central Command has comprehensive authority and responsibility in the sector, including the ability to use force and the responsibility for aspects of force buildup and policymaking. This authority over the West Bank exists alongside the Palestinian Authority, which has control over the Palestinians in Areas A and B. Central Command possesses legislative, judicial, and executive arms that constitute a microcosm of the three branches of government and enable the command's sovereignty and the implementation of broad strategic moves not seen in other IDF commands. Thus,

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[3] T. Biersteker, & C. Weber, Eds. (1996). *State Sovereignty as Social Construct*. Cambridge Studies in International Relations. Cambridge: Cambridge University Press. doi:10.1017/CBO9780511598685

unlike other commands, which primarily constitute operational elements, Central Command is the sovereign in its territory: it is entrusted with formulating tactical objectives and the strategy for realizing these objectives.

In June 1967, following the conclusion of the Six Day War, the State of Israel was faced with a new reality in which it had control over four different arenas, including the West Bank; at the time there were approximately 700,000 Palestinians there. From the outset of this military control, the emphasis was on managing the territory rather than formulating a long-term political arrangement. Moshe Dayan, the Minister of Defense during the period following the Six Day War, aspired to maintain an "invisible occupation" as much as possible – in other words, to enable as normal a life as possible for the Palestinian population, while implementing a measured and sophisticated punitive policy when necessary. This policy was applied by Israeli defense ministers over the years in an effort to maintain an "enlightened administration" and to realize, to the extent possible in the framework of security control, the philosophy propounded by Dayan of non-interference in the day-to-day lives of the local population.[4]

Central Command perceived itself as responsible for "putting out fires" and restraining inciting elements, while at the same time avoiding the creation of junctions of friction that would lead to opposition to Israel by the international community. Thus, Central Command developed a systemic outlook on the theater that derived from the policy of the political echelon. This outlook included several key aspects: counterbalancing Palestinian actions and lowering the flames in the event of confrontation in order to prevent terrorist escalation, balancing between expansion of the Jewish settlement enterprise and Palestinian-owned lands, and differentiating the Palestinian Authority from the Gaza Strip in the post-Oslo Accords era.

The Israeli government's official position, seemingly unchanged since 1967, maintains that Israel holds the conquered territory as a bargaining chip for achieving a political agreement to resolve the Arab-Israeli conflict. Against this background, and the aspiration to maintain possible future channels of action, the Palestinian arena was sidelined over time, due to the preference of the political echelon – without success (or any genuine attempt) in formulating solutions of the conflict. The political-security echelon dealt with formulating responses to arenas perceived as existential threats to the State of Israel, namely Syria, Hezbollah, and subsequently, Iran. Consequently, the Palestinian issue remained within the purview of the commanders in the field, led by Central Command, without any long-term political objective. Within the strategic framework of the "enlightened administration," the message conveyed to the heads of Central Command over the years focused on preventing escalation and "putting a blanket on the fire to keep the flames low."

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[4] Shlomo Gazit (2017). "Fifty Years of Military Administration in the Territories," in Gabi Siboni, Kobi Michael, and Anat Kurz, Eds., Six Days, Fifty Years: The June 1967 War and its Aftermath. Institute for National Security Studies. https://tinyurl.com/2an4j8x7 [in Hebrew].

The absence of any clear policy by the political echelon over the years required Central Command to understand and interpret its intentions through messages and statements made by decision makers, rather than through clear instructions, and often amid conflicting messages. Primary among these conflicting messages was the contradiction between expansion of the settlement enterprise and maintaining possibilities for political solutions. Central Command aspired over the years to maintain the status quo in the West Bank: the essence of this was preserving security stability in the region and attempting to buy time until the conditions arose for a long-term political solution, by preserving possibilities for the political echelon regarding the Palestinian arena.

"Restraint is Power": Central Command's Approach to Force Application

Central Command has scored significant success in maintaining control over the West Bank for 56 years; half of that time it worked in coordination with the Palestinian Authority. It has largely succeeded in stabilizing the theater and restraining Palestinian uprisings and terrorism.

