

February 23, 2023

**Memorandum of Understanding and Division of Powers and Responsibilities
between the Minister of Defense and the Additional Minister in the Ministry of Defense
(Unofficial translation)**

To improve civilian responses provided by the authorities in the Judea and Samaria Area, and given the appointment of MK Bezalel Smotrich as Additional Minister in the Ministry of Defense (hereinafter: Additional Minister) and his appointment by the Knesset upon the establishment of the Government to oversee the Coordination of Government Activities in the Territories (hereinafter: COGAT) and the Civil Administration units, the Minister of Defense and the Additional Minister have reached an agreement on the following principles and on the division of powers and responsibilities detailed in this Memorandum of Understanding with respect to the Judea and Samaria Area.

1. Nothing in this document shall alter the legal status of the Judea and Samaria Area, the laws applicable therein or the powers of the government and the Ministry of Defense with respect thereto. The matters listed in this document shall be implemented according to the law applicable in the Area and according to the powers vested in the Minister of Defense as the minister in charge of IDF forces in the Area pursuant to the provisions of Basic Law: The Military.
2. Given the appointment of the Additional Minister pursuant to Section 24a of Basic Law: The Government (hereinafter: Section 24a), and his appointment by the Knesset upon the establishment of the Government to oversee COGAT and the Civil Administration, the Additional Minister shall possess powers related to the Judea and Samaria Area, according to the details and conditions set forth in Appendix B, which is part and parcel of this Memorandum of Understanding. The Additional Minister will have ministerial purview over all civilian aspects of all matters transferred to his office.
3. In keeping with the provisions of Section 24a, the work of the Additional Minister in the Ministry of Defense will be subordinate to the Minister of Defense.
4. The Minister of Defense may exercise the general powers vested in him with respect to the Additional Minister according to the hierarchy set forth in Section 24a in relation to a particular decision or a particular act with regards to which the Minister of Defense sees fit to exercise his authority, providing an explanation in writing and after hearing the position of the Additional Minister on the matter. Inasmuch as, after acting as stated, the Minister of Defense sees fit to alter the decision of the Additional Minister, he will pursue the matter through the Additional Minister rather than directly with COGAT or the Civil Administration. The Additional Minister will immediately instruct COGAT or the Civil Administration accordingly.
5. Actions under the ministerial purview of the Additional Minister requiring assistance from a military force will be carried out while respecting the military chain of command, subject to a situation assessment and the approval of the GOC Central Command or his agent, and subject to a current situation assessment [*sic*].

6. The organizational structure of COGAT and the Civil Administration will follow the diagram attached hereto as Appendix A, such that an additional deputy, who is a civilian employee of the Ministry of Defense, will be appointed under the Head of the Civil Administration (hereinafter: “Civilian Deputy”). The appointment of the Civilian Deputy shall be the ministerial purview of the Additional Minister with the approval of the Prime Minister. In all areas under the purview of the Additional Minister, as detailed in Appendix B, the Minister of Defense authorizes the Additional Minister to instruct COGAT and Civil Administration officials to perform any general or specific activities related to areas under the purview of the Additional Minister, subject to the provisions of Paragraph 5 above. In all areas under the purview of the Minister of Defense, the Minister’s powers will be exercised directly vis-à-vis COGAT.
7. All powers transferred to the Additional Minister under Appendix B shall be vested in the Civilian Deputy through security legislation within 30 days. The Civilian Deputy will be subordinate to the Head of the Civil Administration in terms of command and to the Head of the Settlement Administration (Judea and Samaria Area) on professional matters. The Civilian Deputy will be in charge of civilian officials within the Civil Administration working in areas assigned to the Additional Minister under Appendix B. Military personnel working in areas assigned to the Additional Minister under Appendix B will be subordinate to the Head of the Civil Administration in terms of command and receive professional direction in these areas from the Civilian Deputy.
8. A Settlement Administration (Judea and Samaria Area) will be established under the Additional Minister with the following functions:
 - a. Managing and directing the activities of COGAT and the Civil Administration in areas under the purview of the Additional Minister as detailed in Appendix B;
 - b. Leading and implementing the “Equal Citizenship” reform in Judea and Samaria, designed to improve and streamline services provided in Judea and Samaria, including services provided by government ministries;
 - c. Centralizing staff work on updates to security legislation in Judea and Samaria in the areas under the purview of the Additional Minister, using General Orders.
 - d. Regularizing settlements in keeping with the division of powers detailed in Appendix B;
 - e. Any additional duties assigned to it by the Additional Minister in the Ministry of Defense and falling within the areas specified in Appendix B as entrusted to the Additional Minister.
9. Enforcement policy in the Area will be periodically determined by the Prime Minister, the Minister of Defense and the Additional Minister. The operation of the Civil Administration Central Enforcement Unit (hereinafter: Enforcement Unit) will be the purview of the Civilian Deputy, according to the provisions of Paragraph 5. Enforcement action will be coordinated on a regular and ongoing basis by a joint forum chaired by the Additional Minister or his agent, with the participation of representatives of the Minister of Defense, the Enforcement Unit and the Central Command, and will be carried out by the Enforcement Unit and Central Command forces. As part of the joint forum, the Central Command will be able to initiate enforcement action required for security reasons.

