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Situation Assessment | 13 January 2023

Policy Map of the Most Extreme Government in Israeli History

Unit for Political Studies

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After winning a majority with his camp in the latest Knesset elections, Netanyahu was tasked with forming a coalition government by Israeli President Isaac Herzog on 13 November 2022 and following extended negotiations, the former managed to win the Knesset's confidence in his sixth coalition government on 29 December. Prolonging the formation of the government was the fact that three of the parties would only enter the coalition on the condition as specific law was passed respective to each of them. The Knesset consequently enacted three laws prior to the formation of the government: the "Deri Law," which enables a citizen convicted of a non-imprisonable offence to hold a ministerial position, so that head of Shas, Aryeh Deri, who was convicted of a crime in early 2022, can serve as minister; the "Smotrich Law," enabling the Religious Zionism leader, Bezalel Smotrich, to be appointed as an additional independent minister in the Ministry of Defense with special powers; and the "Ben-Gvir" Law, giving the Minister of National Security, Otzma Yehudit leader Itamar Ben Gvir, powers to intervene in the development of police policies and in their investigations.

Government Composition

Netanyahu's sixth government is the most extreme in the history of Israel, uniting the religious and secular fascist and right under one banner. Netanyahu's party Likud heads the coalition, after an accelerated incline in its extremist and racist rhetoric in recent years, backed by two extreme Haredi religious parties Shas and United Torah Judaism, and three fascist parties — Religious Zionist Party, Otzma Yehudit, and Noam — that ran on a temporary joint electoral list.

The government consists of 30 ministers and 10 deputy ministers, making it the second largest cabinet in Israeli history — to satisfy the parties in the government coalition that had blackmailed Netanyahu for ministerial positions due to Netanyahu's perceived lack of alternatives. Netanyahu also distributed ministerial portfolios to Likud members to reward their loyalty to him and to satisfy demands but was keen to punish Likud rebels that had sought to take over by either giving them unimportant ministries, or by not appointing them to the cabinet at all, in order to strengthen his grip on the party. To that end, Netanyahu rewarded MKs Amichai Shikli and Idit Silman, who defected from the Yamina party to bring down Bennett-Lapid government, by appointing them as ministers in his government after allocating two places for them on the Likud party list for the Knesset elections. As such, Likud now has 32 Knesset seats, 17 ministers, and 2 deputy minister, Shas has 11 Knesset seats, 5 ministers and 2 deputy ministers, United Torah Judaism has 7 Knesset seats, a minister and two deputy ministers, Religious Zionism has 7 Knesset seats, 3 ministers, and a deputy minister, Otzma Yehudit has 6 seats in the Knesset, three ministers and two deputy ministers, and the Noam Party, with just one Knesset member has a deputy minister in the Prime Minister's office.

Netanyahu also announced that the Security Cabinet will include 11 ministers, including Netanyahu himself, 7 from Likud, 2 from Religious Zionism, and 1 from Shas.¹

¹ The Security Cabinet includes: Prime Minister Benjamin Netanyahu, Defense Minister Yoav Gallant, Foreign Minister Eli Cohen, Interior Minister Aryeh Deri, Finance Minister Bezalel Smotrich, National Security Minister Itamar Ben Gvir, Justice Minister Yariv Levin, and Strategic Affairs Minister Ron Dermer, National Missions Minister Orit Strock, Education Minister Yoav Kisch, Transportation Minister Miri Regev.



The Government's Core Platform

This coalition is based on a broadly fascist and extreme right-wing platform, not only with regard to the Palestinian question and Palestinians on both sides of the green line but also on many issues concerning Israeli Jews. The coalition agreements ignored the existence of a Palestinian people and of the occupation, at the same time emphasising the Jewish nature of the state. Netanyahu sent out tweets declaring that “the Jewish people have an exclusive and unquestionable right to all areas of the Land of Israel,” and promising that the government would “promote and develop settlement in all parts of the Land of Israel — in the Galilee, the Negev, the Golan, Judea and Samaria,” indicating its intention to expand settlement in the West Bank and Jerusalem especially. The government also revealed its plans to extend Israeli sovereignty over every part of historic Palestine according to national and diplomatic calculations for the Israeli state.² She also stressed that Israel would move forward in normalising its relations with Arab countries and in expanding the Abraham Accords to include new Arab countries, while continuing to work against the Iranian nuclear project.