The grave terrorist attacks against Israel in the early 2000s (the second intifada) during the tenure of Prime Minister Ariel Sharon, who paradoxically was known for his tough approach toward the Palestinian arena, led Israel to adopt a policy of self-restraint. Following the terrorist attack at the Dolphinarium (2001), Sharon stated, "Restraint is also a component of power,"[5] a statement that was carved into the national consciousness and marked the beginning of a change. Gradually, an understanding emerged in Israel that force is not the sole instrument in the war against terrorism. At the core of this doctrine was the realization that only the strong are capable of sustaining blows and responding at the time of their choosing. In other words, an immediate and rushed response reflects a sense of pressure and a feeling of being obliged to respond, even if that is not the right thing to do. Thus, the use and non-use of force are complementary steps in the formation of Israel's perception of strength in its war against terrorism. This understanding is also reflected in the oft-stated declaration: "Israel will respond at the time and place of its choosing."

This approach was influenced by the development of the concept of systemic design, a holistic philosophy for the idea of war based on components of systems theory for strategic military thinking. In the early 2000s, Central Command was a pioneer of this concept. Lt. Gen. (ret.) Moshe (Bogie) Ya'alon, Maj. Gen. (ret.) Yitzhak Eitan, and Lt. Gen. (ret.) Shaul Mofaz conducted in-depth learning processes to formulate the systemic concept; at its core is a balance between tools and methods and their adaptation to the various components of the operational system in the Command. The concept was reflected in statements made by senior Central Command officers regarding the need to strike a balance between the rigid application of force and self-restraint and containment – between carrots and sticks. On the one hand, it is necessary to act against terrorism with a firm hand, with an emphasis on Central Command's field echelons, but on the other hand, there is a need to create economic and social restraining elements that will reduce the motivation for terrorism.

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[5]"Sharon: Restraint is Strength," *Walla!* (2001), https://news.walla.co.il/item/68731 [in Hebrew].

The combination of soft and hard components to create balance has been criticized by public opinion leaders, politicians, and military leaders leaning to a hawkish, conservative approach. In their view, only military force and power are relevant in the war against a popular uprising. However, there have been many cases throughout history that have shown that the attempt to defeat a campaign with military force only, especially a campaign with national aspirations, is doomed to failure.

An example is in the ramifications of Operation Defensive Shield in 2002, which followed a wave of terrorist attacks, the most serious of which took place on Passover eve at the Park Hotel in Netanya. Contrary to the prevailing public perception in Israel today, despite the large-scale operation, in which the IDF took over most of the Palestinian cities in the West Bank, its goal – defeating terrorism on the ground – was not achieved. The operation scored much success in damaging terrorist infrastructure and reducing the number of terrorist attacks in the period that followed, and it created freedom of maneuver for IDF forces throughout the West Bank. However, it took another three years from the end of the operation until the second intifada was decided, and this was achieved through the broad systemic approach. In other words, from the point of view of Central Command, it was during these years that the concept of four pillars developed: joining force application were defensive elements, led by the separation barrier erected (primarily) along the Green Line to prevent the infiltration of Palestinian terrorists into Israeli territory; and civilian components – development of the Palestinian economy; and security coordination, including renewal of the operations of the Palestinian police and renewed security agency coordination.

These elements were critical to quelling the second intifada and proved that a military campaign alone is not enough to defeat terrorism. Moreover, even after the second intifada was decided, terrorism and the Israeli-Palestinian conflict did not end. Another element in the decline of terrorism in those years was the appointment of Mahmoud Abbas as Chairman of the Palestinian Authority in 2004, following the death of Yasir Arafat, and Abbas's preference for a popular struggle over terrorism. In tandem were political moves in those years, most notably the formulation of the Roadmap for Peace to resolve the Israeli-Palestinian conflict in June 2002, the Geneva Initiative, made public in 2003, and the Annapolis Conference in 2007, which all addressed the national dimensions of the conflict and thus gave hope to large groups in Palestinian society. Since the complex Israeli-Palestinian conflict revolves around national issues, particularly Palestinian national aspirations, some see a moral ground for the rise of terrorism. Consequently, military confrontation alone is insufficient to stop violence and terrorism.

Operation Defensive Shield represented a shift in Israel's perception of how to "control" the West Bank. Prior to the operation, "limited conflict" was the dominant approach to the campaign in the territories, given the recognition of the limitations on the use of force due to political agreements. In other words, Central Command's freedom of action in the territories was limited. But the attack at the Park Hotel in Netanya and the launch of Operation Defensive Shield in its wake blurred the boundaries and operational restrictions. The perception that took root was that operational freedom of action in the territories is essential for curbing terrorism, and that it was this operational freedom that enabled the defeat of the second intifada in 2005. Since then, despite the

resumption of security coordination with the Palestinians, and despite a brief period when the Palestinian security forces acted more effectively, the perception has not changed. Some see this approach, which advocates preserving the IDF's operational freedom of action, as leading to political stagnation and an impasse in the political process, because it enables the government to avoid difficult policy decisions.