In relation to enforcement required as a result of a new invasion (construction or land) presenting security urgency, the Central Command may implement immediate enforcement, including via the

Enforcement Unit. In such an event, the Enforcement Unit will inform the Civilian Deputy of any such direct order it receives from the Central Command.

Any disputes regarding what is stated in this paragraph will be brought to the ministers for a decision. Inasmuch as no agreement is reached, the matter will be brought to the Prime Minister for discussion.

10. The Additional Minister will engage with the Civil Service Commission and the relevant officials for the purpose of regulating the mechanism, standardization and personnel aspects related to the establishment of the [Settlement] Administration. The Minister of Defense will instruct all relevant officials in the Ministry of Defense to cooperate with and make their services available to the Additional Minister for purposes of the establishment and operation of the [Settlement] Administration, such that no further approval from the Minister [of Defense] is required.
11. The Additional Minister will have ministerial purview over the entire organizational shell relating to officials working under the Civilian Deputy, including mechanism, regulation, personnel, tenders, budget, etc., all subject to any law. The detailed distribution of the organizational shell according to the above will be decided by the Ministers.
12. The Additional Minister will have no authority in relation to the appointment of military personnel. Civil Administration appointments for civilian positions will be under the ministerial purview of the Additional Minister.
13. The [Settlement] Administration, COGAT and the Civil Administration will receive legal counsel from the Legal Advisor to the Defense Establishment on matters under the purview of the Additional Minister. All standards put in place for this function will be designated for legal counsel to the Settlement Administration and the aforementioned areas of operation. In matters under the purview of the Additional Minister, the Legal Advisor to the Defense Establishment will be ministerially subordinate to the Additional Minister exclusively. Legal counsel to COGAT, the Civil Administration, the Head of the Civil Administration and Central Command officials in areas under the purview of the Minister of Defense will continue to be provided by the Military Advocate General's Corps.
14. Drafting the position of the government in legal proceedings taking place before instances where the state is represented by the State Attorney's Office and relating to matters under the purview of the Additional Minister will be the purview of the Additional Minister. Submission of the state's position in such proceedings requires coordination with the Minister of Defense and the Prime Minister.
15. All powers vested in the Minister of Defense to grant government approval will be transferred to the Additional Minister with respect to matters under the purview of the Additional Minister. As part thereof, and without detracting from the above, the government will accordingly amend Government Resolutions 150 of August 2, 1996, and B/175 of March 17, 1999, passed by the Ministerial Committee for National Security Affairs.
16. Amendments to legislation, orders, regulations, government resolutions, security legislation, etc., will be advanced for purposes of implementing this Memorandum of Understanding and as necessary.

Prime Minister's representative

Minister of Defense

Additional Minister in the
Ministry of Defense