The government coalition agreements were long and detailed and can be classified according to multiple themes. The first type of agreement relates to Israeli society and the laws that the cabinet intends to enact in the Knesset. The second relates to the powers given to Religious Zionism, and specifically to leader Bezalel Smotrich, to promote Jewish settlement in the occupied West Bank. The third relates to the powers at the disposal of Otzma Yehudit and its leader, Ben Gvir to execute government policy on the Palestinian Arabs within the Green Line.

Legislation with Implications for the Nature of the Political System

Parties in the Netanyahu camp share a consensus on the need to enact a set of laws that limit the authority of the Israeli judicial system, alleging that the Judiciary — particularly the Supreme Court — limits the government's ability to implement policies. For more than a decade, both the secular and religious right have taken to calling for a re-definition of the boundaries of Israeli democracy by removing the existing checks and balances in the political and legal systems, especially the liberal restrictions on issues related to religion, the state, and human rights. Netanyahu was already a proponent of this trend when the police opened an official criminal investigation and indicted him on charges of corruption in 2019, which only increased his enthusiasm for weakening the judicial system. He launched a broad and organised campaign against the judiciary and joined calls to enhance the power of the executive and legislative branches of government.

It is so far unknown to what extent the Netanyahu government will go to change the nature of the Israeli system in order to consolidate the agenda of the extreme right, but his appointment of Yariv Levin as justice minister indicates the extremity of his intentions. It is well known that Levin is vocal about his conviction in the necessity of making broad changes in the Israeli legal system, and calls for the enactment of many laws that limit semi-constitutional liberal laws that were introduced in the nineties.

² Nasim Ahmed, “Jewish supremacy is state policy, says Netanyahu,” *MEMO*, 3/1/2023 accessed on 9/1/2023 at: <https://bit.ly/3GMGW3Z>.



Netanyahu is most concerned with enacting the following proposed legislation:

1. Repealing the decision to put Netanyahu on trial.
2. Enacting the “Override Clause,” which enables the Knesset to re-enact laws that the Supreme Court has nullified due to their contradiction with the Basic Laws.
3. Impeding the Supreme Court’s ability to overturn laws enacted by the Knesset by requiring that decisions of the Supreme Court be taken by a special majority rather than a simple majority, which could mean a majority of 12 or 13 of the 15 Supreme Court justices.
4. Weakening the status of the Attorney General by dividing the job into two separate positions occupied by different people: the first a judicial advisor solely to the government and the second a public prosecutor to head the Public Prosecution Service.
5. Granting the ministry general directors the right to appoint their own legal advisors, with the aim of weakening their status, facilitating the appointment of legal advisors loyal to the ministers.
6. Replacing the method to appoint judges, currently appointed according to a balance between the judicial, executive, and legislative organs of state with a method in which cabinet and Knesset members carry more weight, enabling the appointment of judges to the Supreme Court from the extreme right.
7. Changing the seniority criterion for appointing the Chief Justice, so that the political authority can influence the appointment of the Chief Justice.
8. Lowering the retirement age of Supreme Court judges from 70 to 67 years.
9. Appointing judges to the Supreme Court from both the secular and religious far-right.
10. Enacting the Discrimination Law, allowing public product or service providers or those operating a public place to refuse service to customers for religious or moral reasons.
11. Repealing the law barring individuals who support terror and racism from running for Knesset with the aim of allowing many fascist leaders from Otzma Yehudit to who were previously prevented from running by the Supreme Court, to run in Knesset elections.

Smotrich’s Powers to Promote Settlement

During the negotiations to form the coalition government, Smotrich, the head of Religious Zionism, took great pains to obtain the Ministry of Defense for many reasons, notably because the procedures for Jewish settlement are decided by the Israeli Civil Administration³ within the Ministry. In the negotiations to form the government, Smotrich failed to secure the position of Minister, but

³ The Israeli government established the Israeli “Civil Administration” in 1981 in the Occupied Palestinian Territories as an executive arm under the Coordinator of Government Activities in the Territories. The COGAT, a high-ranking Israeli army officer, directs it according to Israeli government policy.



successfully advocated for a special position in the Ministry in addition to serving as Minister of Finance. According to the government coalition agreement, the responsibility for both the Civil Administration and the Coordinator of Government Activities in the Territories has been transferred from the military establishment to Smotrich directly.