In order to maintain security stability in the West Bank and prevent escalation motivated by a deep national ideology, components other than military power should be implemented, and soft power must be employed. This approach led Central Command to act according to two main principles: separation of the civilian population from terrorist elements, and the use of necessary force in accordance with a defined purpose and with the needs of the situation, with the aim of limiting the use of force to the minimum required. It adopted this approach based on the understanding that the use of force beyond what is necessary leads to security escalation. In addition, disproportionate use of force contravenes the principles of IDF combat doctrine (optimization of strength with a sparing use of force), as well as international legal and ethical principles.

Accordingly, the deployment of force is adapted to the tactical and operational reality on the ground. In other words, force and methods of action should be adapted in a way that reflects a complex strategy – the use of operational tools of security coordination alongside economic and civilian tools that manifest smart power.[6] The widespread use of economic tools was a major pillar of Central Command's strategy to create quiet. Although from a macro perspective, employment of Palestinian laborers in Israel creates dependence on the Israeli economy on the part of the Palestinian Authority, a fact that may make it difficult to formulate and implement political solutions that advocate separation, this policy has improved the Palestinian economy and creates a convergence of interests with the Palestinians, despite the deep disagreements that resist bridging. As a result of this sphere of common interests, terrorism has been somewhat restrained and Israeli leverage on the Palestinian arena has strengthened. Over the years, this leverage has enabled Israel to deny entry permits to Palestinians as punishment for security escalation, and to increase the number of permits as a reward for quiet in the West Bank. This has created a mechanism that rewards both sides with security, calm, and stability.

On the ground and from the perspective of Central Command, a system of balances was created that included self-restraint alongside the removal of restrictions, in a manner adapted to the relevant case. Fine-tuning of the approach and method made it possible to carry out operations differentially, both geographically and vis-à-vis Palestinian organizations in a manner adapted to the strategy at the time, such as attacking Hamas more severely than other terrorist organizations operating in the West Bank. The system of balances is intended to enable a focused fight against terror, and at the same time to avoid, as much as possible, harm to the non-involved Palestinian population.

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[6] For more on the integration of hard power and soft power tools, see Ami Ayalon, Idit Shifran Gittleman, and Zvi Lanir, *Democracy's Struggle Against Terror: A View from Israel*, The Israel Democracy Institute, 2017, https://www.idi.org.il/books/20074 [in Hebrew].

The Enabling Mechanism: Intelligence, Security and Civilian Coordination, and Expertise

The head of Central Command, the sovereign in the West Bank territories, is responsible for security and law and order enforcement. Therefore, all the bodies operating in the Command's areas of responsibility – the ISA, the Civil Administration, and the Police – are coordinated by the Command, even if they are not directly subordinate to it. This coordination includes subordination to the authority of the military commander for approval of the various operations carried out in the territory. All the entities and mechanisms currently operating in the West Bank constitute the "enabling mechanism" of the Command's multidisciplinary systemic approach, which includes: civil society and economy, security coordination, and operations. The enabling mechanism comprises high-quality intelligence, an operational force that takes action, a civil administration synchronized with the operational force, and the professional expertise of the Israel Police and the Border Police.

Intelligence

There are two main intelligence agencies operating in Central Command – the ISA and Military Intelligence. The operational activity is determined by the military commander in the Command in light of intelligence received from the various bodies, and the intelligence picture is critical for shaping all operations conducted in the arena, from offensive operations, through defense operations in light of alerts, to coordination and restriction of the activities of civilian bodies. Central Command is responsible for ensuring that all the entities operating in the Command's purview are familiar with the relevant intelligence, and do not disrupt the activities of the intelligence agencies. Any action that is not coordinated with the Command is dangerous and prohibited, and accordingly, removing components from this operational chain of command is likewise dangerous. Thus, for example, an uncoordinated action by the Civil Administration's supervisory unit may endanger the unit's personnel or disrupt intelligence operations and compartmentalized covert activity. Every Israel Police action, including enforcement of traffic arrangements, which ostensibly has nothing to do with fighting terrorism, requires intelligence and impacts intelligence gathering. Only a connection between the Border Police and the Civil Administration and the intimate system of military command and control enables proper and efficient operational activity, based on synchronized and goal-oriented intelligence gathering.

Civil Coordination

The Civil Administration in the territories is responsible for providing civilian government services to the Palestinian population. In the months following the 1956 Sinai Campaign in the Gaza Strip and the Sinai Peninsula, and after the Six Day War through November 1981, the Palestinian population was subject to the Israeli military government in the territories. In November 1981, civilian affairs were separated from the military governorate, and the Civil Administration was established and made directly subordinate to the Minister of Defense, with the goal of separating the IDF's regular missions – defense against external threats – from the mission of the Civil

Administration, which is to take care of the civilian population, while preserving the unity of the Command critical to fulfilling its mission.

All civilian supervision activity in Area C, namely enforcement of planning and building laws, environmental issues, and other infrastructure aspects, is of security and intelligence significance. This is because supervision cannot occur without an escort and security, and operations to remove "recent violations" (demolition of illegal construction) cannot be conducted without prior operational and intelligence coordination. Thus, close coordination is required between all the parties involved in operations conducted by Central Command. In every case of construction on private Palestinian land, the IDF is obligated by law to evacuate the outpost. In order to prepare for carrying out an evacuation, which must be ordered by the head of Central Command, the army and Border Police provide the envelope, the police conduct arrests, and the Civil Administration is responsible for the practical aspects of the evacuation itself – i.e., bringing the relevant equipment and supervision.

Meanwhile, over the years, the Civil Administration has been criticized by both the right and the left of the political spectrum for inequality in the way it both enforces evacuation and legalizes illegal building and outposts in the Palestinian and Jewish sectors. Such criticism shows the importance of implementing and enforcing the law in an equitable manner in the West Bank, to the extent possible within the existing framework, in order to maintain security stability and the confidence of the society in the professionalism of the Civil Administration.

Security Coordination

In 2000, after the outbreak of the second intifada, the unit in charge of security and military coordination, the DCO-RSC, was abolished and responsibility was transferred to COGAT. This unit, which oversaw operating joint patrols with the Palestinian police, ceased to operate once Palestinian police joined the fighting against the IDF. With the resumption of security coordination at the end of 2002, it was decided it would fall under the authority of the Civil Administration. This new situation created double roles for the head of the Civil Administration and his representatives in the field. They are responsible for the bureaucratic side of civil policy in the arena, but they also serve as the element responsible for ties with the Palestinian security apparatuses. This change led to optimal coordination with the Palestinians. The Civil Administration, as the body coordinating all communications and responsibilities, has, over time, become a crucial element in security coordination. Its status was strengthened, and in particular, its legitimacy in Palestinian eyes. Moreover, the Civil Administration's ability to implement policies became a crucial element of security influence. Thus, the Civil Administration is the entity that conducts dialogue with the Palestinian Authority regarding the easing of restrictions in civil areas in exchange for security quiet.

Every IDF operation requires security coordination. Every military entry into Area A is reported to Palestinian forces in order to prevent incidents of shooting, and every law and order enforcement operation by the Palestinian police requires military coordination, e.g., the movement of Palestinian police in Area C and operations in Area

B. Over the years, security coordination has become an operational component, feeding intelligence and influenced by intelligence.

Military Force with Particularized Professional Expertise

The IDF is entrusted with a broad spectrum of operational capabilities, only some of which are relevant to the fight against terrorism. Any attempt to train all military units to fight terrorism is doomed to fail. This was evidenced by the mediocre level displayed by the IDF in the Second Lebanon War, which was waged immediately after the second intifada was decided, since the impressive professionalism demonstrated by the IDF units in the West Bank did not translate into professional combat in the northern arena. One of the lessons learned is the need for specialized and particularized professionalization of military units. Units were established, including the Kfir Brigade (900th Brigade) in 2003, but only under the command of IDF Chief of Staff Lt. Gen. Gadi Eisenkot was it decided that the brigade would focus only on operations in the West Bank, while all the capabilities and means allocated to it for fighting in other sectors would be canceled. Moreover, outstanding tactical units were established for combat in the field, among them the Yamas Border Police special operations unit in the West Bank and Duvdevan, both of which constitute special forces units for this sector.