The Civil Administration enjoys broad powers in everything related to the so-called Area C, in accordance with the Oslo Accords, which constitutes about two-thirds of the occupied West Bank, and is home to about 400,000 settlers and about 300,000 Palestinians. The Central Planning Bureau of the Civil Administration exercises all authority in relation to infrastructure, land, planning, construction, electricity, energy, water, transportation, road construction, claiming areas as state lands and declaring areas closed.

It is within the authority of the Civil Administration to plan for expanded settlements and areas of influence, draw up plans for new settlements, grant legal status to illegal outposts according to Israeli law, rule on the issue of land ownership, make decisions about whether Jewish settlers have taken over Palestinian-owned land in accordance with Israeli law, and decisions regarding the demolition of unauthorised construction. In most of these cases, final decisions usually rest with the Israeli government, but the Civil Administration and the Ministry of Construction and Housing play a major role in preparing and implementing proposals, and they have extensive powers in cases that do not require a cabinet decision. The fact that Smotrich is also Minister of Finance greatly facilitates the allocation of budgets, putting him in control of the entire process.

The transfer of responsibility for the civil administration from the Israeli military to the Civil Administration under Smotrich's leadership creates a new and ominous situation, both formally and in practice. This transfer not only means the de facto annexation of this region to Israel, but also opens the door wide to an unprecedented intensification of Israeli settlement in the occupied West Bank. Smotrich is one of the most vocal advocates of intensifying settlement in Area C and has drawn up a detailed program in which he calls for the annexation of this area to Israel, the expansion of existing and establishment of new settlements, and the granting dozens of illegal (by Israeli law) outposts legal status.

A Fascist Extremist Responsible for the Arab Population

As per the government coalition agreement between Otzma Yehudit and Likud, the name of the Ministry of Internal Security was changed to the Ministry of National Security. Ben-Gvir, the head of the fascist Otzma Yehudit party took charge of the Ministry after the Knesset passed a bill granting Ben-Gvir broad powers over the police, enabling him to interfere in the development of policy and investigations. Subsequently, the Ministry has been expanded to take over the many institutions that track and suppress Palestinian Arabs within the Green Line, including the Border Police, with about 7,200 personnel. Also subordinated to Ben Gvir are the Land Authority, preventing unlicensed



construction, transferred from the Ministry of Finance, the 'Green Police' which polices 'attacks' on the environment, and the 'Green Patrol,' which polices open areas and public parks. The Ministry was also given the green light to establish a 'National Guard' under Ben-Gvir's direct command.

Further strengthening the far-right grip on power, Otzma Yehudit were granted control of the Ministry for the Development of the Periphery, the Negev and the Galilee. At the forefront of the Ministry's priorities is the Judaization of the Galilee and Negev, which have a high Arab population density. The Ministry and other state institutions will provide incentives for Jews to settle in the regions and, in cooperation with other state institutions, is drawing up plans for 14 Jewish settlements in the Negev, one of which is a large Jewish city, as well as a large Jewish settlement in Galilee. It is expected that under Otzma Yehudit's leadership, the Ministry will limit the development of Arab cities, towns, and villages in these two regions, while concurrently ramping up demolitions of Arab homes inside the Green Line on the pretext that their owners did not obtain the same building permits that the Israeli state deliberately prevents Palestinians from accessing.

Conclusion

Netanyahu's sixth government is the most extremist in Israeli history. The coalition parties are already working to strip the Palestinians of what little land remains to them and to upturn Israeli society and the very nature of the Israeli political system. The government's plans to escalate Jewish settlement in the occupied West Bank and East Jerusalem include calculated provocations to normalise a Jewish presence in the Al-Aqsa compound, and increased force and violence against Palestinians on both sides of the Green Line. Meanwhile, it will move forward with legislation that redefines the boundaries of Israeli democracy in line with the values of the fascist Israeli right, fighting to undo liberal principles related to rights and freedoms. The composition of this government represents a major challenge for Palestinians, Arabs, and the international community, not to mention Israelis themselves, who will have to exert concerted efforts to resist the agenda of this cabinet.