The West Bank Border Police unit is another unit that specializes in the theater. The integration of dedicated units in a specific sector with a permanent regional command creates a critical professional mix for mission fulfillment. Today, 18 Border Police companies serve under IDF command in the West Bank; thousands of combatants serve in these units, including IDF conscript and career soldiers. Border Police capabilities include policing and infantry capabilities, with an emphasis on specialization and understanding of the sector. West Bank Border Police fighters are allocated and trained by the IDF, in contrast to Border Police combatants in the State of Israel, and constitute an integral part of Central Command's military force as a territorial force. Thus, Central Command today relies on these soldiers to fulfil its missions.

Ramifications of Decisions Taken by the Current Government

Transferring Authority from the Civil Administration

Clause 21 of the coalition agreement with the Religious Zionism party (HaZionut HaDatit) states that "the Minister in the Defense Ministry...will receive full responsibility for the operational arenas of COGAT and the Civil Administration." Following IDF objections to split the Civil Administration from COGAT, and clashes between Defense Minister Yoav Gallant and the Minister in the Defense Ministry, the two ministers signed a document of understandings in February 2023.[7] This document narrows somewhat the powers given to the Minister in the Defense Ministry. Specifically, the document stipulates a measure of subordination of the Minister in the Defense Ministry to the Defense Minister, and also sets in place decision making mechanisms in coordination

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[7]Document of understandings and division of responsibilities between the Defense Minister and the Minister in the Defense Ministry, February 23, 2023.

with the Prime Minister. However, there remain several issues that raise questions over the effective implementation of the clauses and with regard to their possible impact on Central Command.

First, it was decided that the Minister in the Ministry of Defense has ministerial responsibility for all civilian aspects related to the West Bank. Second, it was decided that the additional minister (Smotrich) would appoint a civilian as the "deputy head of the Civil Administration," who would be subordinate in the command chain to the head of the Civil Administration and subordinate professionally to the head of the Settlement Administration. Although the deputy is thus subordinate to the head of the Civil Administration, he retains responsibility for the civilian elements in the Civil Administration that deal with areas allocated to the responsibility of the additional Minister. Military personnel engaged in civilian matters are subordinate in the chain of command to the head of the Civil Administration yet receive professional directives in these areas from the civilian deputy. Furthermore, the civilian deputy will be in charge of the "supervisory unit," which is responsible for enforcing planning and building laws as well as environmental protection in Area C. Third, it was decided that enforcement policy in the area will be determined in a forum that includes the Prime Minister, the Defense Minister, and the Minister in his Ministry, while Central Command will retain the authority to implement enforcement immediately – including the operation of the supervisory unit.

Subordination of the "supervisory unit" in the Defense Ministry to Minister Smotrich, who has an overt policy of favoring the settlement enterprise, is expected to lead to selective enforcement, which in turn will cause frustration that may encourage violence. The supervisory unit is in any event already seen by the Palestinian population as acting against it and encouraging Jewish settlement. The level of frustration is high and there is friction involved in every enforcement action, but over time, growing inequality before the law may strengthen negative attitudes towards the Civil Administration. Moreover, selective enforcement will be exploited by the Palestinian Authority to attack the Israeli government and strengthen the perception of Israel in the international arena as an apartheid state. This comes against the background of a request approved by the UN General Assembly in December 2022 for an advisory opinion by the International Court of Justice in The Hague regarding the illegality of the occupation, and concerns that the ICJ may debate whether the territories are administered under an apartheid regime.

From a practical perspective, the transfer of powers results in a complication of the chain of command, making it unclear who is the Minister in charge of the army in matters related to civilian aspects vis-à-vis the Palestinians in the West Bank – the Defense Minister through the chief of staff, or the Minister in the Defense Ministry. In order to "solve" the embarrassing situation, it was decided to sign a document of understandings, which created another complication – it was decided to appoint a civilian as deputy head of the Civil Administration whose professional and command subordination was not identical; that is, from the perspective of the chain of command he is subordinate to the head of the Civil Administration, but professionally the is

subordinate to the Minister in the Defense Ministry, and in practice his professional authority in civil matters is greater than that of his military commander and he issues the professional directives to soldiers in the Civil Administration, but is not their commander. Thus, the division of the Civil Administration whereby the civilian components are coordinated by the Minister in the Defense Ministry and the military components remain under Central Command creates a duplication of command over one component, in a manner contrary to command and control theory. A decision was made to dismantle the unified system that had been in place – both in terms of command powers and the practical procedural structure.

Beyond this complexity, as a result of the changes, the status of the Civil Administration is weakened, as it will no longer have carrots and sticks in its arsenal and will be responsible only for "soft" issues. Even though it remains part of the IDF, for the most part the Civil Administration is seen by the Palestinians as the leading element for soft power in Central Command, and this is the source of its status and influence. Labeling it as in service of the settlement enterprise only will reduce its influence on the Palestinians and lead to a decline in its status, which will weaken it as a tool for implementing policy. Finally, in the absence of control by the Central Command over the Civil Administration, coordination between the command and the Palestinian Authority and the Palestinian security forces will be impaired. The deputy head of the Civil Administration will have authority that will disrupt the running of operations in the West Bank. Transferring authority to the Civil Administration will harm the ability of the military commander to manage the arena under his responsibility and undermine its ability to promote a policy of security and stability.

Subordination of the Border Police to the Minister of National Security

Article 90 of the coalition agreement between the Likud and Otzma Yehudit stipulates that within 90 days of the formation of the government, the government will adopt a decision "to remove the Border Police from the police and turn it into an independent service with a status similar to the Israel Prison Service and subordinate it to the Minister, and make legislative amendments accordingly." In the context of Central Command, this constitutes a break in the chain of command and impacts the West Bank Border Police. If the decision to remove the Border Police from the Israel Police is implemented, including the West Bank Border Police, the significance of subordination to the Minister of National Security will be that Central Command will no longer have responsibility and authority over Border Police companies and this will damage the uniformity of command. Thus, the Minister will be responsible for Border Police missions in the West Bank, and, most importantly, will have the authority to transfer the companies from them and place them in other areas of Israel as he sees fit. This removes the territorial dimension, which is a critical element in proper functioning and operational readiness, and does not take into account the implications of how Central Command will function without the operational force of the West Bank Border Police. Without Border Police companies in the West Bank, the IDF and Central Command will be forced to turn to alternatives, such as calling up reserve forces or increasing the number of soldiers under the command and training them so that they can provide a response to tasks currently carried out by Border Police forces, namely skills related to work with a civilian population.

Changing the existing mechanism also means redesigning the mechanisms for recruiting and training personnel. If the West Bank Border Police is no longer subordinate to the IDF, the IDF will no longer recruit or train combatants, and it will be necessary to develop and operate other selection and training mechanisms. Presumably in the long term a smaller recruitment pool will result in lower quality of manpower in the Border Police companies.

The Settlement Enterprise

Articles 118-127 of the coalition agreement between the Likud and the Religious Zionism party stipulate that the government will act to apply sovereignty in the West Bank, and specify various ways to consolidate, expand, and empower the settlement enterprise. Meanwhile, Article 119 of the coalition agreement states that "within 60 days of its establishment, the government will decide on the regulation of 'young settlements'"; that is, the regulation of illegal outposts established without state approval, some of them on private Palestinian land. In February 2023, the government decided to regulate nine communities in the West Bank.

Unilaterally authorizing illegal outposts on Palestinian land will increase friction between the Palestinian and Jewish populations in the area and is expected to increase frustration among the Palestinian population due to the change in the status of the territories, in a way that could lead to a security escalation. Authorization of settlements and changes in government policy are also expected to encourage the continued establishment of illegal outposts, which will likewise increase friction. This is a change in the status of territories in Area C that will come under Israeli control, while the Palestinians see these territories as areas subject to any future arrangement. Thus, regulating settlement in the West Bank, without an arrangement relating to the greater Palestinian issue or measures that would regulate the deep friction between the populations, will pose a significant challenge to Central Command.

While the State of Israel's long-term goal of the vis-à-vis the Palestinian arena is decidedly unclear, the settlement enterprise and its expansion prevent any possibility of creating a future agreement and establishes facts on the ground. Thus, Central Command remains entrusted with leading the campaign without a clear political objective, and this against a background of increasing friction between the populations as well as strengthened elements that accelerate escalation.

Already today, and certainly from a long-term perspective, the expansion of the settlement enterprise in general and the regulation of illegal outposts in particular arouse harsh and broad international criticism because they are seen as unilateral actions that lack legitimacy and contravene international law. They also spark tension with the United States administration. Thus, continued settlement expansion will lead to increased criticism of Israel and delegitimization of continued military control over the West Bank.

The Judicial Overhaul

The proposed judicial overhaul currently on the government's agenda, and which at the time of this writing is on hold, is intended to reshape relations between the state's

three branches of government, increasing the power of the executive branch and reducing the power of the judiciary. Advancing the overhaul will further weaken Israel's legitimacy to operate in the West Bank. Today, this legitimacy relies on the Israeli judicial system, its independence, and prestige in the world. A scenario in which Israel's judicial system loses its independence and the image of an independent judiciary is weakened, will undermine the international legitimacy for Israel to continue maintaining the political-territorial status quo in the West Bank.

On the one hand, the Israeli judicial system provides legal support to back the IDF's actions in the West Bank, and on the other hand, it constitutes a significant force restraint component in maintaining stability in the region while refraining from interference in policy matters. An example of restraining the IDF's power is High Court of Justice ruling Adalah v. Minister of Defense. In 2005, the High Court of Justice rejected Amendment No. 7 to the Civil Torts Law (State Liability), which denies the right to compensation for damages caused by the security forces. According to the Supreme Court, this provision disproportionately violated Palestinian human rights by denying them "tort liability for any damage caused in a conflict zone by security forces, even for acts other than acts of war committed by the security forces."[8] Another example of the restraint of power in the West Bank is the High Court of Justice's demand to evacuate some of the settlements built on Palestinian land, and even the cancellation of the Regulation Law of 2020 due to a disproportionate violation of the right to equality and the right to property of Palestinians in the West Bank, in violation of the Geneva Convention. The very ability of Palestinians to make their voices heard in court shapes a cautious approach by the heads of the security establishment regarding unnecessary and disproportionate violation of Palestinian rights. For the Palestinians, the possibility of going to court is also an alternative channel for expressing their frustration and claims, and this can be seen as a factor that restrains violence.

Conclusion

For over 40 years, Central Command has created the necessary security balance in an area where two hostile populations live side by side. In doing so, Central Command has given the political echelon breathing space and time, freeing it up to take care of other issues. Central Command operates professionally and deals effectively from time to time with civil disobedience and popular uprising, and on an ongoing basis with organized terrorism in the West Bank. Thanks to a conceptual evolution over time, a balanced and effective system has been created to deal with the unique challenges of the sector. This has taken place against the backdrop of the complex Israeli-Palestinian conflict, which currently has no resolution in sight and is not ripe for a long-term solution.

This article discusses a number of issues that challenge the continuation of the status quo in the West Bank in light of the weakening of Central Command. The most important of these are the transfer of powers from Central Command and the

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[8]HCJ 8276/05 Adalah-The Legal Center for Arab Minority Rights et al. v. Minister of Defense et al., issued on December 12, 2006.

subordination of the Border Police to the Minister of National Security. Central Command differs from other IDF commands in that it is independent and has the capabilities and authority to operate in a specific territory that has a large population in order to maintain law and order and to bring security to that area's population and to those passing through it. The compatibility of powers, the understanding of overall responsibility, and the means of exercising responsibility create a unique composite, which if dismantled is liable to lead to a decline in the quality of response to the challenges of exercising control on the ground and of Palestinian terrorism. This erosion of quality is regrettable and even dangerous in light of the singular situation faced by Israel in this arena. This is at a time when the Palestinian arena faces fundamental changes against the background of generational changes and power struggles within the ranks of its leadership, and these processes are accelerated by the policies of the current Israeli government.

Moreover, the growth of the Jewish settlement enterprise in the West Bank – with a current population of over half a million, its lack of international legitimacy, and the potential for security escalation as a result of the increasing friction and hostility between the populations – challenges the formulation of sustainable political solutions to preserve the Jewish and democratic character of the State of Israel. These processes are unfolding against the background of the proposed judicial overhaul, which is likely to puncture Israel's international legitimacy to continue maintaining the political-territorial status quo in the West Bank, and ultimately bring it to an end, with no apparent alternative other than a severe security escalation.

The combination of moves on the ground and currently emerging measures resulting from the actualization of political-coalition agreements is liable to create a security disaster for the State of Israel, along with serious political challenges.

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